



NOTICE OF MEETING OF THE
CITY COUNCIL
OF
BUDA, TX
6:00 PM - Tuesday, September 6, 2022
Council Chambers, Room 1098
405 E. Loop Street, Building 100
Buda, TX 78610

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon.

A. CALL TO ORDER

Please turn off your cell phone when you approach the podium.

B. INVOCATION

Pastor Mark Pecina of Faith Builders Worship Center: Buda Ministerial Alliance

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ITEMS OF COMMUNITY INTEREST

F. PROCLAMATIONS

F.1. [Hays County Food Bank National Hunger Action Month, September 2022, to be received by Iris Tate, Community Relations Coordinator for the Hays County Food Bank](#)

[2022 Hunger Month](#)

F.2. [Emergency Preparedness Month, September 2022 to be accepted by Emergency Management Coordinator Mike Beggs](#)

[f2 2022 Preparedness Month.pdf](#)

G. PUBLIC COMMENT / PUBLIC TESTIMONY

Members of the public who wish to participate in Public Comment must complete a form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must complete a form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.

H. CONSENT AGENDA [PUBLIC TESTIMONY]

All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Council Member on any item, that item will be removed from the consent agenda and will be considered separately.

H.1. Approval of the August 16, 2022 City Council Minutes (City Clerk Alicia Ramirez)

[2022-0816 DRAFT Minutes](#)

H.2. Adoption of a Resolution of the City Council of the City of Buda, Texas, providing for the submission of a grant application and acceptance of said grant funds, upon award, for Bullet-Resistant Shields through the Office of the Governor Criminal Justice Division (Police Chief Bo Kidd)

[Resolution - Bullet-Resistant Shield Grant.docx](#)
[SH-BallisticShields Announcement PY23.pdf](#)

H.3. Approval of an Interlocal Agreement between the Capital Metropolitan Transportation Authority and the City of Buda to develop the City's Transit Development Plan and authorization for the City Manager to execute said agreement (City Engineer John Nett)

[Buda TDP - ILA FY23 - Final Rev 08222022.docx](#)

H.4. Approval of Change Order #6 under the terms of the construction contract with Archer Western Construction, LLC, for the City of Buda Wastewater Treatment Plant Phase III Expansion and authorization for the City Manager to execute said request (City Engineer John Nett)

[Change Order #6 \(For City Execution\).pdf](#)

H.5. Adoption of a Resolution authorizing the revision of the Corporate Authorization Resolution to allow the Mayor, City Manager, City Clerk, Finance Director, and Assistant Finance Director to exercise certain powers of the resolution regarding all the financial institution accounts held by the City (City Clerk Alicia Ramirez)

[Resolution-Wells Fargo Authorized Reps](#)

I. PUBLIC HEARINGS

I.1. Hold a public hearing on the proposed Fiscal Year 2023 Budget (Finance Director Bianca Redmon)

[FY23 Notice Of Budget Public Hearing.pdf](#)
[Track Changes for Adopted Budget FY 23.pdf](#)
[FY 23 Proposed Budget Document Link.pdf](#)

I.2. Hold a public hearing on the proposed Fiscal Year 2023 Tax Rate (Finance Director Bianca Redmon)

[FY23 Tax Rate Public Notice.pdf](#)

J. REGULAR AGENDA

J.1. Deliberation and possible action on a Hotel Occupancy Tax Reimbursement Grant for Fajita Fiesta on September 23 and 24, 2022 hosted by the Buda Area Chamber of Commerce at the Buda Amphitheater and City Park (Destination Services Director Lysa Gonzalez) [PUBLIC TESTIMONY]

- J.2. Deliberation and possible action to award a contract to Half Associates, Inc. for Solicitation #22-030 Comprehensive Plan, Downtown Master Plan and Corridor Study and to authorize the City Manager to execute said contract (Planning Director Melissa McCollum and Purchasing Manager Charlie Oberrender) [PUBLIC TESTIMONY]**

[Proposal & Interview Scoring Summary.pdf](#)
[Buda Planning Projects SCOPE_09.02.22.pdf](#)
[j1 Buda_CityCouncil_ContractAward.pdf](#)

- J.3. Deliberation and possible action authorizing the City Manager to execute a Letter of Intent with Arcis Golf related to the wholesale purchase of City reuse water (Assistant Public Works Director Blake Neffendorf) [PUBLIC TESTIMONY]**

[Onion Creek LOI-City of Buda Final.pdf](#)

- J.4. Deliberation and possible action to consider an ordinance to amend the Code of Ordinance subsection 6.02.051 thru 6.02.552 to adopt the 2021 International Code Council (ICC) and the 2020 National Electric Code (NEC) with appendices (Building Official William Ince and Planning Director Melissa McCollum) [PUBLIC TESTIMONY]**

[20220902-Buda-ORD-ICC 2021 Adoption-v2-REDLINE.docx](#)
[20220902-Buda-ORD-ICC 2021 Adoption-v2-crg.docx](#)
[j3 City Council-2021 ICC code of ordinance presentation.pdf](#)

- J.5. Deliberation and possible action on two City Boards, Commissions, and Committee composition matters: 1) to accept a Task Force on Aging and Sustainability Commission board member's resignation; and 2) to consider a Task Force on Aging and Sustainability Commission appointment (City Clerk Alicia Ramirez) [PUBLIC TESTIMONY]**

- J.6. Deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance declaring the candidate for Councilmember At-Large Position 1, Matt Smith, Unopposed; Declaring Matt Smith, Candidate for Councilmember At-Large Position 1, Elected; Declaring the Candidate for Councilmember Single Member District C, Terry Cummings, Unopposed; Declaring Terry Cummings, Candidate for Councilmember Single Member District C, Elected; Canceling the Election for Councilmember At-Large Position 1 and Councilmember Single Member District C to be held in the City of Buda, Texas, on Tuesday, November 8, 2022, for the purposes of a General Election for electing a Councilmember At-Large Position 1 and Councilmember Single Member District C; repealing all ordinances or parts of ordinances and resolutions or parts of resolutions inconsistent or in conflict herewith; and providing for severability (City Clerk Alicia Ramirez) [PUBLIC TESTIMONY]**

[ORD 2022 Order of Cancellation 12-2f.pdf](#)
[ORD 2022 Order of Cancellation Spanish.pdf](#)
[j7 12-2f Cancelation Notice](#)

K. EXECUTIVE SESSION

- K.1. The Council will recess its open session and convene into executive session pursuant to Texas Government Code Chapter 551: 1) Code Sections 551.071 (Consultation with Attorney) and 551.072**

(Deliberation Regarding Real Property) regarding the proposed Persimmon development (Bailey – Armbruster projects); 2) Code Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property) regarding the acquisition and associated actions for certain properties for a) the South Loop 4 Improvements Project and b) Sunfield Effluent Force Main Project; and 3) Code 551.087 (Deliberation Regarding Economic Development Negotiations) to deliberate upon an offer of financial or other incentive to a company or companies with whom the City and the City of Buda Economic Development Corporation is conducting economic development negotiations with and which the City of Buda seeks to have, locate, stay, or expand in Buda for Project Protein and Nighthawk Frozen Food, Inc.

L. RECONVENE INTO REGULAR SESSION AND TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

L.1. Deliberation and possible action to adopt a Resolution approving a Performance Agreement for Nighthawk Frozen Food Inc. in the amount of \$60,000 (EDC Board President Jennifer Storm) [PUBLIC TESTIMONY]

L.2. Deliberation and possible action to adopt a Resolution approving a Performance Agreement with Project Protein in the amount of \$51,000 (BEDC Board President Jennifer Storm) [PUBLIC TESTIMONY]

M. CITY MANAGER’S REPORT

COVID-19, 2014 & 2021 Bond Program, Capital Improvement Projects, Destination Services Projects, Developments, Drainage Projects, Engineering Department, Finance Department, General/Special Election, Grant Related Projects, Human Resources, Law Enforcement, Legislative Update, Library Projects, Main Street Program, Parks & Recreation Department, Planning Department, Redistricting Program, Road Projects, Status-Future Agenda Request, Special Projects, Transportation, Wastewater Projects, and Water Projects (City Manager Micah Grau)

N. CITY COUNCIL’S BOARD AND COMMITTEE REPORTS

*Alliance Regional Water Authority (Urbanovsky)
Buda Economic Development Corporation (Davidson & Ture)
Capital Area Council of Governments General Assembly (Urbanovsky)
Capital Area Council of Governments Clean Air Coalition (Ture)
Combined Emergency Communication Center (Urbanovsky)
Dupre Local Government Corporation (Davidson & Urbanovsky)
Greater San Marcos Partnership (Urbanovsky)*

*City of Buda Audit Committee (Cummings, Davidson, & Ture)
City of Buda Information Technology Committee (Daugereau, Horne-Williams & Smith)
City of Buda Board & Commission Nomination Committee (Cummings, Daugereau, & Smith)
City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Smith, & Ture)
City of Buda Planning Mobile Food Vendor Ad-Hoc Committee (Davidson)
City of Buda Water/Wastewater Committee (Davidson, Daugereau, & Urbanovsky)*

O. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

O.1. Update on Pending Items requested by City Council

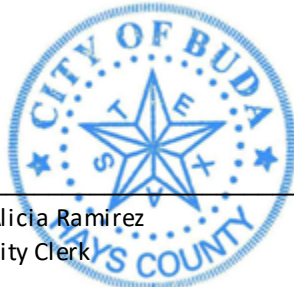
[Pending Items.pdf](#)

P. ADJOURNMENT

Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Clerk at (512) 523-1014, or FAX (512) 641-5817 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 6:00 pm on September 2, 2022.

/s/ _____
Alicia Ramirez
City Clerk



Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk’s Office, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the City Council on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the City Council to allow members of the public to participate and speak to the City Council on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the City Council. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

The City Council may retire to executive session any time between the meeting’s opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session. All items listed above are eligible for deliberation and possible action unless expressly limited.

This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

Proclamation

Recognizing Hunger Action Month

WHEREAS, according to Feeding America, the pandemic has most impacted families that were already facing hunger or are one paycheck away from facing hunger; and

WHEREAS, households with children are more likely to experience food insecurity, and many of these households do not qualify for federal nutrition programs like the Supplemental Nutrition Assistance Program and visit their local food banks and other food programs for extra support; and

WHEREAS, Hays County Food Bank represents a county-wide effort to provide nutritious food to the food insecure in the greater Hays County area, made possible by the generous contributions of individuals, civic organizations, local government, and businesses; and

WHEREAS, in 2021, Hays County Food Bank and its partners served on average each week, 2,500 low-income individuals and those facing a food emergency, distributing more than 1 million pounds of food to these households in need; and

WHEREAS, nearly 11% of all Hays County Food Bank clients in 2021 consisted of Buda residents and an additional 15% of total partner nonprofits served were based in Buda, including church and school food pantries; and

WHEREAS, a \$20 donation can provide 60 meals through the buying power of the food bank; and

WHEREAS, National Hunger Action Month is a Feeding America effort to raise awareness about the hunger epidemic in the United States and to encourage individuals to take action in some form against hunger;

NOW, THEREFORE, we, the City Council of Buda, by virtue of the authority vested in us in Buda, Texas do hereby proclaim the Month of September 2022 as Hunger Action Month in the City of Buda and call upon the people of Hays County to pledge to take action against hunger in our community, whether it be by fund or food donation, volunteering, or advocacy.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused to be
affixed the Seal of the City of Buda, Texas,
this 6th day of September 2022.

Attest:

Lee Urbanovsky, Mayor

Alicia Ramirez, City Clerk

Proclamation

Recognizing September as Preparedness Month

WHEREAS, the ten-county Capital Area Council of Governments (CAPCOG) is a political subdivision of the state of Texas serving Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson counties; and,

WHEREAS, the State of Texas historically leads the nation in the number of federally-declared disasters, be they natural hazards, technological, or human-caused; and,

WHEREAS, National Preparedness Month is an opportunity for CAPCOG to inform and educate the residents, businesses, schools, and communities in the CAPCOG region to be more prepared by developing the capabilities needed to prevent, protect against, respond to, recover from, and mitigate against all threats and hazards and,

WHEREAS, preparedness is the responsibility of every resident of the CAPCOG ten-county region; and

WHEREAS, preparedness is a national priority with the goal of shared safety and resilience; and

WHEREAS, personal, business, animal, and private-sector preparedness may serve to mitigate the impacts of various incidents, emergencies, and disasters in the CAPCOG region; and

WHEREAS, the City of Buda encourages all residents to participate in preparedness activities and are asked to review preparedness information at [Ready.gov](https://www.ready.gov), and to sign up to receive emergency alerts via [Warn-CentralTexas.org](https://www.warn-centraltexas.org) to become more knowledgeable and prepared;

NOW THEREFORE, BE IT RESOLVED, that I, Lee Urbanovsky, Mayor of the City of Buda, do hereby proclaim the month of September 2022 as Preparedness Month and encourage all residents, businesses, schools, and communities to develop emergency preparedness and resiliency plans and to register at [WarnCentralTexas.org](https://www.warn-centraltexas.org) to receive emergency alerts.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Buda, Texas, this 6th day of September 2022.

Lee Urbanovsky, Mayor

Attest:

Alicia Ramirez, City Clerk

CALL TO ORDER

Mayor Urbanovsky called the meeting to order at 6:00 p.m.

ROLL CALL

City Clerk Alicia Ramirez certified a quorum with the following Councilmembers present:

Mayor Lee Urbanovsky
Mayor Pro Tem (SMD B) Evan Ture
Councilmember, SMD A Paul Daugereau
Councilmember, SMD C Terry Cummings
Councilmember At-Large, Position 1 Matt Smith
Councilmember At-Large, Position 2 Monica Davidson
Councilmember At-Large, Position 3 LaVonja Horne-Williams

City Staff in attendance: City Manager Micah Grau, Assistant City Manager Lauren Middleton-Pratt, City Clerk Alicia Ramirez, Chief of Police Bo Kidd, Finance Director Bianca Redmon, City Engineer John Nett, Senior Project Engineer Angela Kennedy, Parks & Recreation Director Greg Olmer, Public Works Director Mike Beggs, Communications Director LaMarriol Smith, and Human Resources Director Vicki Fuchs

ITEMS OF COMMUNITY INTEREST

- Adult Sand Volleyball, August 24
- Margarita Salsa Fest, August 27
- Party in the Park & Green Meadows, August 20
- Parks & Recreation Discovery Nature Series, August 28 & September 26
- Fajita Fiesta, September 23-24
- Buda Rodeo, October 14-15
- Boo-da Halloween, October 29

PUBLIC COMMENT

None.

CONSENT AGENDA [PUBLIC TESTIMONY]

APPROVAL OF THE AUGUST 2, 2022 AND AUGUST 9, 2022 CITY COUNCIL MINUTES

ADOPTION OF RESOLUTION #2022-R-22 ON SECOND READING APPROVING A PERFORMANCE AGREEMENT WITH TASTE TINDOL RESTAURANT INCORPORATED LLC IN THE AMOUNT OF \$226,500

ADOPTION OF RESOLUTION #2022-R-23 ON SECOND READING APPROVING A PERFORMANCE AGREEMENT WITH JPARKS SALOON & STANDARD, LLC IN THE AMOUNT OF \$102,000

APPROVAL OF BUDA ECONOMIC DEVELOPMENT CORPORATION BUDGET AMENDMENT

APPROVAL OF AN EXPENDITURE OF \$62,500 TO CONTRACT WITH ANGELOUECONOMICS TO CONDUCT THE TARGET INDUSTRY ANALYSIS FOR THE BUDA EDC

ACCEPTANCE OF THE CITY'S INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2022

SUBMITTAL OF THE FISCAL YEAR 2022 THIRD QUARTER FINANCIAL UPDATE

Councilmember Horne-Williams requested the Wrecker Policy Resolution item be discussed in open session.

Motion to approve the Consent Agenda, as presented, was made by Mayor Urbanovsky and seconded by Councilmember Ture. Motion carried unanimously.

ADOPTION OF RESOLUTION #2022-R-24 OF THE CITY OF BUDA AMENDING THE ROTATION WRECKER SERVICE POLICY

Chief Bo Kidd presented background information.

Motion to adopt the Resolution, as presented, was made by Councilmember Horne-Williams and seconded by Councilmember Davidson. Motion carried unanimously.

WORKSHOP

WORKSHOP AND DIRECTION REGARDING THE BOARDS AND COMMISSIONS APPOINTMENT AND APPLICATION PROCESS, BOARD COMPOSITION, ATTENDANCE REQUIREMENT, BOARD CONFLICTS, AND RELATED MATTERS

City Clerk Alicia Ramirez presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on term limits, resign to run, ETJ, attendance expectations, attendance by videoconference, and the orientation manual. The Council agreed for the Nomination Committee to review the various topics addressed and present their recommendations at a future meeting.

Ms. Ramirez further explained that attendance by videoconference was an option under the Texas Open Meetings Act. City Attorney Alan Bojorquez further noted the Council may establish reasonable rules that videoconference attendance is an option available to the members of the boards.

In conclusion, the Council agreed for Nomination Committee to review the topics presented and present their findings at a future meeting.

Ms. Ramirez informed the Nomination Committee would meet through late October and present in November and December Council meetings in preparation for the January 2023 solicitation for applications.

PRESENTATIONS

PRESENTATION ON REGIONAL TRAIL PROJECTS BY THE GREAT SPRINGS PROJECT

Parks & Recreation Director Greg Olmer briefly explained the project and introduced Garry Merritt, CEO, and Kenny Skrobanek of the Great Springs Project. Mr. Merritt and Mr. Skrobanek presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on the project relationship with the Emerald Crown Trail and Barton Crown Trail.

UPDATE ON THE CONSTRUCTION OF (IFB) 22-021 CABELA'S CONNECTOR PROJECT

Program Manager Kenny Crawford presented background information. *A copy of the presentation is part of the supplemental minute record.*

The Council commended Mr. Crawford on the well-executed project. Further discussion was held on the naming of the street.

REGULAR AGENDA

PUBLIC HEARING AND ADOPTION OF RESOLUTION #2022-R-25 ESTABLISHING AN AUTOMATIC LICENSE PLATE READERS-ALPR OPERATING POLICY FOR USE OF ALPRS BY THE CITY OF BUDA POLICE DEPARTMENT AND AUTHORIZATION TO ACCEPT THE GRANT FUNDS

Police Chief Bo Kidd presented background information. *A copy of the presentation is part of the supplemental minute record.* Chief Kidd informed the grant funds had been awarded and suggested the Council also consider accepting the grant funds.

General discussion was held on the technology, dependability, secured privacy and secured access to data and metadata, and the educational component for the public.

Chief Kid informed regardless of whether the Council proceeds with the grant, the Council should consider the policy as the Police Department receives data from other agencies. He noted an established policy provides guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

Chief Kid further stated the department would gather statistical and cost-benefit analysis data and present such to the City Council upon year-end.

Mayor Urbanovsky opened the public comment period at 8:15 p.m. No other comments were submitted. Mayor Urbanovsky closed the public comment period at 8:16 p.m.

Motion, to adopt the Resolution establishing the policy, as presented, with the caveat of adding an annual evaluation of the program, was made by Mayor Urbanovsky and seconded by Councilmember Cummings. Motion carried unanimously.

Motion, to accept the grant funding, as applied for and presented, was made by Mayor Urbanovsky and seconded by Councilmember Horne-Williams. NAY: Daugereau. Motion carried 6-1.

AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY OF BUDA TO DEVELOP THE CITY'S TRANSIT DEVELOPMENT PLAN

City Engineer John Nett provide a brief explanation of the project and introduced Julie Mazur, CapMetro Regional Coordination Planning Manager. Ms. Maur presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on the participating cities and the reasons for not participating other than cost-share. Further discussion was held on the community service plan.

Responding to a question by Council, Mr. Nett informed the Terms of the Agreement section would be revised to note a termination date clearly. He also noted staff inquired about the signatory authority of the contract. Mr. Nett suggested that the Council table the item to allow staff to amend the agreement as stated.

Motion to table the item, as presented, was made by Councilmember Horne-Williams and seconded by Councilmember Davidson. Motion carried unanimously.

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ALLIANCE REGIONAL WATER AUTHORITY INTERIM WATER SHARING AGREEMENT BETWEEN THE CITY OF BUDA, THE CITY OF KYLE, AND THE CITY OF SAN MARCOS

Assistant Public Works Director Blake Neffendorf presented background information. *A copy of the presentation is part of the supplemental minute record.*

Motion, to authorize the amendment, as presented, was made by Mayor Urbanovsky and seconded by Councilmember Daugereau. Motion carried unanimously.

POSTPONEMENT OF TWO CITY BOARDS, COMMISSIONS, AND COMMITTEE COMPOSITION MATTERS: 1) ACCEPTANCE OF A TASK FORCE ON AGING AND SUSTAINABILITY COMMISSION BOARD MEMBER'S RESIGNATION; AND 2) APPOINTMENT OF A TASK FORCE ON AGING AND SUSTAINABILITY COMMISSION MEMBERS USING THE 2022 POOL OF APPLICANTS

City Clerk Alicia Ramirez requested Council postpone the item until the next meeting. Council concurred.

ADOPTION OF ORDINANCE #2022-20 ON FIRST AND FINAL READING OF THE CITY OF BUDA, TEXAS AMENDING CHAPTER 8, BUSINESS REGULATIONS OF THE CITY OF BUDA CODE OF ORDINANCES, AS HAS BEEN PREVIOUSLY AMENDED, TO REPEAL ARTICLE A3.00 ADMINISTRATIVE FEES, LATE HOURS ALCOHOL PERMIT & FEES; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND EFFECTIVE DATE

City Clerk Alicia Ramirez presented background information. *A copy of the presentation is part of the supplemental minute record.*

Motion, to consider the Ordinance on first and final reading, was made by Councilmember Daugereau and seconded by Councilmember Ture. Motion carried unanimously.

Motion, to adopt said Ordinance, was made by Councilmember Daugereau and seconded by Councilmember Ture. Motion carried unanimously.

RECESS

At 8:44 p.m., Mayor Urbanovsky called for a recess.

RECONVENE

At 8:50 p.m., Council reconvened, and the following business was transacted:

EXECUTIVE SESSION

At 8:50 p.m., Council convened in executive session pursuant to the Texas Government Code Chapter 551: 1) Code Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property) regarding the proposed Persimmon development (Bailey – Armbruster projects); and 2) pursuant to 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) pertaining to the duties of the City Manager.

RECONVENE

At 11:04 p.m., Council reconvened, and the following business was transacted and no action was taken on matters discussed in executive session.

CITY MANAGER'S REPORT

- COVID-19
- 2014 & 2021 Bond Program
- Capital Improvement projects
- Destination Services Projects
- Developments
- Drainage Projects
- Engineering Department
- Finance Department
- Grant-related Projects
- Law Enforcement
- Legislative Update
- Library Projects
- Parks & Recreation Department
- Planning Department
- Road Projects
- Special Projects
- Status on Requested Future Items
- Strategic Plan
- Wastewater Projects
- Water Projects

City Manager Micah Grau provided an update on the following:

- Aug 5 Quarterly Meetings
- Aug 16 Commercial Realtors Talk at Nates
- Bond updates: continue to update the scope of work
- Aug 15 Bond Oversight Committee met with no formal action but discussed the pavement management program and building proposal which will be presented to City Council. Committee also reviewed the discretionary funds and discussed how the funds may be used.
- Aug 17 City is releasing the internet survey as part of Broadband Study, which includes a speed test.
- Staff met with PEC to upgrade service lines for the new children's hospital which requires a new circuit line and installation of lines; the proposed route goes down FM 2770 up Austin Street, across Main Street, back through Cedar Street, then parallel to Main Street to Old San Antonio. Concerns were expressed by staff as these are large high-capacity lines with 55 ft. poles. PEC prefers to use the existing easement, however, the staff is working on an alternative route.

- City Clerk Alicia Ramirez is coordinating a Volunteer Fair in conjunction with the January 2023 board and commission recruitment. We will invite non-profit organizations to participate.

CITY COUNCIL'S BOARD AND COMMITTEE REPORTS

Alliance Regional Water Authority (Urbanovsky)
Buda Economic Development Corporation (Davidson, Horne-Williams, & Ture)
Capital Area Council of Governments General Assembly (Urbanovsky)
Capital Area Council of Governments Clean Air Coalition (Ture)
Combined Emergency Communication Center (Urbanovsky)
Dupre Local Government Corporation (Davidson, Smith, & Urbanovsky)
Greater San Marcos Partnership (Urbanovsky) *event in New Braunfels regarding the corridor, Sept 22; EDC has a table; from global to Texas*

City of Buda Audit Committee (Cummings, Davidson, & Ture)
City of Buda Information Technology Committee (Daugereau, Horne-Williams, & Smith)
City of Buda Board & Commission Nomination Committee (Cummings, Daugereau, & Smith)
City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Smith, & Ture)
City of Buda Planning Mobile Food Vendor Ad-Hoc Committee (Davidson)
City of Buda Water/Wastewater Committee (Urbanovsky, Davidson, & Daugereau)

CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Motion, to adjourn the meeting, was made by Mayor Urbanovsky and seconded by Councilmember Ture.
Motion carried unanimously.

There being no further business, the meeting was adjourned at 11:11 p.m.

THE CITY OF BUDA, TEXAS

Lee Urbanovsky, Mayor

ATTEST:

Alicia Ramirez, TRMC DATE
City Clerk

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office, or audio or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record audio or videotape recording may be distorted due to equipment malfunction or other uncontrollable factors.)



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-508- #H.2

Contact: Bo Kidd

Subject: Adoption of a Resolution of the City Council of the City of Buda, Texas, providing for the submission of a grant application and acceptance of said grant funds, upon award, for Bullet-Resistant Shields through the Office of the Governor Criminal Justice Division (Police Chief Bo Kidd)

1. Executive Summary

The Buda Police Department would like approval from City Council to apply for funding for Bullet-Resistant Shields through the Criminal Justice Division (CJD) grants program facilitated by CAPCOG.

2. Background/History

This is a new grant that has been recently posted in response to the Uvalde School shooting.

3. Staff's review and analysis

Straight forward grant with no matching requirement.

4. Financial Impact

None, no matching requirement.

5. Strategic Plan Goals

EXCEPTIONAL CITY SERVICES WITH A LOW TAX RATE

6. Strategic Plan Objectives

Higher level of Police Services

7. Summary/Conclusion

N/A

8. Pros and Cons

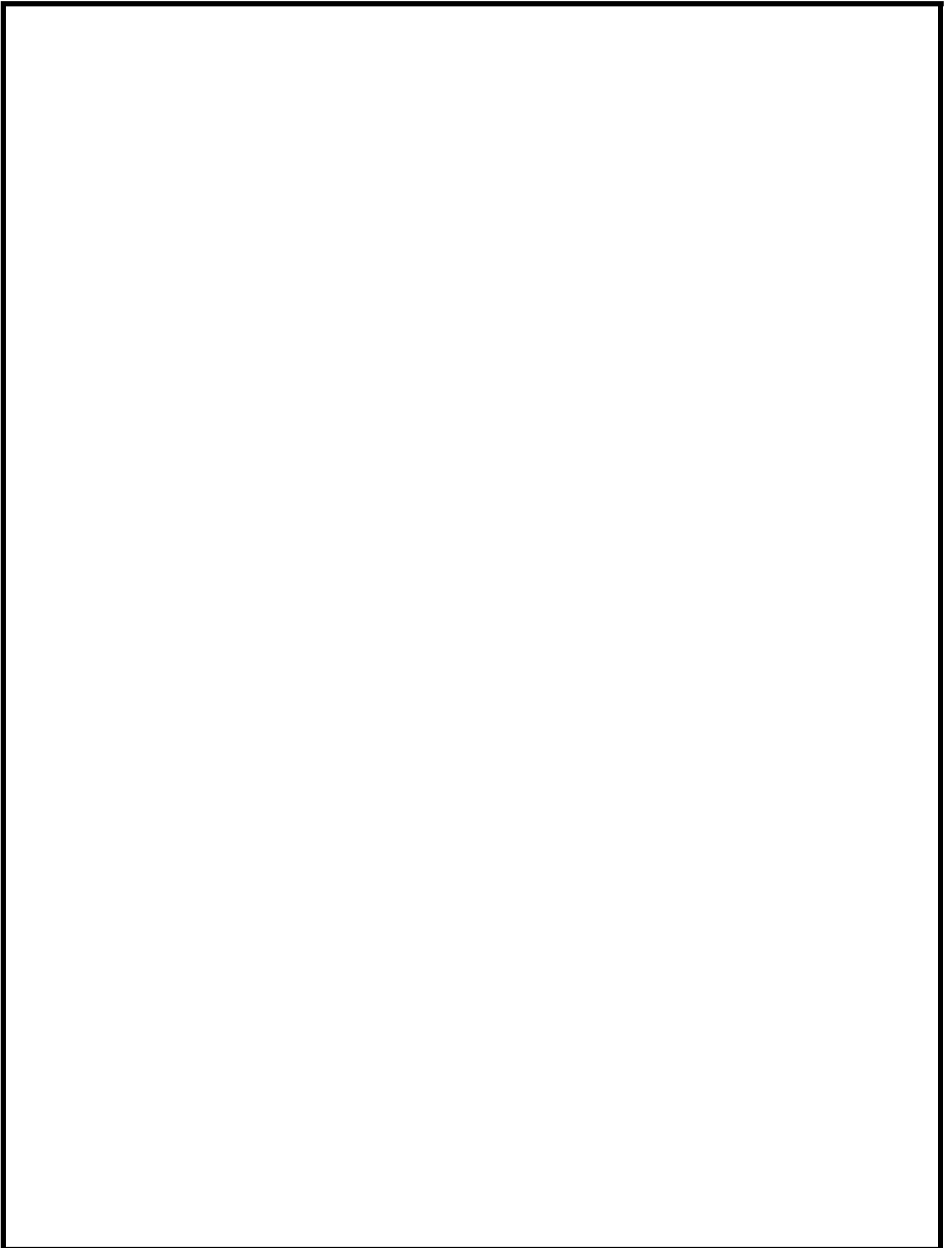
N/A

9. Alternatives

N/A

10. Recommendation

Approve or give further direction to staff.



RESOLUTION NO. XXXXX – XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS PROVIDING FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR (TEXAS) FOR BULLET-RESISTANT SHIELDS.

WHEREAS, the City Council of the City of Buda has deemed it in the best interest of the citizens of the Buda that funding be sought through the Bullet-Resistant Shield Grant Program in 2023; and

WHEREAS, the City of Buda agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Buda assures that the funds will be returned to the Office of the Governor in full;

WHEREAS, the City of Buda designates the Chief of Police (Bo Kidd) as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED That the Buda City Council approves submission of the grant application for the Bullet-Resistant Shield Program through the Office of the Governor.

PASSED, APPROVED and ADOPTED on this the ____ day of _____, 2022.

Grant Number: 4622201

Lee Urbanovsky, Mayor

ATTEST:

Alicia Ramirez, City Secretary



Office of the Governor, Public Safety Office Criminal Justice Division Funding Announcement: ***Bullet-Resistant Shield Grant Program, FY2023***

Purpose

The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with bullet-resistant shields.

Available Funding

State funds for these projects are authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022, pursuant to Texas Government Code, Section 317.002 and Section 317.005(b). All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Public Safety Office (PSO) expects to make available \$50M for FY2023.

Eligible Organizations

Applications may be submitted by independent school districts, institutions of higher education, units of local government, the Texas Department of Public Safety and other educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *eGrants User Guide to Creating an Application*, available [here](#).

Key Dates

Action	Date
Funding Announcement Release	08/17/2022
Online System Opening Date	08/17/2022
Final Date to Submit and Certify an Application	09/19/2022 at 5:00PM CST
Earliest Project Start Date	09/01/2022

Project Period

Projects must begin on or after 09/01/2022 and may not exceed a 12-month project period.

Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds may only be used for obtaining bullet-resistant shields compliant with the National Institute of Justice (NIJ) Level III, III+, or IV.

Applicants are encouraged to consider the reasonable cost of their request. PSO will evaluate applications based on the number of frontline peace officers and the average cost per shield.

Program-Specific Requirements

Eligible officers. Grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency operated by the applicant.

PSO will prioritize the equipping of certain types of officers in the following order:

- 1) Peace officers directly employed by school districts;
- 2) Peace officers contracted by school districts; and
- 3) Other peace officers that may respond to school safety emergencies.

Active Shooter Policy. All eligible organizations that apply for grant funds will ensure its law enforcement agency adopts a Critical Incidents In-Progress (Active Shooter) policy implementing, at a minimum, protocols for assessing an active threat or violent encounter and immediately responding in order to stop the killing, stop the dying, and provide rapid casualty evacuation. The policy should include procedures that address:

- Concepts and Principles

- Community/First Responder Agency Notifications
- Mutual Aid Implementation
- Solo Officer Deployment
- Officer Team Deployment
- Follow-On Responders (Rescue Task Force)
- Incident Command - Unified Command Considerations
- Incident Debriefing
- Training

ALERT Training. All officers provided with a grant-funded ballistic shield must have either attended 16 hours of ALERT (Advanced Law Enforcement Rapid Response Training) training within the last 24 months or commit to attend within the next 24 months. ALERT's upcoming course schedule can be found here: <https://alerrt.org/Upcoming>.

Note: Funding is available through the Public Safety Office to offset travel expenditures associated with attending ALERT Training. Please refer to the [ALERT Travel Assistance Funding Announcement](#) for more information on how to apply for these funds.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Governments](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources [Statewide Cybersecurity Awareness Training](#) page.
2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-

mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security (“DHS”) to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency’s custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2023 or the end of the grant period, whichever is later.

5. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS’s [Sexual Assault Evidence Tracking Program](#) website for more information or to set up an account to begin participating.
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>).

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. Any costs ancillary to the purchase of eligible ballistic shields, such as policy development, training costs, and staff; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: The Office of the Governor will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: The Office of the Governor will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, the Office of the Governor will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The Office of the Governor will consider these factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, or state government priorities and strategies, legislative directives, need, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-510- #H.3

Contact: John Nett

Subject: Approval of an Interlocal Agreement between the Capital Metropolitan Transportation Authority and the City of Buda to develop the City's Transit Development Plan and authorization for the City Manager to execute said agreement (City Engineer John Nett)

1. Executive Summary

The attached Interlocal Agreement (ILA) between Capital Metropolitan Transportation Authority (CapMetro) and the City of Buda (City) supports development of a Transit Development Plan (TDP) for the City (the "Project"). CapMetro is a political subdivision of the State of Texas organized under Chapter 451 of the Texas Transportation Code and is responsible for providing mass transit service within the incorporated limits of the City of Austin, as well as the Anderson Mill area of Williamson County, the unincorporated area of Travis County within Commission Precinct 2, and several participating local communities. The City is not a participating member of the CapMetro service area; however, Texas Transportation Code, Section 451.056, grants CapMetro the authority to contract with a municipality, county, or other political subdivision to provide public transportation services outside of its service area.

Staff presented the draft ILA at the August 16, 2022 Regular City Council Meeting. Staff received comments provided by the City Council at that meeting and addressed the requested changes to the ILA with CapMetro staff. The attached revised ILA incorporates the changes requested by the City Council.

2. Background/History

At the May 26, 2022, Buda City Council Budget Workshop, staff presented options for establishing fixed-route transit service to serve the City. The City Council supported continued discussion with CapMetro staff to develop a project to evaluate and define viable, cost-productive options for fixed-route transit services. The ILA between CapMetro and the City supports this process and allows for allocation of federal funds exclusively available for the Project, which will accomplish the following benefits:

- Assess current and future transit opportunities and associated requirements for providing public transit services to the City, which could include community-based sharing programs, on-demand

pick-up services, or connections to existing CapMetro routes.

- Identify and design viable transit alternatives that consider the expressed needs of the area's growing population and employment markets (determined through public outreach and engagement activities).
- Develop updated service and financial plans for selected future transit options.
- Specifically define the process for establishing transit solutions for riders who live outside of both CapMetro and Capital Area Rural Transportation System (CARTS) service areas.

Staff presented the draft ILA at the August 16, 2022 Regular City Council Meeting. Staff received comments provided by the City Council at that meeting and addressed the requested changes to the ILA with CapMetro staff. The attached revised ILA incorporates the changes requested by the City Council.

3. Staff's review and analysis

The overall intent of the TDP will be to produce a useful and supportive document that can provide practical guidance to the City to facilitate transit service decisions. The Project will include the following major elements:

- Project Management
- Project Steering Committee and Citizens Advisory Committee
- Plan Goals, Objectives, and Standards
- Public Involvement and Outreach
- Existing Conditions Analysis, Relevant Plans, and Transit Needs
- Service Alternatives Analysis
- Cost Analysis & Three-Year Implementation Program
- Transit Development Plan Report and Executive Summary

The Project includes the following strategic goals:

Goal 1: Provide a safe, reliable, efficient, and accessible transportation option for residents of and visitors to the City of Buda regardless of socioeconomic status or disability.

- Objective: Improve service efficiency and reliability for existing service by meeting or exceeding established standards of performance.
 - o Strategy: Identify key performance indicators specific to Buda; establish standards for these indicators that correlate with effective service delivery.
 - o Strategy: Establish a schedule for service evaluation and follow-up remedial actions.

Goal 2: Address the mobility needs of the residents of Buda.

- Objective: Improve access to employment, healthcare, shopping, and recreation.
 - o Strategy: Develop service to provide access to some of the major destinations in the city.
 - o Strategy: Provide efficient and ADA accessible senior transit services.

Goal 3: Develop a local system that operates effectively and continues to develop regional transit options connecting the local community to the region.

- Objective: Provide access to activity centers today with an understanding of where future regional transit infrastructure is proposed to be located.
 - o Strategy: Submit regional transit projects to the CAMPO Transportation Improvement Plan (TIP).
 - o Strategy: Remain committed to a regional system to provide residents with commuter service to Austin and visitors with access to Buda.

CapMetro will enlist the support of one of its General Planning Consultants to assist CapMetro and the City in achieving these Project goals.

4. Financial Impact

CapMetro’s Board of Directors have approved a Service Expansion Policy that defines approaches for CapMetro to partner with cities and counties that are not currently a part of CapMetro’s service area. One such approach is a contract for service whereby CapMetro provides service through an ILA with the jurisdiction. The jurisdiction pays the cost of service, with a credit given to the jurisdiction for Section 5307 Funds eligible expenses. The Service Expansion Policy requires that the jurisdictions seeking Section 5307 Funds prepare and maintain a three-year TDP to identify transit needs; analyze service options and financing; and provide recommendations for transit services. CapMetro will provide Section 5307 funding for an amount not to exceed 80% of the cost for the Project and the City will provide local funding for an amount not to exceed 20% of the cost for the Project, as set forth in Exhibit “A” to the attached ILA.

Funding for the City 's local sponsor match of \$25,730.00 is budgeted and available in the Engineering Department Fiscal Year 2022 Budget (Professional Services Account 100.4315.54004). Staff is not seeking authorization for additional funds beyond those budgeted for the Project with this agenda item.

5. Strategic Plan Goals

IMPROVED MOBILITY

6. Strategic Plan Objectives

Buda's Vision 2036 statement envisions residents will enjoy easy mobility and fun experiences for all. Transit service for both residents and visitors will provide options to access and enjoy the communities, shops, and events the City offers.

7. Summary/Conclusion

Staff believe it to be in the best interest of the citizens to enter into the ILA to access federal funds available to the City to facilitate the completion of the Project.

8. Pros and Cons

Adoption of the ILA affirms the City Council's support of the Project and obligates the City to move forward with the negotiation and execution of a scope of services for development of the TDP.

9. Alternatives

If the City Council opts to forgo execution of the ILA, the City will not be able to receive federal transit funding for completion of the Project.

10. Recommendation

Staff recommends that City Council accept and endorse the attached Interlocal Agreement between the Capital Metropolitan Transportation Authority and the City of Buda to develop the City’s Transit Development Plan.

**INTERLOCAL AGREEMENT BETWEEN
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
AND
THE CITY OF BUDA
FOR
DEVELOPMENT OF THE CITY OF BUDA’S TRANSIT
DEVELOPMENT PLAN**

This Interlocal Agreement ("**Agreement**") for development of the City of Buda’s Transit Development Plan ("**TDP**") is made and entered into by and between Capital Metropolitan Transportation Authority ("**CapMetro**"), a political subdivision of the State of Texas organized under Chapter 451 of the Texas Transportation Code, and the City of Buda ("**City**"), a Texas home rule city, municipal corporation and political subdivision of the State of Texas, pursuant to the provisions of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. CapMetro and City are referred to in this Agreement collectively as the "Parties" and independently as a "Party".

I. Contracting Parties:

The Receiving Agency: The City of Buda ("City")
 121 Main St.
 Buda, TX 78610

The Performing Agency: Capital Metropolitan Transportation Authority
 ("CapMetro")
 700 Lavaca St., Suite 1400
 Austin, TX 78701

II. Recitals:

- a. CapMetro is a local government entity responsible for providing mass transit service within the City of Austin, and the surrounding communities of Leander, Lago Vista, Jonestown, Manor, San Leanna, and Point Venture, as well as the unincorporated area of Travis County within Commissioner Precinct 2 (boundaries as of date of agreement joining CapMetro) and the Anderson Mill area of Williamson County;
- b. The City is not a participating member of the CapMetro service area;
- c. Texas Transportation Code, Section 451.056, grants CapMetro the authority to contract with a municipality, county, or other political subdivision to provide public transportation services outside of its service area;

- d. A Service Expansion Policy, approved by CapMetro's Board of Directors in June 2008, amended in April 2014, and endorsed by the Capital Area Metropolitan Planning Organization (CAMPO) in June 2014, defines the approaches for CapMetro to partner with cities and counties that are not currently a part of CapMetro's service area;
- e. One such approach is a contract for service whereby CapMetro provides service through an interlocal agreement with the jurisdiction. The jurisdiction pays the cost of service, with a credit given to the jurisdiction for Section 5307 Funds eligible expenses;
- f. CapMetro is a "Designated Recipient" with legal authority to dispense federal funds;
- g. The City, as of Census 2010, was designated a part of the Austin Urbanized Area, thereby making the City eligible to receive eligible Section 5307 Funds from CapMetro;
- h. The Service Expansion Policy requires that jurisdictions seeking Section 5307 Funds prepare and maintain a three-year Transit Development Plan ("TDP"), to identify transit needs, analyze service options and financing, and provide recommendations for transit services;
- i. The City seeks Section 5307 Funds as a non-member jurisdiction to update their TDP to identify transit needs, analyze service options and financing, and provide recommendations for transportation services;
- j. In order to access funding for transit services through the Federal Transit Administration's Urbanized Area Formula Funding program established under 49 U.S.C. 5307 ("Section 5307 Funds") in accordance with CapMetro's regional Service Expansion Policy, the City of Buda, in cooperation with CapMetro, prepared a Transit Development Plan ("TDP"), which was adopted by Buda City Council in February 2016;
- k. The Parties desire to define their roles and responsibilities for the administration of Section 5307 Funds; and,
- l. The Parties intend to conform this Agreement in all respects with the Interlocal Cooperation Act, Texas Government Code, Chapter 791.

NOW, THEREFORE, in consideration of mutual promises, covenants, obligations, and benefits contained herein and for the good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the terms and conditions stated herein as evidenced by the signatures of their respected duly authorized representatives below.

III. Terms and Conditions:

1. Statement of Services to be Performed.

CapMetro will provide the following services (“**Services**”):

- a. Develop a three (3) year Transit Development Plan (“TDP”) for the City of Buda with the support of the CapMetro General Planning Consultant (“GPC”). The TDP will provide practical guidance to the City to facilitate future transit service decisions. City staff will be included in all aspects of the project.
- b. Develop the TDP in compliance with the requirements of CapMetro’s Service Expansion Policy.

2. Terms of the Agreement. This Agreement shall begin on October 1, 2022 (the “**Effective Date**”) and terminate the later of: (i) September 30, 2023, or (ii) completion of the Services. The Contracting Parties shall execute any legally required contract amendments to ensure the extension of terms and conditions of this agreement are sustained should Services extend beyond September 30, 2023.

3. Financial Terms. Consistent with federal funding practice, the Parties will receive Federal Transit Administration’s (“FTA”) allocated funding for the Austin Urbanized Area, disbursed by population and population density distributed as formula funds under the Section 5307 program, with CapMetro being considered the “Designated Recipient” and with the City being considered a “Sub-recipient” for purposes of compliance with federal contracting requirements, including the provisions of FTA Circular 4220.1F and any other applicable federal contracting requirements.”

- a. CapMetro will provide Section 5307 funding for an amount not to exceed 80% of the cost for the Services, as set forth in **Exhibit “A”**.
- b. The City will provide local funding for an amount not to exceed 20% of the cost for the Services as set forth in **Exhibit “A”**.

4. Payment Terms. For performance of the Services the City will pay CapMetro its local share of formula funds, as set forth in **Exhibit “A”**, upon receipt of an invoice therefore, in accordance with the Texas Prompt Payment Act (Chapter 2251 of the Texas Government Code). CapMetro will submit an invoice to the City upon completion of the Services or upon the termination of this Agreement, whichever is later, for the Services performed in an amount equal to the amounts billed to CapMetro by the GPC not to exceed the amount set forth in **Exhibit “A”**.

5. General Provisions.

- a. **Default.** A party shall be in default under the Agreement if it fails to fully, timely and faithfully perform any of its material obligations under the Agreement.
- b. **Notices.** Any notice required or permitted to be delivered under this Agreement shall be deemed delivered when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the party to be served, at the addresses set forth above. Notice given in any other manner shall be deemed effective only if and when received by the party to be notified. A party may change its address for notice by written notice to the other party as herein provided.

The City: 405 E. Loop St, Building 100
 Buda, TX 78610
 ATTN: City Manager

CapMetro: 700 Lavaca St., Suite 1400
 Austin, TX 78701

With Copy to: 700 Lavaca St., Suite 1400
 Austin, TX 78701
 ATTN: Chief Council

- c. **Good Faith.** The Parties agree to work together at all times in good faith, meet regularly, and keep each other informed as to activities of the other, and maintain at all times formal representatives to serve as points of contact for communications.
- d. **Alteration.** This Agreement may not be altered, amended, or modified except with written agreement from all of the Parties.
- e. **Cost for Preparation.** Each Party will be responsible for all costs and expenses associated with the preparation and adoption of this Agreement, the preparation and adoption of any further agreements and future actions related thereto.
- f. **Amendments.** The City's City Manager and CapMetro's President & CEO will have the authority to negotiate and execute amendments to this Agreement without further action by the Buda City Council or the CapMetro Board of Directors, to the extent

necessary to implement and further the clear intent of the respective governing bodies, but not in such a way as would constitute a substantive modification of the Agreement's terms and conditions or otherwise violate Chapter 791 of the Texas Government Code. Any amendments that would constitute a substantive modification to the Agreement must be approved by each party's governing body.

- g. **Current Funds.** The Party or Parties paying for the performance or governmental functions or services shall make payments therefor from current revenues available to the paying party.
- h. **Counterpart Agreements.** This Agreement may be executed in multiple counterparts which, taken together, will collectively constitute a single agreement, but in making proof of such agreement, it will not be necessary to account for more than one such counterpart.
- i. **Venue and Applicable Law.** This Agreement will be performed and enforced in Travis County, Texas, and will be construed in accordance with the laws of the State of Texas. Venue with respect to all disputes will reside with the district courts of Travis County, Texas. All rules, regulations, and other requirements imposed by local, state, or federal law apply to the performance of the Parties under this Agreement.
- j. **Force Majeure.** Except as otherwise provided, no Party is liable to the other parties for any delay in, or failure of performance, of a requirement contained in this Agreement caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed, provided the non-performing Party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, strike, fires, explosions, pandemic, or other causes that are beyond the control of the party asserting a force majeure claim, that by exercise or due foresight, such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome. A Party must inform the other parties in writing with proof of receipt within three business days of the existence of such force majeure.
- k. **Survival of Obligations.** Conditions and covenants of this Agreement which by their terms are performable after the termination, expiration, or end of this Agreement shall survive such termination, expiration, or end and remain fully performable.

- l. **Severability.** Should any one or more provisions of this Agreement be deemed invalid, illegal, or unenforceable for any reason, such invalidity, illegality or unenforceability shall not affect any other provision held to be void, voidable, or for any reason whatsoever of no force and effect, such provision(s) shall be construed as severable from the remainder of this Agreement and shall not affect the validity of all other provisions of this Agreement, which shall remain of full force and effect.
- m. **Headings.** The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.
- n. **Interpretation.** In the event of any dispute over its meaning or application, this Agreement will be interpreted fairly and reasonably and neither more strongly for or against either Party.
- o. **Third Party Rights Not Created.** This Agreement is not intended to and shall not be construed to create any rights or remedies in any person or legal entity that is not a party to it and the Parties are not waiving any defense or immunity to which they are entitled against any person or legal entity that is not a Party to this Agreement.
- p. **Sovereign Immunity.** By execution of this Agreement, neither Party waives or relinquishes any sovereign immunity rights available to it by law except as otherwise stipulated by applicable laws.
- q. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties. No other agreement, statement, or promise that is not contained in this Agreement shall be binding except by subsequent written amendment to this Agreement signed by the Parties. The Recitals contained in this Agreement are incorporated herein for all purposes.

IV. Signatories: Each of the signatories to this Agreement represents and warrants that they are duly authorized to sign this in the capacity indicated to be effective as of the Effective Date.

PERFORMING AGENCY
Capital Metropolitan Transportation Authority

By: _____
Dottie Watkins
Interim President & CEO
CapMetro

Signature Date: _____

Approved as to Form

By: _____
CapMetro Legal Department

RECEIVING AGENCY
City of Buda

By: _____
Micah Grau
City Manager

Signature Date: _____

ATTEST:

By: _____
Alicia Ramirez
City Clerk

By: _____
Cristian Rosas-Grillet
Assistant City Attorney

Exhibit "A"

Transit Development Plan Funding Not to Exceed Amounts	
Section 5307 Funds (80%)	\$102,920
Local Funds (20%)	\$25,730
Total Funds (100%)	\$128,650



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-511- #H.4

Contact: John Nett

Subject: Approval of Change Order #6 under the terms of the construction contract with Archer Western Construction, LLC, for the City of Buda Wastewater Treatment Plant Phase III Expansion and authorization for the City Manager to execute said request (City Engineer John Nett)

1. Executive Summary

Approval of this item will authorize the City Manager to execute Change Order #6 with Archer Western Construction, LLC (Archer Western). The purpose of this change order is to remove the unused balance of the Owner's Betterment Allowance from the total contract value. In addition, the current final completion date through Change Order #5 is August 26, 2022. Change Order #6 includes a contract time extension of 35 days to allow Archer Western to correct all outstanding punch list items. The revised contract final completion date is now September 30, 2022.

2. Background/History

The City pursued a major amendment of its Wastewater Treatment Plan (WWTP) Texas Pollutant Discharge Elimination System (TPDES) permit, a plant capacity re-rating study, engineering services for a new offsite effluent force main, and an increased capacity gravity influent main into the WWTP. The successful acquisition of TCEQ's approval of the WWTP re-rating study and TCEQ's issuance of the final amended TPDES permit has allowed for expansion of the City's WWTP capacity from 1.5 million gallons per day (MGD) to 3.5 MGD.

The WWTP Phase III Expansion construction project includes site and facility improvements to meet capacity requirements of the City of Buda through 2040. An Invitation for Bid (IFB) for this construction project was released on December 19, 2018, and closed on February 5, 2019. The IFB was awarded to Archer Western on March 5, 2019.

The City's approved Capital Improvement Plan includes the expansion of the City's WWTP to meet the needs of its rapidly growing Wastewater Utility customer base and to maintain compliance with TPDES permit requirements. The WWTP Phase III expansion project will more than double current daily treatment capacity and complete intended full build out of the facility footprint at the current location. The project time began June 4, 2019. Project construction is complete.

3. Staff's review and analysis

Construction services were procured through an IFB that included a combination of lump sum and unit costs. The costs of all required labor and materials to complete the WWTP Phase III Expansion are fixed by the construction contract. The \$23,145,000.00 base bid from Archer Western for all tabulated elements of construction in the IFB included all site civil infrastructure; all plant and facility improvements; and all construction contractor administrative costs. The comprehensive schedule of values for performance of the construction contract is attached to this memorandum.

Three deductive alternate bid items were included in the IFB. The City Council elected to pursue all three deductive bid alternates. The resultant total contract award to Archer Western with all other tabulated elements of project construction is \$22,660,000.

The construction project bid also included an \$800,000 allowance for Owner's Betterment, which represents a 3.53% contingency reserve of Archer Western's total bid. This allowance is paid at the sole discretion of the City, as needed, to address changed conditions.

Contract change order increases may result from additional items requested by the City or the requirement of extra materials and labor due to unforeseen or unknown conditions not identified in the plans. Change order decreases are also possible if not all quantities are required to complete the construction project. Any proposed change order is vetted through the Project Engineer, the City Engineer, and the City's Resident Project Representative during construction before a recommendation is presented to the City Manager for consideration.

The City Council award of IFB 19-007 authorized the City Manager to approve change orders or supplemental agreements to Archer Western's construction contract, as limited by state law, in an amount not to exceed or reduce the original contract value by 4.5% or \$1,019,700. Previously approved Change Order #1, Change Order #3, Change Order #4, and Change Order #5 did not increase the original awarded contract value; each of these change orders committed funds entirely from the Owner's Betterment reserve. Previously approved Change Order #2 increased contract value by 0.36%.

Please note that the signature of Martin Rumbaugh, AECOM Design Engineer on the change order form was signed electronically and shows as printed text.

4. Financial Impact

The total awarded value of IFB 19-007 is \$22,660,000 includes all material and labor costs; all site civil infrastructure; all plant and facility improvements; and all construction contractor administrative costs. The \$800,000 bid item allowance for Owner's Betterment represents a 3.53% contingency reserve of AWC's total bid. Funds for the WWTP Phase III Expansion construction project are encumbered in Wastewater Capital Improvement Fund Accounts 625-4812.56001 and 625-4812.56208.

5. Strategic Plan Goals

BALANCED AND MANAGED GROWTH

6. Strategic Plan Objectives

Approval of Change Order #6 supports the City of Buda Strategic Plan Policy Agenda Top Priority Target for Action regarding the need to refine a long-term water strategy.

7. Summary/Conclusion

Acceptance of Change Order #6 will allow for Archer Western to obtain consent of surety for release of retainage and ultimate close out of the Wastewater Treatment Plant Phase III Expansion

construction project.

8. Pros and Cons

Staff would request clear direction from the City Council if further negotiation were desired for the proposed change order.

9. Alternatives

With the award of IFB 19-007 to AWC, the City Council established authority for the City Manager to execute change orders in an aggregate amount, as limited by state law, not to exceed or reduce the original contract value by 4.5% or \$1,019,700. The requested action seeks to zero out the remaining balance of the Owner Betterment contingency reserve of AWC's total bid. The released \$311,540.00 is under the City's exclusive control.

10. Recommendation

Staff recommends acceptance of Change Order #6 and approval for the City Manager's execution of the same under the terms of the construction contract with Archer Western Construction, LLC, for the City of Buda Wastewater Treatment Plant Phase III Expansion.

Date of Issuance: August 25, 2022	Effective Date: _____, 2022
Owner: The City of Buda, Texas	Owner's Contract No.: IFB 19-007
Contractor: Archer Western Construction LLC	Contractor's Project No.: 219029
Engineer: AECOM	Engineer's Project No.: 60323427
Project: Wastewater Treatment Plant Phase III Expansion	Contract Name: WWTP Expansion

The Contract is modified as follows upon execution of this Change Order: Reduction in Contract Amount to deduct the remaining unused balance of Allowance Bid Item 24.

Balance of Bid Item 24 prior to Change Order 1:	\$800,000.00
Change Order 1:	(\$166,092.00)
Change Order 2:	(\$48,390.00)
Change Order 3:	(\$92,693.00)
Change Order 4:	(\$135,507.00)
Change Order 5:	(\$45,778.00)
Change Order 6— Contract Amount Decrease (Unused Balance, Allowance Bid Item 24):	(\$311,540.00)
Allowance Bid Item 24 Balance Remaining:	\$0.00

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 22,660,000.00	Original Contract Times: Substantial Completion: <u>730</u> days Ready for Final Payment: <u>790</u> days days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : \$ 81,726.00	Increase from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : Substantial Completion: <u>127</u> days Ready for Final Payment: <u>367</u> days
Contract Price prior to this Change Order: \$ 22,741,726.00	Contract Times prior to this Change Order: Substantial Completion: <u>857</u> days Ready for Final Payment: <u>1,157</u> days
Decrease of this Change Order: (311,540.00)	Increase of this Change Order: Substantial Completion: <u>0</u> days Ready for Final Payment: <u>35</u> days
Contract Price incorporating this Change Order: \$ 22,430,186.00	Contract Times with all approved Change Orders: Substantial Completion: <u>857</u> days Ready for Final Payment: <u>1,192</u> days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>Martin Rumbaugh</u> Engineer	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>Program Manager</u>
Date: <u>August 25, 2022</u>	Date: _____	Date: <u>8/25/2022</u>



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-500- #H.5

Contact: Bianca Redmon

Subject: Adoption of a Resolution authorizing the revision of the Corporate Authorization Resolution to allow the Mayor, City Manager, City Clerk, Finance Director, and Assistant Finance Director to exercise certain powers of the resolution regarding all the financial institution accounts held by the City (City Clerk Alicia Ramirez)

1. Executive Summary

The City of Buda currently holds accounts with Wells Fargo Bank and Broadway Bank. The attached resolution establishes the rights and authorizations of each of the signatory's on the City's accounts.

2. Background/History

The attached resolution authorizes the Mayor, City Manager, City Clerk, Finance Director, and Assistant Finance Director to exercise certain rights and privileges over the City's accounts. The authorizations outlined in the resolution adds the Assistant Finance Director as backup to the Finance Director.

3. Staff's review and analysis

The designation is a routine matter with nominal impact on the public at large. Approval of this item will remove former City Manager Kenneth Williams. It will also add new City Manager Micah Grau and Assistant Finance Director Debra French.

4. Financial Impact

N/A

5. Strategic Plan Goals

OTHER

6. Strategic Plan Objectives

Keep up-to-date with changing administration

7. Summary/Conclusion

N/A

8. Pros and Cons

N/A

9. Alternatives

N/A

10. Recommendation

Staff seeks City Council consideration of adoption of this resolution.

RESOLUTION NO. 2022-R-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS
AUTHORIZING THE AMENDMENT OF THE CORPORATE
AUTHORIZATION RESOLUTION REGARDING CERTAIN FINANCIAL
INSTITUTION ACCOUNTS OF THE CITY, TO AUTHORIZE THE MAYOR,
CITY MANAGER, CITY CLERK, FINANCE DIRECTOR, AND ASSISTANT
FINANCE DIRECTOR TO EXERCISE CERTAIN POWERS OF THE
CORPORATE AUTHORIZATION RESOLUTION**

WHEREAS, the City Council deems it necessary that the Mayor, City Manager, City Clerk, and Finance Director to exercise certain powers on the accounts held by the City;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Buda, Texas that:

Section 1. That the Mayor of the City of Buda, Lee Urbanovsky, the City Manager of the City of Buda, Micah Grau, the City Clerk of the City of Buda, Alicia Ramirez, the Finance Director Bianca Redmon, and the Assistant Finance Director Debra French of the City of Buda, are authorized to execute the powers enumerated in the Corporate Authorization Resolution in regards to the financial institution accounts held by the City.

Section 2. Any other individuals outside of those named in Section 1 shall have their authority revoked including former City Manager Kenneth Williams.

Section 3. Should any portion or part of the Resolution be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

DULY PASSED and APPROVED, on the 6th day of September, 2022.

CITY OF BUDA, TEXAS

ATTEST:

Lee Urbanovsky, Mayor

Alicia Ramirez, City Clerk

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City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-497- #I.1

Contact: Natassa Robbins

Subject: Hold a public hearing on the proposed Fiscal Year 2023 Budget (Finance Director Bianca Redmon)

1. Executive Summary

In accordance with the Local Government Code (LGC) and the City of Buda Charter Section 6.03, the City shall hold a public hearing on the proposed budget for the fiscal year ending September 30, 2023.

2. Background/History

The City filed the proposed budget for Fiscal Year 2023 on August 5th with the City Clerk, and the City Manager presented the proposed budget to City Council on Tuesday, August 9th. On August 17th, the City published the notice of public hearing on the proposed budget in the City's official newspaper, the Hays Free Press, as required by the Local Government Code, Chapter 102. In accordance with the City Charter and the LGC, the City must hold a public hearing on the proposed Fiscal Year 2023 budget.

3. Staff's review and analysis

Pursuant to the LGC and the City Charter, the public notice on the proposed budget ending September 30, 2023, has been published as required. The notice of the public hearing on the budget was published in the City's official newspaper on August 17th. The City's Fiscal Year 2023 Proposed Budget has been added to the City's website, as required by the Local Government Code. It is also available by contacting the City Clerk's Office.

4. Financial Impact

None.

5. Strategic Plan Goals

EXCEPTIONAL CITY SERVICES WITH A LOW TAX RATE

6. Strategic Plan Objectives

7. Summary/Conclusion

The proposed budget for Fiscal Year 2023 has been filed and submitted to the City Council. The City Manager presented the proposed budget to City Council on August 9, 2022. This City is required to hold a public hearing on the budget. All notices have been filed pursuant to the LGC and the City Charter. The legal notice was filed in the Hays Free Press, which is a newspaper of general circulation located in Hays County, as required by law. The City Council is scheduled to vote on the Fiscal Year 2023 proposed budget on September 20th.

8. Pros and Cons

N/A

9. Alternatives

N/A

10. Recommendation

Hold a public hearing to allow citizens an opportunity to provide their input on the City's proposed 2023 fiscal year budget.

CITY OF BUDA

NOTICE OF PUBLIC HEARING

FY 2023 OPERATING BUDGET

A Public Hearing will be held at 6.00 p.m. on Tuesday, September 6, 2022. This public hearing will take place in the Buda City Council Chambers located at 405 E. Loop Street Building 100. This public hearing is in compliance with the City Charter. The purpose is to hear oral and written comments and discuss proposed uses of operating and capital funds and to consider adopting a budget allocating operating and capital funds anticipated to be available to the City of Buda during the fiscal year beginning October 1, 2022 and ending on September 30, 2023.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$1,210,445, OR 16.02%, AND OF THAT AMOUNT \$255,941 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

The proposed budget and capital improvements plan can be provided by the City Clerk of the City of Buda upon request anytime between the hours of 8:00 a.m. and 5:00 p.m. Monday through Thursday and 8:00 a.m. to 4:00 p.m. on Friday, or they can be viewed on the City's website at www.ci.buda.tx.us.

Published this 17th day of August, 2022 by the City of Buda.

Members of the public are encouraged to attend this hearing and express their views to the City Council.

Change #	Change Description	Fund	Fund Description	Fiscal Year	Fund Bal Impact	Rev / Exp	Fund Impact	
							Amount	Note
1	Edwards Aquifer Recharge Zone Integrity Testing & Rehabilitation Project is for FY 2024 not FY 2023 according to CIP	625	Wastewater Capital Improvement	2023	Increase	Exp	(50,000.00)	Reduced by \$50k - Edwards Aquifer Recharge Zone Integrity Testing & Rehabilitation Project is for FY 2024 not FY 2023 according to CIP
2	Old Black Colony Road 12" Transmission Main & Pressure Valve and FM 2770 12" Waterline paid through ARPA	525	Water Capital Improvement	2023	Increase Water CIP Fund, No Impact to Water Fund or Grants Fund	Exp	(375,000.00)	FM 2770 12" Waterline moved to fund 500 and paid through ARPA; Old Black Colony Road 12" Transmission Main & Pressure Valve moved to fund 500 and paid through ARPA
3	Add transfer in from HOT Fund to general fund; already recorded as a transfer out of HOT Fund	100	General Fund	2023	Increase	Rev	(80,300.00)	Transfer In from hotel/motel was missing from general fund revenues
4	Move general fund supplemental requests attributed to IT related line items to the IT Department	100	General Fund	2023	None	Exp	-	Move general fund supplemental requests attributed to IT related line items to the IT Department
5	Add Incentive Agreement Costs for City Obligations	100	General Fund	2022 and 2023	Decrease	Exp	50,000.00	Open PO added to FY 2022 projections for Buda Mill & Grain Incentive Agreement (2022); Perry Homes (July 2021 through September 2023) - 2023
6	City of San Marcos Household Hazardous Waste Program	300	Sanitation Fund	2023	Decrease	Exp	15,000.00	City of San Marcos Household Hazardous Waste Program - City of Buda portion. Currently analyzing proposed costs.
7	Household Hazardous Waste Management Event - Solid Waste Grant Approved for FY 2023 Event	499	Grants Fund	2023	None	Rev	-	Household Hazardous Waste Management Event - Solid Waste Grant Approved for FY 2023 Event
8	Project Manger Salary Added in Prop A & B Fund	867	Prop B - Parks	2023	None	Exp	-	Project Manager Salary Added in Prop A & B Fund; reduced Garison Park Memorial Development Project for budget purposes only; reduced Old Black Colony Road Construction Project for budget purposes only
9	Development Services Restructure							Restructure of Planning & Engineering Departments - titles are changing and there will be an amendment after the budget is adopted to sort how how the restructuring occurs
10	Updated Fee Schedule							Parks & Rec and Parkland Fees updated to fee schedule

**To view the proposed budget document,
click on the following link:**

[FY 2023 Proposed Budget Part 1](#)

[FY 2023 Proposed Budget Part 2 \(Five Year CIP\)](#)

**A copy of this document is filed with and available by
contacting the City Clerk:**

**Office of the City Clerk
City of Buda City Hall**

(512) 523-1014

or

(512) 523-1018

cityclerk@ci.buda.tx.us



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-498- #1.2

Contact: Natassa Robbins

Subject: Hold a public hearing on the proposed Fiscal Year 2023 Tax Rate (Finance Director Bianca Redmon)

1. Executive Summary

In accordance with the Property Tax Code, the City must hold a public hearing on the proposed tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate. The Property Tax Code requires only one public hearing if the proposed tax rate exceeds the lower of the no-new-revenue tax rate or the voter-approval tax rate. However, the City will hold two public hearings on the tax rate, with this first public hearing being the non-statutory, or courtesy, public hearing on the tax rate.

2. Background/History

The City Council established the maximum tax rate to be considered at \$0.3423 per \$100 of valuation on August 9th. This rate exceeds the no-new-revenue rate and requires the City to hold a public hearing on the tax rate. Only one public hearing is required per the Property Tax Code. The City will hold two public hearings to give taxpayers the opportunity to comment on the proposed tax rate. The maximum tax rate of \$0.3423 is the same as the City's current tax rate of \$0.3423. Because the maximum tax rate was set at \$0.3423, the governing body cannot consider a tax rate higher than this maximum rate. The City's proposed tax rate exceeds the No-New-Revenue tax rate but does not exceed the Voter-Approval tax.

The City published the proposed tax rate hearing notice in the Hays Free Press on Wednesday, August 17th, as required by the Tax Code.

3. Staff's review and analysis

- Proposed Tax Rate - \$0.3423
- This is the first public hearing on the City's tax rate. The second public hearing will be held on September 20th.

4. Financial Impact

A tax rate of \$0.3423 per 100 will generate a total of \$8,764,880 in tax revenue to the City (\$0.0926

M&O = \$2,371,101 and \$0.2497 I&S = \$6,393,779). A total of \$632,290 from the amounts above will be generated for the Cabela's TIRZ.

5. Strategic Plan Goals

EXCEPTIONAL CITY SERVICES WITH A LOW TAX RATE

6. Strategic Plan Objectives

None

7. Summary/Conclusion

The proposed tax rate of \$0.3423 was approved on August 16th as the maximum tax rate that the City Council would consider adopting for the upcoming fiscal year. This tax rate is equal to the current tax rate of \$0.3423. This tax rate will provide revenue to the City's general fund and debt service fund to help fund City operations and pay the City's required annual debt obligations. Two public hearings on the proposed tax rate will be held. This is the first of two public hearings.

8. Pros and Cons

N/A

9. Alternatives

N/A

10. Recommendation

Hold a public hearing to allow any taxpayer the opportunity to comment on the proposed Fiscal Year 2023 tax rate.

NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$0.3423 per \$100 valuation has been proposed by the governing body of City of Buda.

PROPOSED TAX RATE	\$0.3423 per \$100
NO-NEW-REVENUE TAX RATE	\$0.2844 per \$100
VOTER-APPROVAL TAX RATE	\$0.3432 per \$100

The no-new-revenue tax rate is the tax rate for the 2022 tax year that will raise the same amount of property tax revenue for City of Buda from the same properties in both the 2021 tax year and the 2022 tax year.

The voter-approval rate is the highest tax rate that City of Buda may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Buda is proposing to increase property taxes for the 2022 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 20, 2022 AT 6:00 PM AT Buda City Hall - 405 E. Loop Street, Building 100, Buda, TX 78610.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Buda is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the of City of Buda at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property Tax Amount} = (\text{Tax Rate}) \times (\text{Taxable value of your property})/100$$

FOR the proposal: Urbanovsky, Ture, Smith, Davidson, Horne-Williams, Daugereau, and Cummings

AGAINST the proposal: n/a

PRESENT and not voting: n/a

ABSENT: n/a

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Buda last year to the taxes proposed to be imposed on the average residence homestead by City of Buda this year.

	2021	2022	Change
Total tax rate (per \$100 of value)	\$0.3423	\$0.3423	no change
Average homestead taxable value	\$296,912	\$443,522	increase of \$146,610, or 49.38%
Tax on average homestead	\$999	\$1,500	increase of \$501, or 50.15%
Total tax levy on all properties	\$7,554,435	\$8,764,880	increase of \$1,210,445, or 16.02%

For assistance with tax calculations, please contact the tax assessor for City of Buda at 512-393-5545 or jenifer.okane@co.hays.tx.us.



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-518- #J.1

Contact: Lysa Gonzales

Subject: Deliberation and possible action on a Hotel Occupancy Tax Reimbursement Grant for Fajita Fiesta on September 23 and 24, 2022 hosted by the Buda Area Chamber of Commerce at the Buda Amphitheater and City Park (Destination Services Director Lysa Gonzalez) [PUBLIC TESTIMONY]

1. Executive Summary

The Buda Area Chamber of Commerce is requesting \$10,000 from the City of Buda for the return of Fajita Fiesta on September 23 and 24, 2022 in Buda Amphitheater and City Park. These funds would be used for marketing. This request was taken to the Hotel Occupancy Tax Committee on September 2nd, and they are recommending to give \$10,000 in grant funding.

Currently, the Hotel Occupancy Tax budget for HOT grants is over budget. The over budget amount was presented to the Buda City Council during the budget workshops and a planned budget amendment take place to cover the amount. The original budget for HOT grants was \$35,000, and the amount presented to Council for adjustment was \$74,000. At the time of that presentation, staff did not know of the Buda Chamber's intent to revive Fajita Fiesta. If Council decides to fund any Hotel Occupancy Tax Reimbursement Grant funds for this event, the funds will need to be taken from the hotel occupancy tax funds balance bringing the total of HOT grant expenditures to \$84,000 requiring a budget amendment of \$49,000.

2. Background/History

Hotel Occupancy Tax Reimbursement Grant Background:

As part of the budget process, the City of Buda awards Hotel Occupancy Tax grant funds to organizations that put on events or provide a program that will attract visitors for overnight stays in Buda hotels. All requests for funds are submitted in writing with an official application distributed by the City of Buda Destination Services Department. For an event or expenditure to qualify to receive hotel occupancy tax funds it must, by law, pass the two part test: 1) every hotel occupancy tax revenue expenditure must directly enhance and promote tourism and the hotel industry, "put heads in beds" and 2) each hotel occupancy tax revenue expenditure must fit into one of nine categories:

1. Funding the establishment, improvement or maintenance of a convention center or visitor information center
2. Paying the operation costs for facilitating convention registration
3. Paying for advertising; solicitations and promotions that attract tourists and convention

delegates to the city or its vicinity

4. Expenditures that promote the arts and will directly promote the hotel industry
5. Funding of historical restoration or preservation programs
6. Temporary improvements and rentals for sporting events and tournaments
7. Improvements to sporting related structures (if allowed by the Texas legislature)
8. Certain tourism/hotel shuttles
9. Signage directing tourists to attractions frequently visited by hotel guests

Fajita Fiesta Background:

The Fajita Fiesta is a fund raising event for the Buda Area Chamber of Commerce. The event began in 2014 with the last event occurring in 2018. The event did not take place in 2019 due to Buda City Park being closed for construction. The event continued to take a hiatus in 2020 and 2021 due to the COVID-19 pandemic. The event for 2022 will be the 6th time this event will take place in Buda.

3. Staff's review and analysis

Application Information:

The 2022 Fajita Fiesta activities include: a fajita cook-off, other food cook-offs, Mariachi bands, other live music, historical reenactments, chihuahua beauty pageant, craft and food vendors, and more. The organizers of this event expect 2,500 local and 1,000 out-of-town attendees. They believe that this event will bring in 200 room nights.

In 2016, the Buda Area Chamber of Commerce estimates that 4,000 people were in attendance. We were able to confirm 46 room nights in Buda hotels as a result of this event. The Buda Area Chamber of Commerce is requesting \$10,000 from the HOT funds to advertise the event.

Event Data History:

2018

Attendance: 1,250 (event took place at Buda Sportsplex due to Buda City Park being closed for construction)

Room nights: 32

Funding: \$10,000 granted, \$6,579.02 used

Price per room night: \$205.59

2017

Attendance: 7,000

Room nights: 63

Funding: \$6,000

Price per room night: \$95.23

2016

Attendance: 4,000

Room nights: 46

Funding: \$3,500 (due to late submission of HOT grant application)

Price per room night: \$76.09

2015

Attendance: 7,000

Room nights: 42

Funding: \$5,000

Price per room night: \$119.42

2014

Attendance: 2,500

Room nights: 11

Funding: \$2,000
Price per room night: \$181.82

4. Financial Impact

Requested: \$10,000
Recommended by HOT committee: \$10,000

5. Strategic Plan Goals

FUN EXPERIENCES FOR ALL - OUTDOOR CAPITOL OF TEXAS

6. Strategic Plan Objectives

Support of outdoor entertainment at Buda Amphitheater and City Park

7. Summary/Conclusion

Fajita Fiesta is returning to Buda, Texas. They are requesting \$10,000 for advertising.

8. Pros and Cons

Pros:

Helping revive a once popular event in Buda that brought tourists to Buda
Supporting local non-profit organization that supports local businesses

Cons:

Funds in the hotel occupancy tax are currently not available, if council decided to fund this event, a budget amendment would need to be made.

9. Alternatives

Buda City Council may fund the Hotel Occupancy Tax Reimbursement Grant as they see fit.

10. Recommendation

Staff and the Hotel Occupancy Tax Committee is recommending to fully fund the Buda Area Chamber of Commerce's grant funding of \$10,000 for the return of Fajita Fiesta.



Hotel Occupancy Tax Reimbursement Grant

FY2019-2020 Funding Application Schedule

Application Available: Tuesday, March 19, 2019

Application Due Date: Monday, June 3, 2019 at 5:00 p.m.

Application Committee Review: Thursday, July 11, 2019 at 2:00 p.m.

City Council Final Funding Award: Tuesday, July 16, 2019 at 6:00 p.m.

Application rules and guidelines

The City of Buda accepts applications from organizations whose events/expenditures fit into one or more of the hotel occupancy tax expenditure categories. The Hotel Occupancy Tax Reimbursement Grant is reimbursement only. Funding is selective and is based on the application your organization submits.

1. The application must be completed in its entirety in order for the event/expenditure to be considered for funding. If any portion of the application is not applicable to your request, you must submit in writing with the application why that portion does not apply to your request or your application will not be considered. If it is determined that the portion is required for your request, you will be given one week to turn in the incomplete portion of the application. (*Application begins on page 5.*)
2. The applicant must present reasonable evidence that the event/expenditure will **increase overnight stays** in Buda and that the increase is **consistent with the level of funding requested**.
3. An expense plan must be provided with your application. For example, if you are requesting funds for marketing, a marketing plan is required to show how your organization intends to spend grant funds. If your organization plans to use funds for rental of equipment for a sporting event, you must provide an expense list for planned rentals. Expenses are limited to the nine allowable uses by state law (*allowable uses provided on page 4*).
4. Expenditures of hotel occupancy tax must **directly** enhance and promote tourism and the hotel industry in the City of Buda and its extraterritorial jurisdiction. All events/expenditures must pass the two-part test in order to be eligible for funding. If an event/expenditure is not reasonably likely to accomplish this result, it will not be funded by City of Buda hotel occupancy tax reimbursement grant. (*See page 4 for two-part test and hotel occupancy tax expenditure eligibility information.*)
5. It is **required** that all Buda hotels and bed & breakfasts are listed on all information provided to registrants, vendors/event attendees, including the event website. Information must include the lodging facilities current phone number, email and/or websites. Any event organizers awarded funds must provide proof in with their post-event report that hotels were listed on the items listed above in order to receive reimbursement funds for their event. (*List of hotels provided on page 11.*)



6. All Buda hoteliers and the Buda Visitor Center/Tourism Department must be made aware of the event and event details in writing **60 days** prior to the event. Copies of these notices must be provided with the post-event report.
7. The event organizers **MUST** keep track of overnight stays that are booked in Buda hotels and/or bed and breakfasts as a direct result of their event. Hoteliers may help keep track of overnight stays at the request of the event organizers. All requests for tracking must be made by the event organizers to each individual hotel and bed and breakfast. It is required for all overnight stays to be listed on your post-event report. If event organizers do not keep track of overnights stays from the event, they will not receive reimbursement funds.
8. The City of Buda Tourism Department website (www.visitbudatx.com) must be listed on event websites or other materials provided to registrants, vendor/event attendees.
9. Applicants applying for HOT funds for advertising and promotion must focus the requested funding on targeting overnight guests. Only advertising that is outside of a 100-mile radius of the Buda city limits will be reimbursed through this grant.
10. The funds through this grant **do not** cover promotional items (i.e. t-shirts, hats, koozies, etc.) that the event organizers sell prior, during or after their event. The grant does reimburse promotional items that are purchased and given away for free as an advertising strategy in order to promote the event.
11. The City of Buda shall be recognized as an event sponsor and receives benefits at the sponsorship level consistent with the grant amount awarded.
12. Applicant acknowledges that if grant funds are awarded, the event organizers agree to allow the financials of this event to be viewed at any time by the City of Buda prior to receiving reimbursement for the event.

Application Submission Deadlines

Application packets, along with any required supporting documents must be fully completed and submitted to the Department of Tourism Office, Stagecoach House & Visitors Center, 880 Main Street, Buda, TX 78610 by the close of business (5:00 p.m.) on Friday, June 3, 2019.

Applications may not be faxed; however they may be submitted via email to

lgonzalez@ci.buda.tx.us. **Late submissions will not be accepted.**

Application Review Process

All applications will be reviewed the Director of Tourism of the City of Buda for completeness and to ensure that expenditures will directly promote City of Buda tourism and its lodging industry. The applicant may be contacted when their application is reviewed to answer any additional questions regarding the application.



All applications submitted by the deadline with eligible, reimbursable expenses will be reviewed by a committee to evaluate the information submitted. Applicants are asked to be available to the committee when their application is reviewed to present their applications and answer any questions or to give additional information regarding their application. This allows the organization to discuss the event and the activities that will occur and state how the organization will use the funding to promote the City of Buda and **directly** enhance the lodging (hotel/motels) in the community by having visitors stay overnight in Buda hotels. The application review date is set for Tuesday, July 11 at 2:00 p.m. at Buda City Hall. This committee will make recommendations for funding for each application to the Buda City Council.

All applications recommended for funding by the committee will be reviewed by City Council. The applicant may be requested to provide additional information or answer questions for the City Council during the budget process. The final funding award date is set for the Tuesday, July 16, 2019 City Council meeting beginning at 6:00 p.m. at Buda City Hall.

Please note that the application schedule is subject to change. Any changes to the schedule will be sent by email to all applicants.

The City of Buda Department of Tourism will send notification letters to applicants informing them of the decision for funding by the Buda City Council once the FY2019-2020 budget is complete and adopted. The decision of the Buda City Council, both as to the funding amount or denial of funding will be final. *(Failure to receive funding in one budget year does not prevent a re-submission in the next budget year.)* Applicants receiving funding are in effect entering into an agreement with the City of Buda and are required to execute all subsequent documentation as described in the application. Please note that the City of Buda works by fiscal year, not calendar year. Our FY 2019-2020 begins October 1, 2019 and ends September 30, 2020. The budget for the next fiscal year will have to be adopted and approved before any money can be reimbursed.

Post Event Report, Invoices and Proofs of Payment

It is the responsibility of the event organization/representative to report the number of out-of-town guests (meaning outside of the Austin Metropolitan Area) and number of room nights stayed in Buda's lodging properties. *(Please note that room nights generated in surrounding areas (outside of the Buda City limits) do not fulfill the requirements of the state law and will not be credited to your event.)* These materials must be submitted no later than **sixty (60) days** following the event/expenditure and should be submitted to the Department of Tourism. This grant is a reimbursement grant. In order to receive funds, you must submit the following:

- A completed post-event report that should mirror the budget presented in the original application *(Report located on page 9 and 10)*.
- A count of room nights stayed in Buda hotels with proof of how that number was found
- Proof of payment for eligible, reimbursable expenses, which includes: a statement showing a zero balance, receipts, copy of cancelled checks, etc.
- Verbal follow up report given during regular scheduled City Council meeting



Hotel Occupancy Tax 101

The Texas Tax Code provides a set of rules that state how the revenue from the HOT may be used. According to the Texas Tax Code, the use of HOT revenue is limited to expenditures that meet the following two-part test:

✓ First, every hotel occupancy tax revenue expenditure must directly enhance and promote tourism and the hotel and convention industry. See Tex. Tax Code § 351.101(b). In other words, the expenditure must be likely to attract visitors from outside Buda into the city or its vicinity. If the expenditure is not reasonably likely to accomplish this result, it is not eligible for funding by HOT revenues.

✓ Second, each hotel occupancy tax revenue expenditure must fit into one of nine categories shown below:

Expenditure Categories. See Texas Tax Code §§ 351.101(a) and 351.110.

1. Funding the establishment, improvement, or maintenance of a convention center or visitor information center
2. Paying the administrative costs for facilitating convention registration
3. Paying for advertising, solicitations, and promotions that attract tourists and convention delegates to the county or its vicinity
4. Expenditures that promote the arts. Please note that it is not enough that a facility or event promotes the arts; state law requires that the expenditure also must be likely to directly promote tourism and the hotel and convention industry.
5. Funding historical restoration or preservation programs
6. Certain sporting event related expenses
7. Certain sporting related structures
8. Certain tourist shuttles
9. Signage directing tourists to attractions frequently visited by hotel guests.



Please print clearly and complete the following application.

ORGANIZATION/BUSINESS INFORMATION

Today's Date: _____

Name of Organization/Business: _____

Mailing Address: _____

City, State, Zip: _____

Contact Name: _____

Contact Phone Number: _____

Contact E-mail: _____

Is your organization/business: Non-profit ____ Private/For-Profit ____ Tax ID# _____

Purpose of your organization/business:

PROPOSAL INFORMATION

1. Does your Event/Expenditure pass **Part One** of the statutory test, defined specifically as directly enhancing and promoting tourism in Buda **AND** directly promoting the overnight accommodation industry in Buda by increasing overnight stays?

Yes ____ No ____

2. Does your Events/Expenditure pass **Part Two** of the statutory test, defined specifically as limiting the use of Hotel Occupancy Tax funds to one or more of the following categories: (1) Funding the establishment, improvement, or maintenance of a convention center or visitor information center; (2) Paying the administrative costs for facilitating convention registration; (3) Paying for advertising, solicitations, and promotion that attract tourists and convention delegates to the county or its vicinity; (4) Expenditures that promote the arts; (5) Funding historical restoration or preservation programs; (6) Certain sporting event related expenses; (7) Certain sporting related structures; (8) Certain tourist shuttles; (9) signage directing tourists to attractions frequently visited by hotel guests.

Yes ____ No ____

***Please indicate the category your applications falls under by circling the number above**

If the answer to one of the above two questions is "NO", you are not eligible for HOT funds and need not continue



EVENT/EXPENDITURE DESCRIPTION

1. Name of your event/expenditure: _____

2. Website address of your event/expenditure: _____

3. Date(s) of event/expenditure: _____

4. Will there be an admission charge for this event/expenditure? Yes: _____ No: _____

5. Please list any additional charges for this event/expenditure (i.e. parking, entry fees for contests, etc...)

Activity: _____ Cost: _____

Activity: _____ Cost: _____

Activity: _____ Cost: _____

6. Primary location of event/expenditure: _____

7. What is specifically being marketed or promoted (i.e. facility, event, etc...)

8. Purpose and goal of your organization and who benefits from your success:

VISITOR IMPACT

1. Previous year's number of persons expected attending this event/expenditure:

Local (Austin Metro Area): _____

Out of Town (Beyond Austin Metro Area): _____

2. Number of total persons expected to attend this event/expenditure:

Local (Austin Metro Area): _____

Out of Town (Beyond Austin Metro Area): _____

3. Approximately number of people attending/visiting (including vendors) event or expenditure will stay overnight in Buda hotels, motels or bed and breakfasts? _____

4. Do you reserve a room block for this event/expenditure? Yes: _____ No: _____

5. How do you measure the impact of your event on area overnight facilities?



FUNDING REQUEST

1. Amount Requested: \$ _____

2. Current Operating Budget for Proposed Event/Expenditure: \$ _____

3. Total advertising/promotion budget: \$ _____

4. What is your organization's direct contribution to the above? \$ _____

5. How will the funds be used?

6. Please indicate all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

Paid Advertising \$ _____ Press Releases to Media \$ _____

Radio \$ _____ Newspaper \$ _____

Television \$ _____ Direct Mailings \$ _____

Distribution of Brochures \$ _____ Other (describe) \$ _____

7. How do you intend to advertise or promote your event in another city or county?

8. Do you have an itemized budget on how you plan to use the requested Hotel Occupancy Tax funds? Yes _____ No _____

REQUIRED ATTACHMENTS

Along with the application, please submit the following attachments:

_____ Itemized, detailed list of expenditures relevant for HOT revenue use

_____ Expense and/or advertising/marketing plan, including targeted audience and list of media to be used

_____ List of Board of Directors/ Event Committee with contact phone numbers

_____ Event planning timeline or timeline through project completion

_____ Schedule of activities relating to your event/expenditure

_____ W9 form for organization or representative to be reimbursed

_____ Any other information you feel will support your application



APPLICANT CERTIFICATION

I hereby certify and affirm that (1) I have read the entire information in this application packet and understand and will comply with all provisions therein; and that I intend to use the grant for the aforementioned event/expenditure to directly enhance and promote tourism and hotel industry by attracting visitors from outside of Buda into the city or its ETJ to stay overnight in one of Buda's lodging facilities. (2) I will abide by all relevant local, state, and federal laws/regulations regarding the use of Hotel Occupancy Tax.

Certified by: (signature) _____

Print Name: _____

Title: _____ Date: _____



POST EVENT REPORT FORM

Thank you for your interest in promoting tourism and the hotel industry in Buda through the utilization of the City of Buda Hotel Occupancy Tax (HOT) funds. **All entities that are approved for such funds must submit a Post Event/Project Report Form within sixty (60) days of each funded event/project.** A copy of all invoices **must** be attached.

ORGANIZATION/BUSINESS INFORMATION

Today's Date: _____ Name of Organization/Business: _____

Contact Name: _____

Contact Phone Number: _____ Contact E-mail: _____

EVENT/EXPENDITURE

Name of Event/Expenditure: _____

Date of Event/ Expenditure: _____

Primary Location of Event/Expenditure: _____

Amount Received from Hotel Occupancy Tax Funds: \$ _____

Amount Used from Hotel Occupancy Tax Funds: \$ _____

1. What would you estimate was the actual attendance at the event/expenditure? _____

2. How many room nights were generated in Buda hotels, motels, or bed and breakfasts by attendees of this event/expenditure? _____

3. Was a room block established for this event/expenditure at an area hotel/s? ____ How many rooms were nights were generated directly through the room block? ____

4. Please check all efforts your organization actually used to promote this event/expenditure and how much was actually spent in each category:

Paid Advertising \$ _____ Press Releases to Media \$ _____

Radio \$ _____ Newspaper \$ _____

Television \$ _____ Direct Mailings \$ _____

Distribution of Brochures \$ _____ Other (describe) \$ _____



POST EVENT REPORT FORM

REQUIRED ATTACHMENTS

Along with the post-event report, please submit the following attachments:

- _____ Proof of payment for eligible, reimbursable expenses, which includes: a statement showing a zero balance, receipts, copy of cancelled checks, etc.
- _____ Documentation showing hotels being listed on registration information and/or website
- _____ Proof of contact with hotels regarding event dates and event/expenditure information including emails, call logs, etc.
- _____ W9 form for organization or representative to be reimbursed
- _____ Other information you feel will support your post-event report

Submit Completed Post-event Reports To:

Department of Tourism 880 Main Street, Buda, TX 78610
Or lgonzalez@ci.buda.tx.us



LIST OF HOTELS

Americas Best Value Inn

15101 S. IH-35
Buda, Texas 78610
512-312-1550

Best Western PLUS

15295 IH-35
Buda, Texas 78610
512-361-0455

Candlewood Suites

2180 Main Street
Buda, Texas 78610
512-523-8233

Comfort Suites

15295 S. IH-35 Bldg. 800
Buda, Texas 78610
512-295-8600

Fairfield Inn & Suites

1240 Cabela's Dr.
Buda, Texas 78610
512-295-1600

Hampton Inn & Suites

1201 Cabela's Dr.
Buda, Texas 78610
512-295-4900

Holiday Inn Express & Suites

15295 S. IH-35
Buda, Texas 78610
512-295-8040

Microtel Inn & Suites

1285 Cabela's Dr.
Buda, Texas 78610
512-295-5444

Studio 6

5163 Overpass Rd.
Buda, Texas 78610
512-312-4506



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-501- #J.2

Contact: Charlie Oberrender

Subject: Deliberation and possible action to award a contract to Halff Associates, Inc. for Solicitation #22-030 Comprehensive Plan, Downtown Master Plan and Corridor Study and to authorize the City Manager to execute said contract (Planning Director Melissa McCollum and Purchasing Manager Charlie Oberrender) [PUBLIC TESTIMONY]

1. Executive Summary

The primary purpose of this planning effort is to prepare a comprehensive plan, downtown plan, and FM 1626 and FM 967 corridor study for the City of Buda. These plans will provide guidance for the physical development, redevelopment, and future direction of growth and governance within Buda's planning area. This planning process, and the resulting policies, will be critical to the City's ability to promote and manage growth, protect and enhance key areas of importance while accommodating future trends. This includes identifying what makes the City of Buda unique, establishing the vision of how Buda will continue to grow, and determining how Buda achieves that vision through ongoing execution of the implementation action plan. Undertaking these three plans at the same time will result in more coordinated plan development and implementation efforts.

Approval of this item will start the planning process for these three projects through award of the contract to Halff.

2. Background/History

Staff prepared a request for statements of qualifications that was publicly advertised as RSQ# 22-030 COMPREHENSIVE PLAN UPDATE, DOWNTOWN MASTER PLAN AND CORRIDOR STUDY MASTER PLAN FOR FM 1626/967. Responses to the solicitation were opened March 16th. There were three firms responding:

Halff Associates, Freese and Nichols Inc., and The Broussard Group.

3. Staff's review and analysis

An evaluation team was assembled from staff to review the three responses received. The evaluation resulted in two firms, Freese and Nichols, Inc. and Halff Associates to score closely as first and second ranked. These two firms were invited to an interview with staff. After the interview, the

scores for the proposal and for the interview were combined with Halff Associates coming out as the highest ranked firm. Staff then entered into negotiations with Halff Associates to develop a scope of work and fee for services. The negotiations were successfully completed and Halff Associates has agreed to the City's standard agreement terms and conditions. The final fee is a not to exceed amount of \$475,000 with work to be completed in 18 months.

4. Financial Impact

Funds are budgeted in FY22 as follows:

GL Account 100-4314.54004 Comprehensive Plan Update \$250,000

GL Account 100-4314.54004 Corridor Study \$75,000

GL Account 100-4316.54004 Downtown Master Plan \$150,000

5. Strategic Plan Goals

BALANCED AND MANAGED GROWTH

6. Strategic Plan Objectives

These plans and the implementation of these plans support all 5 goals of the Strategic Plan for managed growth, improved mobility, charming downtown, exception city services, and fun experiences.

7. Summary/Conclusion

Award contract to Halff Associates as highest ranked firm. Funds to support these plans were approved as part of the FY22 budget.

8. Pros and Cons

Pro: Start the planning effort of a new and updated Comprehensive Plan, Downtown Master Plan and Corridor Study. These studies and plans will support future implementation efforts to meet the Strategic Plan.

Cons: None

9. Alternatives

Choose to go a different direction.

10. Recommendation

Award contract to Halff Associates as highest ranked firm for a contract in the amount of \$475,000 and authorize the City Manager to execute change orders in amount not to exceed \$50,000.

RSQ #22-030 COMPREHENSIVE PLAN UPDATE, DOWNTOWN MASTER PLAN AND CORRIDOR STUDY MASTER PLAN FOR FM 1626/967

Halff Associates

Freese and Nichols, Inc.

Proposal Review Avg Score
 Interview Avg Score
 Total Score for Interview and Proposal Review (out of 190 possible)

94.2
81.6
175.8
Selected Firm

96.8
78.3
175.1

EXHIBIT 'A'

SCOPE OF SERVICES

Planning Projects – City of Buda, TX

The primary purpose of this planning effort is to prepare a comprehensive plan, downtown plan, and FM 1626 and FM 926 corridor study for the City of Buda. These plans will provide guidance for the physical development, redevelopment, and future direction of growth and governance within Buda’s planning area. This planning process and the resulting policies will be critical to the City’s ability to promote and manage growth, protect and enhance key areas of importance while accommodating future trends. This includes identifying what makes the City of Buda unique, establishing the vision of how Buda will continue to grow, and determining how Buda achieves that vision through ongoing execution of the implementation action plan. Undertaking these three plans at the same time will result in more coordinated plan development and implementation efforts.

The plans listed below represent separate efforts and will each be a standalone document delivered in PDF format.

- 1. Comprehensive Plan and Trails Master Plan**
- 2. Downtown Master Plan**
- 3. FM 1626 and FM 926 Corridor Study**

Each of the three planning efforts listed above has associated phases and tasks, as outlined in this scope of services. There are two overall project phases that apply to all planning efforts. These overarching project efforts, as outlined in this scope of services, are:

- 1. Project Initiation and Management Tasks**
- 2. Community Engagement Tasks**

Project Assumptions:

This scope of services has been prepared using the following assumptions as a basis for its preparation:

- The comprehensive plan planning area will encompass the existing Buda City Limits and the City’s statutory extraterritorial jurisdiction (ETJ).
- The planning area for the downtown plan and FM 1626/FM 967 corridor study will be refined at project-kick off.
- The City of Buda (“City”) will appoint a contact person, “Project Administrator”, to work with Halff to act as an intermediary between City staff, City Council, the committee(s), outside consultants, and other city, county and state government staff persons as required. Halff will take direction from the City’s Project Administrator or City Manager only.
- Deliverables will be produced throughout the process to show progress. The deliverables will build upon each other to lead to the final deliverable.
- Halff will provide draft/interim deliverables as prepared for each phase of the project. These deliverables will be used for public outreach and input, to facilitate meetings and receive

feedback, and to complete the project. All draft/interim deliverables will be provided to the City in an electronic format (e.g., Adobe PDF) for ease of file transfer, reproduction, and distribution.

- Halff deliverables include two (2) consolidated rounds of revisions from the City. Halff will provide flexibility to address changes beyond the round of revisions, as needed. Major changes that shift the plan direction or require significant re-work will be an add-service.
- It is the responsibility of the City's Project Administrator to coordinate, compile, and forward in a consolidated manner all review comments, feedback, and/or requested/suggested revisions to such draft/interim deliverables.
- Only minor revisions will be made following adoption of the plans to produce the final plan documents. Substantive revisions after adoption may require additional services depending on their nature and the current budget status.
- The City will provide information from all previous planning studies and master plans that may influence the outcome of this planning effort. This information will be provided in digital format when possible and available. If no digital information is available, the City will create a reproduction, wherever possible, that will not have to be returned at the conclusion of the project. This information may include, but not be limited to, existing land-use plans and GIS data; existing transportation and street master plans; existing water or sanitary sewer planning documents; economic and demographic studies; park, trail, and open space plans; or other pertinent planning or policy documents. Prompt compilation and delivery of these documents to Halff is an essential prerequisite for the initiation of work and timely forward progress on individual tasks and deliverables.
- The City will provide Halff with the most recently updated digital base map of the planning area with City limit and extraterritorial jurisdiction (ETJ) lines, school district lines, municipal utility district boundaries, roadway centerlines and rights-of-way (if available), water and sewer facilities; dry utilities; public facilities (including police, fire, hospital, library and other major public facilities); park and open space facilities; sidewalks and trails; rivers, lakes and floodplain information; and other GIS available that may be pertinent to this planning process. These files will be in the form of GIS shapefiles.
- Input and feedback derived from the public engagement process will be assessed and incorporated into the various plan elements rather than compiled as stand-alone documents.
- Additional printing or publication expenses will be charged in accordance with **Exhibit 'B'**. Expenses incurred by the consultant team, such as mileage, materials, food, etc., are integrated into the Base Plan cost in the scope of services.
- Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may deviate from the sequence shown in this Scope of Services document.

1 | PROJECT INITIATION AND MANAGEMENT TASKS

These tasks apply to sections 1-5 of this scope of service and will be conducted in the following order:

A. Project Management (On-Going)

1. **Halff's PM Commitment** – Halff will manage the project to ensure that it proceeds according to the professional services agreement and this scope of services. This includes timely communication with the City, coordination and scheduling of meetings and deliverables, preparing invoices and progress reports, etc.
2. **PM Coordination Calls** – The Halff Project Manager and City's Project Administrator will hold check-in calls twice per month at an agreed upon time. The purpose is to coordinate on all three projects, review action items, and ensure the project schedule is maintained.
3. **Plan-Specific Coordination Calls** – As needed, coordination calls with technical leaders will be scheduled for coordination on the specific planning efforts.

B. Project Kick-Off

1. **Project Kick-Off Meeting** – Halff will coordinate a project kick-off with City staff to discuss project logistics and communication expectations, establish key milestones, request needed information, refine the planning process and calendar, establish project goals, discuss advisory committee, and initiate the creation of the public engagement strategy.
2. **Public Engagement Plan** – Halff will develop a Public Engagement Plan (PEP), in coordination with the City's Public Information Office, that outlines key milestones, dates, strategies, and input targets for the entire project. The PEP will also include detailed engagement strategies needed for the specific plans. The PEP will be developed and agreed upon by City staff and the Consultant. The document will be used to guide community engagement efforts.
3. **Project Website** – Halff will create and maintain a website throughout the duration of the project. The website is to serve as an informational hub to host documents, surveys, and project-related information. Halff will coordinate with the City's Public Information Office to get final approval on the website before launching. Halff intends for the website to be linked from the City's main website. After the project is completed, the City will have the ability to take over the hosting of domain name for the website, if desired.

C. Pre-Planning and Background Information

1. **Request for Information and Data Collection** – Halff will prepare a Request for Information (RFI) for the City to provide important background data, files, photos, plans, and other pertinent information to the project. The RFI will also include information from City staff documenting progress implementing prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
2. **Background Analysis** – Halff will review and prepare the following to set up a foundation for the planning projects:
 - Prepare associated base maps (GIS files)
 - Review and analyze previous studies, plans, and other documentation (from the City or regional efforts) that may influence, affect, or impact this planning effort

and identify existing recommendations from other sources that may support this planning effort or its post-adoption implementation actions.

3. **Departmental Questionnaires and Meetings** – Halff will prepare and distribute questionnaires to City departments to understand existing conditions and near- and long-term needs. These surveys will also help to create departmental buy-in to the project. As a follow-up to the surveys, Halff will meet with representatives from each of the departments in a one to 1.5 hour meeting. Specific departments will be determined as project kick-off, but could include:
 - City Administration
 - Planning and Development Services
 - Economic Development
 - Finance
 - Emergency Management, Fire, and Police
 - Engineering, Public Works, and Utilities
 - Parks and Recreation
 - Main Street and Tourism
 - Communications
4. **Educational Social Media Campaign** – Halff will prepare three (3) social media posts with the purpose of educating the public about planning, why it is important to them, and how they can get involved. The intent is that these would be released weekly by the City in the weeks leading up to the public open house kick-off. The exact format of these posts will be determined in the PEP.

D. Community Assessment and Population Projections

1. **Report** – Halff will prepare a “State of the City” report as a part of project initiation, in an interim deliverable, to be utilized by all three plans. The report will include:
 - City-wide key issues, threats, and opportunities; growth, land use, and development; natural infrastructure; transportation infrastructure; utility infrastructure; and civic infrastructure.
 - Update to pertinent baseline demographic and socioeconomic data from the U.S. Census Bureau and other sources as may be applicable.
 - Analyze key community trends between the previous plan and this plan update.
 - Economic profile and assessment of Buda, including analysis of the strategic/target areas in the previous EDC plan. This profile and data will be used to guide the development of the three plans.
 - Updated population projections and growth rate. These projections and growth rates are anticipated to be utilized by all three plans, as well as other on-going planning efforts; however, the projections and rates will be finalized after the creation of the Future Land Use map in subsequent phases.

2 | COMMUNITY ENGAGEMENT TASKS

These tasks apply to sections 1-5 of this scope of services.

A. Advisory Committees

1. **Purpose** – The purpose of the advisory committees will be to guide the planning efforts and plan development. The committees will serve as a sounding board to Halff and City staff, while being representative of the community and their desires.
2. **Committee Structure** – This project will be guided by two (2) committees. There should be a City Council representative on each committee who is an active participant. The Council member should have a standing agenda items on the regular City Council agendas to report progress and findings to the rest of the City Council members. There should also be at least one member (non-City Council) who sits on both committees.
 - a. *Comprehensive Plan Committee* – It is recommended this committee be made up of large property owners, large employers, Hays County representative, school district representative, community group representatives, real estate professionals, developers, general residents, and others with an invested interested in Buda’s city-wide growth and development. At critical points in the planning process, the committee will be broken up into two subcommittees to focus on the corridor study and trails.
 - b. *Downtown Plan Committee* – It is recommended this committee be made up of downtown property and business owners, downtown residents, developers, real estate professionals, general residents, and other with an invested interest in downtown Buda.
3. **Meetings** – The committees should meet as follows, with specific dates and times determined with the PEP.
 - a. *Comprehensive Plan Committee* – Six (6) meetings + three (3) trail subcommittee meetings + two (2) trail subcommittee meetings
 - b. *Downtown Plan Committee* – Four (4) meetings

B. Digital Engagement

1. **Social Media** – The PEP will outline the necessary times for social media promotion. The City’s Public Information Office will be expected to utilize existing social media accounts to schedule and boosts posts and advertisements. Halff will create the graphics and content for the posts.
2. **Online Surveys** – Halff will create and administer four (4) online surveys as follows. The surveys will be created using SurveyMonkey. The City will lead the promotion of the surveys through email blasts, mailers, social media. The exact promotion plan will be agreed upon in the PEP.

- a. One (1) Kick-Off/Vision survey at the beginning of the project (related to all three plans)
- b. One (1) additional city-wide survey (related to all three plans)
- c. One (1) Downtown Plan-specific survey for property/business owners
- d. One (1) Corridor Study-specific survey for property/business owners

C. Stakeholder Engagement

2. **Focus Groups** – Halff will conduct focus groups (1 hour sessions) through the first half of the project to learn more about issues and opportunities. The focus groups will be divided into the following categories. City staff will determine the final participants in the PEP. It is preferred that the meetings are small, in-person groups, but can be conducted virtually if needed.
 - a. Eight (8) comprehensive plan meetings: suggested participants include major employers, ISD, real estate and development community, etc.
 - b. Five (5) downtown plan meetings: suggested participants include Chamber of Commerce, arts and culture group, school district, business owners, residents, etc.
 - c. Three (3) corridor study meetings: suggested participants include developers and property owners
 - d. Two (2) trail meetings: suggested participants include park and trails users/groups, etc.
 - e. Two (2) extra stakeholder meeting to use as needed

D. Community Events and Open Houses

1. **Community Events** – Halff will attend up to three (3) community events throughout the duration of the project. The events should be previously scheduled by the City or another community group and not focused on the planning efforts. Events that have booths or the ability for a booth are preferable. Halff will prepare engagement materials and activities for use at the community event to have quick touch points with residents. The specific events and the engagement format will be determined in the PEP.
2. **Open Houses** – Halff will hold four (4) open houses throughout the duration of the project. The specific meeting dates, formats and details will be determined in the PEP. Halff will prepare the necessary materials and activities, while City staff will assist with securing a location, advertising, and staffing the open houses.
 - a. One (1) kick-off/visioning open house – Halff will conduct an open house at the beginning of the project that kicks-off the projects for the community, provides education on planning, and gives the community an opportunity to provide initial vision input for all three projects.
 - b. One (1) comprehensive plan-specific open house – Halff will conduct an open house specific to the comprehensive plan to obtain community feedback on draft strategies.

- c. One (1) downtown plan activation event – Halff will conduct an open house in the downtown area to obtain feedback on how downtown could redevelop. This event can include “tactical activation”, like temporary crosswalks or seating areas.
- d. One (1) corridor study open house – Halff will conduct an open house specific to the corridor study to obtain community feedback on draft strategies.

E. Elected and Appointed Officials

1. **Project Kick-Off** – At the beginning of the process, Halff will meet separately with the Planning & Zoning Commission (P&Z) and City Council.
2. **Joint Meetings** – During the process, Halff will meet with the P&Z and City Council in joint workshop format two (2) times. The specific meetings and topics will be determined in the PEP. Any reoccurring briefings about the project to City Council at regularly scheduled meetings will be handled by City staff.

COMMUNITY ENGAGEMENT SNAPSHOT

- Three (3) community events
- Four (4) open houses
- Four (4) online surveys
- 13 advisory committee and subcommittee meetings
- One (1) project website
- Four (4) meetings with elected and appointed officials
- 20 focus group meetings

3 | COMPREHENSIVE PLAN

PHASE ONE: PLAN ELEMENTS

The following plan elements are proposed based on the plan elements identified in the RFQ. Although all City priorities will be covered in the plan document, various plan elements may be combined into consolidated chapters for ease of use. Final chapter titles and arrangements may vary based on public input and desired strategic directions. The proposed plan element framework will include:

Task 1.1 | Existing Conditions and Population Projections

This task is fulfilled by the creation of the State of the City report in the overall project initiation phase.

Task 1.2 | Vision and Goals

- Halff will collect information from City staff documenting progress implementing the prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
- Halff will confirm and update the community vision and facilitate a set of overarching plan goals based on community engagement and the existing conditions analysis.

Task 1.3 | Future Land Use Plan

Halff will update the future land use map and associated descriptions and create new land use recommendations. The recommendations will align with community input, recent development trends, and industry trends.

Task 1.4 | Economic Development

Halff will utilize the economic profile and analysis (from Task D in the Project Initiation and Management phase) to guide the development of the comprehensive plan elements, including:

- Economic analysis of the updated future land use map
- Strategic target areas for development and recruitment
- Coordination with on-going Target Analysis for incorporation of data and recommendations

Task 1.5 | Infrastructure and Transportation

Halff will provide infrastructure and transportation recommendations that incorporate previous and on-going planning efforts, including:

- Policy guidance

- Mobility plan adjustments to thoroughfare plan to facilitate the new future land use map's relationship with the future street plan

Task 1.6 | Trails Master Plan

As a component of the comprehensive plan, Halff will prepare a trails master plan that includes:

- Trails master plan map with identified corridors and connections
- Short range improvements to meet immediate needs
- Long range improvements to meet population growth and to enhance the trails system
- Opportunities for acquisition of key open space areas, to go along with trail corridors as available
- Trail recommendations

The trails master plan can be prepared and adopted as a chapter in the comprehensive plan or can be prepared and adopted as an update to the parks master plan.

PHASE TWO: DRAFT PLAN

Task 2.1 | Draft Document

For this plan, it is recommended that the existing independent element-based plan format be transitioned to a more contemporary existing city/future city format. This means that all the existing conditions and analysis for all elements will be grouped together, and all the goals, objectives, and actions will be grouped together. The benefit of this is that it allows the more commonly used resources (e.g., the actions) to be consolidated into a single, more usable resource. The content of the recommendations will still be grouped into an organized, topical framework, preliminarily proposed as follows:

- Regional Buda (e.g., identifying Buda interrelationship with the region)
- Mobile Buda (e.g., refining the thoroughfare plan based on land use changes)
- Livable Buda (e.g., future land use, housing, neighborhoods, downtown, and placemaking)
- Natural Buda (e.g., parks, trails, flooding)
- Resilient Buda (e.g., economic resilience)

Task 2.2 | Implementation Program

- Halff will prepare a work program of recommended implementation actions that categorizes actions by implementation types and responsible entities. Action types may include operational changes, capital investments, operational investments, regulations, future studies, etc. Both short-term and long-range actions will be considered.

- Using the recommendations from each plan element, Halff will draft an implementation action plan that details near-, mid-, and long-term prioritization; type of action; and person, group, or entity responsible for implementation.
- Halff will draft a plan implementation and administration program that verifies plan administration and oversight roles and establishes plan monitoring and amendment processes.
- Halff will meet with the Planning & Zoning Commission and City Council, as outlined in the PEP.

PHASE THREE: PLAN ADOPTION

Task 3.1 | Final Document Review

- Halff will prepare the full draft plan for review by City staff. Halff anticipates that staff will distribute the draft to various department leaders for review and provide Halff with consolidated documents in one document. Halff also anticipates two rounds of staff review on the full draft plan.
- Halff will update the full draft plan, by incorporating staff edits, for presentation at Planning & Zoning Commission and City Council workshops by staff.

Task 3.2 | Adoption Meetings

- Halff will prepare the public hearing draft plan for presentation at Planning & Zoning Commission and City Council. It is anticipated that staff will lead the adoption presentations. Halff will provide a PowerPoint, if needed, to summarize the plan and the process.

Task 3.3 | Deliverables

Post-adoption, Halff will transmit to the City document originals and published plans, as described below:

- **Document Originals** – Halff will provide a PDF of the adopted Comprehensive Plan in PDF format for posting on the City’s website. Halff will provide ten (10) full-color, bound copies of the adopted plans. Halff will also provide electronic versions of all original files (Adobe InDesign, JPGs, PowerPoints, Adobe PDF, and ArcGIS files).
- **Additional Copies** – Printing of additional copies beyond those listed above will be considered an Additional Service per **Exhibit ‘B’** of this scope of services.

4 | DOWNTOWN MASTER PLAN*

**Downtown scope and planning process primarily developed and led by Lionheart*

PHASE ONE: EXISTING CONDITIONS AND ANALYSIS

Task 1.1 | Analysis

- Analysis of Baseline Conditions in comparison to the project goals and metrics
- Analysis of Benchmarks and Comparable Projects/Places to inspire and inform potential strategies
- Analysis of Policy and Regulatory Framework to understand previously expressed ideas for the downtown

Task 1.2 | Validation of Vision and Goals

- After analysis of the previous downtown plan, the team will work with the committee and stakeholders to validate the previous master plan goals and direction. This step is important to understanding the feasibility and support for big ideas in the previous plan, such as double-sided activation in the downtown area. The beginning of the stakeholder engagement process should focus on direction for the big ideas because moving into creation of the new recommendations.

PHASE TWO: PLAN ELEMENTS

Task 3.1 | Plan Development

- Alternatives Development to explore a variety of options for improvements in the downtown.
- Prototype and Test Improvements in the form of a 3-D model to evaluate performance from the studio.
- Key Master Plan Schematics to fully describe the direction represented by the recommendations in the Downtown Plan including landscaping, lighting, pedestrian and ADA circulation, decorative pavement, parking, placemaking, signage, wayfinding, drainage, utilities, innovative features and capital improvement program elements.
- Build upon the previous downtown parking study and create more detailed recommendations
- Implementation Roadmap to identify potential phasing considerations, partnerships, and order of magnitude costs.

PHASE THREE: ADOPTION

Task 3.1 | Final Document Review

- Halff will prepare the full draft plan for review by City staff. Halff anticipates that staff will distribute the draft to various department leaders for review and provide Halff with

consolidated documents in one document. Halff also anticipates two rounds of staff review on the full draft plan.

- Halff will update the full draft plan, by incorporating staff edits, for presentation at Planning & Zoning Commission and City Council workshops by staff.

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- Halff will prepare the public hearing draft plan for presentation at Planning & Zoning Commission and City Council. It is anticipated that staff will lead the adoption presentations. Halff will provide a PowerPoint, if needed, to summarize the plan and the process.

Task 3.3 | Deliverables

Post-adoption, Halff will transmit to the City document originals and published plans, as described below:

- **Document Originals** – Halff will provide a PDF of the adopted Downtown Plan in PDF format for posting on the City’s website. Halff will provide ten (10) full-color, bound copies of the adopted plans. Halff will also provide electronic versions of all original files (Adobe InDesign, JPGs, PowerPoints, Adobe PDF, and ArcGIS files).
- **Additional Copies** – Printing of additional copies beyond those listed above will be considered an Additional Service per *Exhibit ‘B’* of this scope of services.

5 | FM 1626 AND FM 926 CORRIDOR STUDY

PHASE ONE: EXISTING CONDITIONS ANALYSIS

Task 1.1 | Existing Conditions Analysis

Halff will review and analyze the following elements of the corridors to gain a better understanding of existing conditions:

- Current development along the corridors
- Overview of utilities (present and future)
- Market conditions
- Regional understanding
- Development code assessment and issue identification
- Assets, constraints, and opportunities
- Potential impacts by others

PHASE TWO: PLAN ELEMENTS

Task 2.1 | Plan Strategies

Halff will develop the following elements as a part of the corridor study. Maps, figures, and rendered graphics will be used as needed to support strategies.

- Vision and concepts for each corridor – the corridor may be divided into sub-sections as needed
- Integration and concurrence of future land use and mobility plans
- Recommendations related to policy, Capital Improvement Programming, and development code

Task 2.2 | Implementation Program

Halff will develop an implementation program as the last element of the corridor study. The program will focus on:

- Action steps
- Timeframes
- Prioritization

PHASE THREE: ADOPTION

Task 3.1 | Final Document Review

- Halff will prepare the full draft plan for review by City staff. Halff anticipates that staff will distribute the draft to various department leaders for review and provide Halff with consolidated documents in one document. Halff also anticipates two rounds of staff review on the full draft plan.
- Halff will update the full draft plan, by incorporating staff edits, for presentation at Planning & Zoning Commission and City Council workshops by staff.

Task 3.2 | Adoption Meetings

- Halff will prepare the public hearing draft plan for presentation at Planning & Zoning Commission and City Council. It is anticipated that staff will lead the adoption presentations. Halff will provide a PowerPoint, if needed, to summarize the plan and the process.

Task 3.3 | Deliverables

Post-adoption, Halff will transmit to the City document originals and published plans, as described below:

- **Document Originals** – Halff will provide a PDF of the adopted Corridor Study in PDF format for posting on the City’s website. Halff will provide ten (10) full-color, bound copies of the adopted plans. Halff will also provide electronic versions of all original files (Adobe InDesign, JPGs, PowerPoints, Adobe PDF, and ArcGIS files).
- **Additional Copies** – Printing of additional copies beyond those listed above will be considered an Additional Service per **Exhibit ‘B’** of this scope of services.

End of Exhibit ‘A’ – Scope of Services

EXHIBIT 'B'
BASIS OF COMPENSATION

Planning Projects – City of Buda, TX

Base Scope of Work – Halff Associates will provide labor and personnel to perform the base services outlined in *Exhibit 'A'* on a lump sum basis. Fees for services will be billed monthly, based on the percentage of work completed, for based on the categories shown below. Direct costs are assumed as a part of the overall budget and will not be expensed or invoiced separately to the City.

1. **Project Initiation and Management - \$47,500**
2. **Community Engagement - \$138,500**
3. **Comprehensive Plan Update - \$135,000**
4. **Downtown Master Plan - \$108,000**
5. **FM 1626 and FM 926 Corridor Study - \$46,000**

TOTAL COST = \$475,000

ADDITIONAL OR CONTINUING SERVICES

During the course or at the conclusion of the project, the City may deem it necessary to schedule more meetings, request further research, or otherwise engage Halff in additional work efforts or subsequent phases not anticipated at project initiation or as set out in *Exhibit 'A'*. Any such additional services shall be specifically authorized by the City Council, as appropriate, and documented through a written amendment to *Exhibit 'A'* or set out as follow up additional phase services. This will include a corresponding modification to the maximum not-to-exceed amount set out in *Exhibit 'B'* and, if necessary, the time of performance as set out in *Exhibit 'C'*.

Halff also offers several potential additional scopes of work which may be considered concurrent or following the comprehensive planning process. These are included in the following pages.

ADDITIONAL MEETINGS

Each additional meeting or visit beyond those described in the scope will require additional fees to accommodate the request. These meetings range from \$1,500 for additional stakeholder meetings that require new visits, \$2,000 for additional public meetings with elected or appointed officials, and \$12,000 for additional open house public meetings not described within the scope of services. If the City desires to have an open house meeting described in this scope of services duplicated on an additional date, the additional meeting will cost \$9,000.

CIP/COMPREHENSIVE PLAN INTEGRATION

As a follow up to the Comprehensive Plan, Halff Associates can prepare an updated capital improvements program to coordinate the location, timing, and financing of capital projects over at least a five (5) year period beginning with the fiscal year following Comprehensive Plan adoption. This additional service will identify specific facility, transportation and other capital projects to be undertaken by the City; and more closely tie capital project prioritization to Comprehensive Plan goals and objectives. This task will generate the following two (2) products:

- **Capital Improvements Program** – A report that documents the process used to generate the Five-year Capital Improvement Plan (CIP). Serves as a procedural template for preparing capital improvement plan updates in subsequent fiscal years. Will include program parameters, project categories, ranking criteria, project prioritization steps, annual CIP timeline, CIP oversight, project nomination, funding options, etc.
- **Five-year Capital Improvement Plan (CIP)** – A list of prioritized capital projects to be included in the City's capital budget for the next five-year period. CIP materials will include project lists (including a supplementary list of unfunded projects not incorporated into the final five-year CIP), project forms, and ranking criteria and matrices in a database format for use by the City during subsequent fiscal years.

In partnership with the City, development of these products may include the following task activities:

- Establish program parameters and project categories.
- Update project ranking criteria, decision-making considerations, scores, and weights.
- Prepare an updated project form template and project ranking database.
- Facilitate a project prioritization process.
- Develop a realistic financial plan that includes both the anticipated available funding resources and the anticipated project cost for all prioritized projects.
- Meetings with a Capital Improvement Advisory Committee at key points during the process.

UNIFIED DEVELOPMENT CODE AMENDMENTS

As a follow up to the Comprehensive Plan, Halff Associates can assist City staff in drafting amendments or re-writing of the Unified Development Code (UDC) as part of the Implementation Action Plan of the Comprehensive Plan. In many cases, the adoption of a Comprehensive Plan (and a new or revised community vision for the future) provides the right momentum and opportunity to update the City's regulations. Moreover, while the state does not require a Comprehensive Plan, it does require a municipality's zoning regulations to be adopted in accordance with the Comprehensive Plan (§ 211.004, *Compliance with Comprehensive Plan*, of the Tex. Local Gov't. Code). Halff's staff include a long history of developing zoning, subdivision, and other development-related regulations from simple ordinance modifications to preparation of entire unified development codes (UDCs).

Halff can perform the following services related to the UDC amendments at the hourly rates outlined below:

- Provide strategic recommendations and general framework assistance
- Assist with drafting and presenting of the UDC amendments
- Assist with ArcGIS mapping related to the zoning map
- Other tasks related to the UDC amendments, as desired by staff

PRINTING EXPENSES

Printing expenses of additional plan copies (beyond two copies) are not included in base fee in this scope of services. Additional plan copies can be provided at the following rates:

- Letter and Legal/Color (\$0.20/sheet)
- Letter and Legal/B&W (\$0.10/sheet)
- 11x17/Color (\$1.50/sheet)
- 11x17/B&W (\$0.75/sheet)

End of Exhibit 'B' – Basis of Compensation

EXHIBIT 'C' ANTICIPATED SCHEDULE FOR COMPLETION

Planning Projects – City of Buda, TX

Halff expects to perform the base services outlined in *Exhibit 'A'* within 18 calendar months from the date of the notice to proceed, pending further discussion with staff regarding appropriate timing and pace. A project schedule and public engagement plan will be created following the project kick-off meeting, as outlined in this scope of services. As each planning effort is initiated, a more detail schedule will be developed. Schedule adjustments to meet specific City needs can be developed in conjunction with City staff, if deemed necessary. A general schedule 18-month schedule is shown below. It is anticipated the plans will kick-off at the same time but finish at different times. The schedule also builds in a three month buffer for any unforeseen delays.



End of Exhibit 'C' – Anticipated Schedule for Completion



CITY OF BUDA

COMPREHENSIVE PLAN
DOWNTOWN MASTER PLAN
1626/967 CORRIDOR PLAN

SEPTEMBER 6, 2022



TEAM INTRODUCTION



DOWNTOWN PLANNING & DESIGN



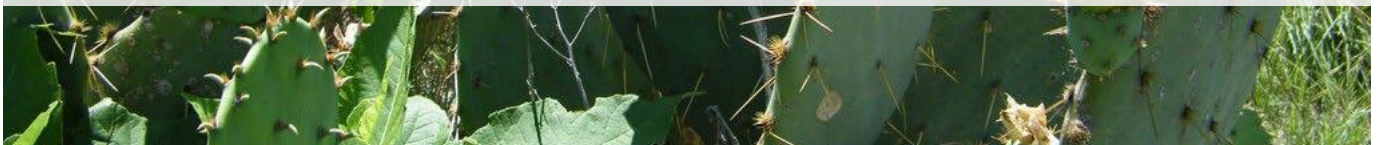
PUBLIC INVOLVEMENT



ECONOMIC ANALYSIS



PARKING & MOBILITY ANALYST



PLANNING FOR A COMPLETE COMMUNITY



QUALITY OF LIFE



FISCALLY RESPONSIBLE



GROWS THE ECONOMIC PIE



MANAGES GROWTH



PROTECTS EXISTING ASSETS



INVESTOR BUY-IN

COMPREHENSIVE PLAN

COMMUNITY PROFILE

VISION AND GOALS

TRAILS MASTER PLAN

FUTURE LAND USE PLAN

ECONOMIC ANALYSIS

FIA OF FUTURE LAND USE

BUDA'S VISION AND IDENTITY

STRATEGIC DEVELOPMENT SITES

TOOLS AND PARTNERSHIPS

DOWNTOWN PLAN

OPEN SPACE AMENITIES

PEOPLE THAT CARE

RETAIL ENVIRONMENT

DISRUPTIVE CORRIDORS

CORRIDOR STUDY

PIVOTAL TIME FOR THE RIGHT DEVELOPMENT

ALIGN LAND USES AND TRAFFIC MOVEMENT

CHARACTER-DEFINING OPPORTUNITIES

INFRASTRUCTURE PRIORITIES

TRAILS PLAN

BUDA MOVES!
PARKS MASTER PLAN

OUTDOOR CAPITAL OF TEXAS

ONION CREEK,
GARLIC CREEK,
DOWNTOWN, EAST BUDA

EMERALD CROWN,
GREAT SPRINGS



LINKING INDEPENDENT VALUES TO ALIGN A UNIFIED VISION





City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-509- #J.3

Contact: Blake Neffendorf

Subject: Deliberation and possible action authorizing the City Manager to execute a Letter of Intent with Arcis Golf related to the wholesale purchase of City reuse water (Assistant Public Works Director Blake Neffendorf) [PUBLIC TESTIMONY]

1. Executive Summary

This Letter on Intent will lay the groundwork to begin negotiating a wholesale agreement for the purchase of reuse water (treated effluent from the wastewater treatment plant) by the Arcis Golf group for use on their golf courses. Arcis is needing a minimum of 0.5 million gallons per day and would like to receive up to 1.25 million gallons per day when available. Currently the City of Buda is discharging on average 1.25 million gallons per day into the Andrews Branch of Plum Creek. Both Staff and Council have expressed a desire to expand the City's reuse program to serve additional areas of the City. The City would finance, design and construct a 2 million gallon per day reuse pump station which will not only serve their needs, but also allow the City to serve additional customers within the City. Arcis would make annual payments to cover the cost of the debt issued by the City related to the Project. Arcis would also be responsible for their proportionate share of the operations and maintenance cost incurred by the City for delivering water to Arcis.

2. Background/History

Arcis approached the City in the fall of 2021 to discuss the possibility of the City supplying them with reuse water for use on their golf courses in southern Travis County. The Onion Creek Country Club originally received a historical Edwards permit from BSEACD to irrigate their golf courses. The City of Austin then provided them reuse water to help supplement their irrigation needs with a requirement that they retire half of their historical Edwards permit from BSEACD to help reduce the impact of pumping on the aquifer. The Halloween flood along Onion Creek in 2013 damaged the wastewater treatment plant beyond repair and the City of Austin decided to divert the wastewater to another plant for treatment. This left the Onion Creek Country Club with an insufficient amount of water for irrigation. They drilled a well into the Trinity aquifer since there was no longer additional historic Edwards water available from BSEACD, but the well does not meet their demands and has resulted in some over pumping of their historical Edwards BSEACD permit. Arcis is seeking a reliable source of water to irrigate their site and to minimize their groundwater pumping needs. Arcis will design and construct a waterline along Old San Antonio Road to connect into their existing infrastructure along FM 1626. The City would set a master meter at the ETJ boundary to measure the

amount of water consumed by Arcis.

3. Staff's review and analysis

Staff has met with representatives from Arcis on several occasions to work out the high level terms that both sides would like to see from the agreement. Several updates have been provided to the Water/Wastewater Steering Committee to seek their direction and input on this Project and the Committee recommended approval of the Letter of Intent at their July 28th meeting.

If approved, the next steps related to this project will be for the City to issue a Request for Qualifications (RFQ) to solicit a design professional to design system improvements to expand the City's reuse system in order to fulfill a future contractual obligation with Arcis and to meet the City's growing reuse customer demand. Approval of the LOI will provide direction to staff to work with Arcis on the creation of a final contract.

4. Financial Impact

Any bonds issued for the design and construction of the 2 million gallon per day reuse pump station would be paid by Arcis. The Council approved \$460,000 in funding in FY2021-22 towards a reuse pump station project, so work can move forward quickly. Connecting additional customers to the reuse system will increase the amount of funds received into the purple pipe fund, which could then self-fund further expansions to the reuse system as the treatment capacity increases over the next decade. This will reduce the amount of capital projects needing to be funded from the wastewater and water funds. Decreased demand from potable water used for irrigation purposes will allow the City to stretch its water supplies out even further and reduce the need to bring on additional (and much more expensive) water in the future.

5. Strategic Plan Goals

EXCEPTIONAL CITY SERVICES WITH A LOW TAX RATE

6. Strategic Plan Objectives

Ensuring a long term water supply for the City

7. Summary/Conclusion

This letter of intent with Arcis appears to be mutually beneficial to both entities and a catalyst for the City to greatly expand the reuse system without impacting the City financially. Selling water to customers that would otherwise be discharged into a stream and reducing the impact to our potable water supplies as the City expands to serve additional customers.

8. Pros and Cons

Pros: Selling a resource that is not being used (discharged downstream). No financial impact with the construction of the 2 million gallon per day reuse pump station.

Cons: Allocating nearly half of the City's current reuse supply to one entity. But as the flow increases to the wastewater treatment plant, the amount available for reuse water will increase as well. This large amount will allow the City to expand the reuse system at no cost.

9. Alternatives

Addition or removal of items within the Letter of Intent

10. Recommendation

Approval of the City Manager to execute the Letter of Intent with Arcis Golf as recommended by the Water/Wastewater Steering Committee

LETTER OF INTENT

This Letter of Intent is approved effective September _____, 2022 by and between Arcis Golf (hereinafter referred to as “Arcis”) with an address of 13727 Noel Rd. #1000, Dallas Texas 75240 and the City of Buda, Texas (hereinafter referred to as (“City”) with an address of 405 E. Loop St. Bldg. 100, Buda, Texas 78610 (collectively referred to as the (“Parties”).

A. Purpose.

The purpose of this Letter of Intent is to provide a term sheet for future negotiations and drafting of a possible Wholesale Wastewater Effluent Agreement documenting the beneficial relationship between Arcis and the City for the purchase of treated wastewater effluent for irrigation of property owned by Arcis. This relationship will be mutually beneficial to both parties as the City wishes to sell effluent and Arcis desires to purchase effluent as a wholesale customer of the City.

B. Non-Binding.

This is not a contract. This Letter of Intent is intended only as a draft term sheet and shall not constitute a binding agreement. Either Party may decide to stop negotiations at any time without any liability to the other Party. Nothing herein shall be construed as creating any binding obligations on the Parties.

C. Proposed Responsibilities of the Parties.

City-

1. The City will sell to Arcis, on a take or pay commitment for a minimum of .5 million gallons/day (MGD). Effluent water sales to Arcis will be limited to a maximum of 1.25 MGD.
2. The City will finance, design, and construct a 2 MGD pump station at a location determined by the Preliminary Engineering Report approved by the City. This pump station will provide effluent to serve the City and Arcis.
3. The City will install a Master Meter to measure Arcis’ usage at City’s current ETJ boundary. The City will be responsible for the annual calibration and replacement of the meter as needed.
4. The wholesale rate charged to Arcis will be based on the repayment of any long-term debt associated with the design and construction of the 2 MGD pump station. It is assumed that the repayment will be based on a minimum 20-year term for the debt. The Term of the agreement will be for 20 years, or for the term of the debt, whichever is longer.

5. The City will be responsible for its proportionate share of the annual operation and maintenance costs associated with the 2 MGD pump station.
6. It is recognized that the City may have to interrupt service if there are problems at the wastewater treatment plant such that the City is unable to deliver effluent to Arcis. The City will provide Arcis with notice of any interruption of service.

Arcis-

1. Arcis will take or pay commitment for a minimum .5 MGD. The daily maximum effluent water sales will be capped at 1.25 MGD.
 2. Arcis will make payments sufficient to cover any long term debt issued by the City for the design and construction of the 2 MGD pump station.
 3. Arcis will construct a 12" effluent water line that will run within the Old San Antonio Road right of way tying into the existing City effluent line and terminating at FM 1626. Arcis will provide the City with use of the line from the tie in point at the corner of Old San Antonio Road and Main Street to the Master Meter at the City's current ETJ boundary. Arcis will install the Master Meter as part of the effluent water line construction. During such construction Arcis will also install service taps at locations identified by the City.
 4. Arcis will be responsible for its proportionate share of the annual operations and maintenance costs associated with the 2 MGD pump station.
 5. Arcis will be responsible for obtaining all permits and approvals for the construction of the 12" effluent water line along Old San Antonio Road.
- D. Permitting Contingency** All obligations contemplated by this Letter of Intent are contingent on Arcis obtaining approvals from the Texas Commission on Environmental Quality (TCEQ) for the pipeline and use of the water at the ponds on the golf course. Additionally, are proposed obligations covered herein are contingent upon the Arcis and the City obtaining Chapter 210 reuse authorizations for the City to provide effluent water to Arcis and for Arcis to be able to sell effluent to others.
- E. Timing.** The Parties intend to resolve all due diligence, permitting, negotiations and drafting so to have a viable Wholesale Wastewater Effluent Agreement on or before January 31, 2023.
- F. Professional Services Fee.** Upon execution of this Letter of Intent, the Parties will negotiate and draft a separate Professional Services Expenses Agreement through which Arcis will deposit with the City twenty-five thousand dollars (\$25,000). These funds will be strictly limited to reimbursing the City for its actual, out-of-pocket professional services

expenses directly and solely related to the project covered by this Letter of Intent. Should the Parties terminate this project prior to completion, the Professional Services Agreement will provide for the refund the balance of any unexpended funds. If the project is completed and a balance remains, under the Professional Services Agreement Arcis will be presented the option of applying for a refund or applying the remainder toward future rate payments.

The Parties hereby agree that the terms set forth above accurately reflect the present intentions of the Parties:

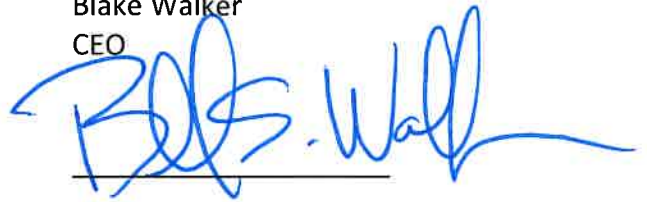
City of Buda:

Micah Grau
City Manager

Date: _____

Arcis Golf LLC:

Blake Walker
CEO



Date: 9/1/22



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2018-299- #J.4

Contact: William Ince

Subject: Deliberation and possible action to consider an ordinance to amend the Code of Ordinance subsection 6.02.051 thru 6.02.552 to adopt the 2021 International Code Council (ICC) and the 2020 National Electric Code (NEC) with appendices (Building Official William Ince and Planning Director Melissa McCollum) [PUBLIC TESTIMONY]

1. Executive Summary

This is an item to discuss updates to the City's building and property maintenance codes and incorporation into the City Code of Ordinances. The City of Buda is currently operating under the 2015 International Code Council (ICC) and the 2014 National Electric Code (NEC). Building codes are adopted by reference, with local amendments as needed.

Buda Fire adopted the 2021 ICC code with amendments in May 2021. The proposed language is in conformance with the Buda Fire amendments.

2. Background/History

Cities in Texas typically adopt the International Code Council (ICC) family of codes. Much like the Unified Development Code (UDC), the ICC codes are designed to work together as a package. There are ICC codes for 2018, but the the 2021 codes fixed most issues identified in the 2018 code. Most cities in the central Texas region are using the 2021 ICC codes.

The International Organization for Standardization (ISO) is involved with building codes as part of its rating systems, using the Building Code Effectiveness Grading Schedule (BCEGS). It assesses the building codes in effect in a particular community and how the community enforces its building codes, with special emphasis on mitigation of losses from natural hazards. The concept is simple: municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that. The prospect of lessening catastrophe-related damage and ultimately lowering insurance costs provides an incentive for communities to enforce their building codes rigorously — especially as they relate to windstorm and earthquake damage. The anticipated upshot: safer buildings, less damage, and lower insured losses from catastrophes.

The BCEGS program assigns each municipality a grade of 1 (exemplary commitment to building code enforcement) to 10. ISO develops advisory rating credits that apply to ranges of BCEGS classifications (1-3, 4-7, 8-9, 10). ISO gives insurers BCEGS classifications, BCEGS advisory credits, and related underwriting information.

Buda is classified as "provisionary" awaiting a audit. These audits happen every six years and Buda is due for auditing in 2023. For reference Buda Fire is rated as a level 1.

3. Staff's review and analysis

Staff worked with Buda Fire to align the adoption and amendments to the ICC codes for 2021. Surrounding cities have already adopted the 2021 ICC codes (Austin and Kyle). This ordinance has been drafted with the city attorney's office throughout the development of the amendment.

4. Financial Impact

Staff does not anticipate substantial financial impact to the City resulting from this transition. The steps and effort required of building permit review and inspections remains substantially unaltered, with the only changes being application of regulations. Most building code trainings have already transitioned to the 2021 codes. Most constructors and architects have already transitioned to the 2021 codes due to their prevalence elsewhere in the region.

The Planning Department is in communication with developers and contractors who are currently in construction and or the development phase of their projects. Residential projects that are under a phased construction will be offered a 90-day extension to update the building plans.

5. Strategic Plan Goals

BALANCED AND MANAGED GROWTH

6. Strategic Plan Objectives

Have and maintain City regulations and processes that support economic development and business investment while protecting Buda's character and charm.

7. Summary/Conclusion

The adoption of the 2021 ICC and 2020 NEC is inline with surrounding jurisdictions and supports the adopted Buda Fire ICC code amendments.

8. Pros and Cons

Pros. Uses the most current 2021 ICC version and helps support Insurance Services Office (ISO) rating. Supports the amendments already adopted by Buda Fire.

Cons: Change

9. Alternatives

Keep the current 2015 ICC codes.

10. Recommendation

Staff recommends the adoption of the ordinance to 2021 International Code Council (ICC) building codes and the 2020 National Electric Code(NEC).

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING DIVISIONS 2-11, ARTICLE 6.02 OF THE CODE OF ORDINANCES; ADOPTING CERTAIN INTERNATIONAL CODES AND MAKING AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Buda, Texas (the “City”) is a home rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Buda is necessary to protect the public health and welfare; and

WHEREAS, the City of Buda deems it necessary to adopt such codes and regulations; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: The Buda Code of Ordinances is hereby amended by deleting Divisions 2-11 of Article 6.02, in their entirety and adopting new Divisions 2-11 of Article 6.02 to read in accordance with Attachment A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in Attachment A.

Section 3: Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is

necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 4: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 5: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

Section 6: Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 7: Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Buda, on this the ____ day of _____, 2022.

APPROVED:

Lee Urbanovsky, Mayor

ATTEST:

(CITY SEAL)

Alicia Ramirez, City Clerk
City of Buda, Texas

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment A

Division 2. Building Code

Sec. 6.02.051 Adopted

The International Building Code, 2021 edition, and appendices A, C, D, G, I, J and K as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.052.

Sec. 6.02.052 Amendments

The International Building Code, 2021 edition and appendices as adopted in section 6.02.051 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Building Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 105.2 is hereby deleted and replaced with the following:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (91219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ration of height to diameter or width is not greater than 2:1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and to the installation of towers and antennas.
3. Temporary testing systems: The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(4) New subsection 107.2.1.1 is hereby added to read as follows:

107.2.1.1. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "licensed professional engineer," "registered professional engineer." "Registered architect" or "certified professional building designer."

(5) New subsections 107.3.4.2 and 107.3.4.3 are hereby added to read as follows:

107.3.4.2. The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering, as applicable.

107.3.4.3. In addition to the state law that requires certain types of buildings to be designed by a registered design professional, privately owned buildings with classifications A, B, F, S, E, H,

M, R-1, R-2, R-4, I and U occupancies shall be designed by registered design professionals. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional or waive requirements.

Exceptions. The following shall not require design by a registered design professional:

1. A new application for a certificate of occupancy, provided the new occupancy is remaining in the same risk category of the previous use or changing to lower risk category from the previous use.
2. A finish-out occupancy with an occupant load under 50 persons for any classification except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
3. Any occupancy under 750 square feet except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
4. A low hazard building classification of S-2 or F-2 under 2,000 square feet.

The above exceptions to the requirements for professionally prepared and sealed plans do not apply to projects which have been rejected by the building official three times. The fourth and all subsequent submittals for such projects shall be designed by registered design professionals and shall bear such registered professional's seal.

(6) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(7) Section 113 is hereby deleted.

(8) Section 903.2.4.2 is hereby deleted and replaced with the following:

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(9) Section 903.2.9.3 is hereby deleted and replaced with the following:

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(10) Section 903.2.10 is hereby deleted and replaced with the following:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:

1. Where a Group S-2 fire area exceeds 18,000 square feet.
Exception: Open parking garages less than < 48,000 square feet.
2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet; or
3. Where enclosed parking garages are located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(11) Section 903.2.11.3 is hereby deleted and replaced with the following:

903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exception: Occupancies in Group F-2 less than < 18,000 square feet.

(12) New subsections 903.2.13 and 903.2.14 are hereby added to read as follows:

903.2.13 Other occupancy classifications. An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having fire area exceeding 18,000 square feet.

903.2.14 Additions and Expansions. Any building constructed after January 1, 2007 that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

(13) Subsection 903.3.1.1.1 is hereby deleted and replaced with the following:

903.3.1.1.1 Exempt Locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Elevator machine rooms, machinery spaces, and hoist ways, other than pits where such

sprinklers would not necessitate shunt trip requirements under any circumstances.

6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the International Building Code.

(14) Section 903.3.1.2 is hereby deleted and replaced with the following:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane.

(15) New subsection 903.3.1.4 is hereby added to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe

(16) Section 907.2.13, Exception 3, is hereby deleted and replaced with the following:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

(17) Section 913.2.1 is hereby deleted and replaced with the following:

913.2.1 Protection of fire pump rooms. Fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour fire barriers constructed in accordance with Section 707 or 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exceptions:

1. In other than high-rise buildings, separation by 1-hour fire barriers constructed in accordance with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711, or both, shall be permitted in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Separation is not required for fire pumps physically separated in accordance with NFPA 20.
3. When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

(18) Subsection 905.8 is hereby deleted and replaced with the following:

905.8 Dry standpipes. Dry standpipes are prohibited unless approved by the fire code official. The fire code official is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(19) Section 1612.3 is hereby deleted and replaced with the following:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for City of Buda, Texas,” dated September 02, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(20) Section 1705.3 Concrete Construction, Exception 1, is hereby deleted and replaced with the following:

Exceptions: Special inspections and test shall not be required for:

1. Isolated spread concrete footings of building additions or supporting poles, monument signs and similar structures where approved by the building official.

(21) Section 1705.3 Concrete Construction, Exceptions 2 and 4, are hereby deleted in their entireties.

(22) Section 1807.2.1 is hereby deleted and replaced with the following:

Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the top of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by the City Engineer of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and shall, at a minimum, include all of the fill area. Any incursion into a retaining wall fill for maintenance and construction of utilities shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. All other incursions are prohibited.

(23) Section 1802.1 is hereby deleted and replaced with the following:

1802.1 Requirements

1. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.
2. Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]
FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION
INSPECTIONS

Project: [Builder Name]
[Project Address]
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

___ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

___ Verify excavations are extended to proper depth and have reached proper material.

___ Perform classification and testing of compacted fill materials.

___ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

___ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

___ Inspection of reinforcing steel, including prestressing tendons, and placement.

___ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

___ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

___ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

___ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

___ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

___ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

___ Verify moisture Barrier is properly installed.

___ Verify that geotechnical report remains valid for cut/fill on site.

___ Joinery details are adequately installed if required by the foundation design.

___ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

___ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPiRC]
[RDPiRC Firm Name]

[RDPiRC Seal]

(24) Sections G104 and G105 of Appendix G are hereby deleted.

Division 3. Energy Conservation Code

Sec. 6.02.101 Adopted

The International Energy Conservation Code, 2021 edition, and all Appendices thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.102.

Sec. 6.02.102 Amendments

The International Energy Conservation Code, 2021 edition and appendices as adopted in section 6.02.101 are hereby amended as follows:

(1) Subsection C101.1 is hereby deleted and replaced with the following:

C101.1 Title. The commercial provisions of the International Energy Conservation Code shall be known as the commercial energy conservation code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Subsection C101.5 is hereby deleted and replaced with the following:

C101.5 Compliance. Residential buildings, except single-family residential construction, shall meet the provisions of the Residential Energy Conservation Code of the City of Buda, Texas. The energy efficiency chapter of the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas applies to single-family residential construction. Commercial buildings shall meet the provisions of the Commercial Energy Conservation Code of the City of Buda, Texas.

(3) Subsection C104.2 is hereby deleted and replaced with the following:

C104.2 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 104.5 is hereby deleted and replaced with the following:

104.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Section 110 is hereby deleted in its entirety.

(6) New subsection C407.4.1.1 is hereby added:

C407.4.1.1. The standard reference design and proposed design shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner) or 77 (Commercial Energy Inspector)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
 - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

(7) Subsection R101.1 is hereby deleted and replaced with the following:

R101.1 Title. The residential provisions of the International Energy Conservation Code shall be known as the Residential Energy Conservation Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(8) Subsection R104.5 is hereby deleted and replaced with the following:

R104.5 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(9) Section R110 is hereby deleted.

Division 4. Fuel Gas Code

Sec. 6.02.151 Adopted

The International Fuel Gas Code, 2021 edition, and Appendices A, B, C and D thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.152.

Sec. 6.02.152 Amendments

The International Fuel Gas Code, 2021 edition and appendices as adopted in section 6.02.151 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Buda, Texas, hereinafter referred to as “this code.”

- (2) Section 103 is hereby deleted.
- (3) New Subsection 106.3.2 is hereby added:

106.3.2 Permits; licensing

- (a) A person applying for a plumbing permit shall be:
 - (1) A State of Texas licensed master plumber; or
 - (2) Exempt under state law from the licensing requirement.
- (b) If applicable, a state licensed master plumber shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.
- (c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.
- (4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

- (6) Subsections 115.2, 115.3, 115.4 and 115.5 are hereby deleted.
- (7) Section 113 is hereby deleted.
- (8) Section 114 is hereby deleted.

Division 5. Mechanical Code

Sec. 6.02.201 Adopted

The International Mechanical Code, 2021 edition, and Appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.202.

Sec. 6.02.202 Amendments

The International Mechanical Code, 2021 edition and appendices as adopted in section 6.02.201 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) New subsection 106.1.3 is hereby added:

106.1.3 Permits; licensing

(a) A person applying for a mechanical permit shall be:

(1) A State of Texas licensed air conditioning and refrigeration contractor; or

(2) Exempt under state law from the licensing requirement.

(b) A state licensed air conditioning and refrigeration contractor shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Section 114 is hereby deleted.

Division 6. Plumbing

Sec. 6.02.281 Adopted

The International Plumbing Code, 2021 edition, and appendices B, C, D, and E thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.282.

Sec. 6.02.282 Amendments

The International Plumbing Code, 2021 edition and appendices as adopted in section 6.02.281 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) New subsection 106.3.3 is hereby added:

106.3.3 Permits; licensing

(a) A person applying for a plumbing permit shall be:

(1) A State of Texas licensed master plumber; or

(2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master plumber shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.5 is hereby deleted and replaced with the following:

109.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Section 114 is hereby deleted.

(7) Subsection 305.4.1 is hereby deleted and replaced with the following:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches below grade.

(8) Subsection 312.10 is hereby deleted and replaced with the following:

312.10 Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with Section 312.10.1 and 312.10.2.

312.10.1 Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable and to ensure compliance with 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

312.10.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44 and to be managed by the applicable water purveyor. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

(9) Subsection 903.1.1 is hereby deleted and replaced with the following:

903.1.1 Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated no less than 12 inches(mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet above the roof.

(10) Chapter 14 is hereby deleted.

Division 7. Property Maintenance Code

Sec. 6.02.331 Adopted

The International Property Maintenance Code, 2021 edition, and appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.332.

Sec. 6.02.332 Amendments

The International Property Maintenance Code, 2021 edition and appendix as adopted in section 6.02.331 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Subsection 102.3 is hereby deleted and replaced with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all codes adopted by the City of Buda, Texas.

(3) Subsection 104.1 is hereby deleted and replaced with the following:

104.1 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 104.2 is hereby deleted and replaced with the following:

104.2 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Sections 107 and 108 are hereby deleted.

(6) Subsection 302.4 is hereby deleted and replaced with the following:

302.4 Weeds.

Premises and exterior property shall be maintained free of weeds and plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter the property in violation and cut and destroy the weeds growing there on, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(7) New Section 302.4a is hereby added to read as follows:

302.4a Maintenance of Abutting Property. It shall be unlawful for the owner of any lot or premises in the city to allow or permit weeds, rubbish or any other unsightly, objectionable, or unsanitary matter of whatever nature to grow, accumulate or remain on the area between the

property line and the curb line of adjacent streets and alleys, and where no curb exists, the area extending to the adjacent street or alley surface.

(A) Exemptions. The following property is exempted from the provisions of this section:

(1) State highway median or right-of-way; and

(2) The cultivation of concentrated wildflowers from April 1st to May 31st of each year in areas where weeds and grasses do not exceed 18 inches in height.

(B) Declaration of Nuisance. Unless otherwise provided, an offense under this section is declared a public nuisance and subject to the penalties provided for in Section 1.01.009 of the Code of Ordinances.

(8) A new subsection 302.7.1 is hereby added to read as follows:

302.7.1 Fences. All fences shall be maintained structurally sound and in good repair. Any of the following conditions shall be constitute a violation of this Code:

1. Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees.

2. Rotted, fire damaged or broken wooden support posts or cross members.

3. Broken, fire damaged or missing wooden slats.

4. Broken or bent metal posts or torn, cut or ripped metal fencing materials.

5. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials.

(9) A new subsection 303.1 is hereby deleted and replaced with the following:

303.1 Swimming pools, spas and hot tubs. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

(10) Subsection 304.14 is hereby deleted

(11) New Subsection 308.4 is hereby added to provide as follows:

308.4 Notice; removal or correction by city.

(a) Should any owner of a lot or parcel of real property that has places thereon where stagnant water may accumulate or which are not properly drained, or should any owner of any premises upon or building in which carrion, filth or other impure, or unwholesome matter may be, fail to drain or fill such hole or place in which water may accumulate or fail to remove such carrion,

filth, or other impure or unwholesome matter, or fail to remove such rubbish, as the case may be, within ten (10) days after notice to said owner to do so, the city may do such draining, filling or removal, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or other parcel of real property or real estate, and if such work is done or improvements made at the expense of the city, such expense or expenses shall be assessed on such real property upon which such expense was incurred.

(b) Should any owner of any lot or parcel of real property within the city, who shall allow weeds to grow or accumulate thereon, fail to cut down and/or remove such weeds, within ten (10) days after notice to said owner to do so, the city may do such cutting down and/or removing of such weeds, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or parcel of real property or real estate, and if such work is done or improvements made at the expense of the city then such expense shall be assessed on such real property upon which such expense was incurred.

(c) Such notice referenced above shall be given:

(1) Personally, to the owner in writing.

(2) By letter addressed to the owner at the owner's address as recorded in the appraisal district's records; or

(3) If personal service cannot be obtained, notice may be given by:

(A) Publication at least once.

(B) Posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(4) If a municipality mails a notice to a property owner in accordance with this subsection (b) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(d) Annual notice. After a property owner has been given one (1) notice of violation on a lot, tract, or parcel of land, annual notice may be given to the property owner. If the city opts to provide annual notice, such notice shall be mailed to the owner at the address recorded with the appraisal district and posted on the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice in a change of ownership, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.

- (e) Contents of notice. The notice of violation shall at a minimum contain the following:
 - (1) The name of the owner, if known, of the premises proposed to be entered upon by the city;
 - (2) The address or legal description of the premises proposed to be entered upon by the city;
 - (3) The offending conditions existing on the lot, tract or parcel of land;
 - (4) A statement that the recipient has ten (10) days from the date of notice to correct the violation, that if he/she fails to do so, the city will enter the premises and remedy the same, and that the city is entitled to attach a lien to the property to secure payment for services rendered; and
 - (5) A statement that the recipient is entitled to a hearing.
- (f) If annual notice is given, it shall state, in addition to the foregoing, that the city may enter upon the premises to remedy any violation at thirty-day intervals during the year.
- (g) Owner requested work. In the event the owner of any such property requests that the city do such work as is necessary in order to abate or prevent a violation of this article, then such request will negate the requirement for notification of violation by the city, and the city will have the same remedies as hereinafter set forth.
- (h) Exception. Notwithstanding the foregoing provisions, the city may abate, without prior notice, any weeds that have grown to a height of forty-eight (48) inches and are an immediate danger to health, life, or safety of any person. In the event that the city abates weeds pursuant to this subsection, the requirements set forth in the Texas Health and Safety Code for such abatement shall govern.

(12) New Subsection 308.5 is hereby added to provide as follows:

308.5 Filing of statement of city's expenses; lien. The mayor or building official of the city shall file a statement of such expenses incurred under this section, giving the amount of such expenses, and the date on which said work was done or improvements made, with the county clerk, and the city shall have a privileged lien on such lot or other parcel of real property or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Texas Health and Safety Code, chapter 342, which lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(13) New Section 310 is hereby added to provide as follows:

SECTION 310 PROHIBITED LIVING AND RESIDENTIAL USES

Section 310.1 Prohibited use of recreational vehicles and utility equipment. No recreational vehicle or utility equipment shall be used for living, sleeping, or housekeeping purposes. For purposes of this section, a recreational vehicle is defined as a motorized dwelling, travel trailer, boat, or similar vehicle. For purposes of this section, utility equipment is defined as a horse trailer, portable storage unit, or similar equipment.

Section 310.2 Prohibited Conversion of structure. It shall be unlawful for a person to convert a structure into a residence, or use a non-residential structure for residential purposes, without first meeting the requirements of the International Building Code and the adopted Unified Development Code.

(14) Subsection 401.2 is hereby deleted and replaced with the following:

401.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(15) Subsection 501.2 is hereby deleted and replaced with the following:

501.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(16) Subsection 601.2 is hereby deleted and replaced with the following:

601.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(17) Subsection 602.3 is hereby deleted and replaced with the following:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the Plumbing Code of the City of Buda, Texas.

2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(18) Subsection 602.4 is hereby deleted and replaced with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during to maintain a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(19) Subsection 701.2 is hereby deleted and replaced with the following:

701.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

Division 8. Residential Code

Sec. 6.02.381 Adopted

The International Residential Code, 2021 edition, and appendices A, C, D, E G, H, I, J, M, N, P, and T as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.382.

Sec. 6.02.382 Amendments

The International Residential Code, 2021 edition and appendices as adopted in section 6.02.381 are hereby amended as follows:

(1) Subsection R101.1 is hereby deleted and replaced with the following:

R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section R103 is hereby deleted.

(3) Subsection R105.1 is hereby deleted and replaced with the following:

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy classification of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If the

owner is to do the work themselves, then the owner shall provide proof to the building official stating that they own and presently occupy the building as a homestead.

(4) Subsection R105.2 is hereby deleted and replaced with the following:

R105.2. Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.

4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.

2. Portable ventilation appliances.

3. Portable cooling units.

4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of pipes, valves or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(5) New Subsection R105.10 is hereby added:

R105.10 Homestead. A permit shall not be required for work on a homestead, provided the owner provides proof to the building official stating that they owns and presently occupy the existing building as a homestead and certify they will do the work with their own hands; however, in no circumstance shall work create or constitute a danger to life or safety.

(6) Section R106.1 is hereby deleted and replaced with the following:

R106.1. Submittal Documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City's extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City's water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "Licensed Professional Engineer," "Registered Professional Engineer" or "Registered Architect." The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

Exemption: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the reviewing of construction documents is not necessary to obtain compliance with this code

(7) New Subsection R106.6 is hereby added:

R106.6. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and

structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed, and upon completion of the structure, electrical, gas, mechanical, and plumbing systems, a certification that the structure, electrical, gas, mechanical, and plumbing system has been erected in accordance with the requirements of the city's adopted codes. Where the building official relies upon such affidavit, the architect or engineer assures and assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(8) Subsection R108.2 is hereby deleted and replaced with the following:

108.2 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(9) Subsection R108.5 is hereby deleted and replaced with the following:

108.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(10) New subsections R110.1.1 and R110.1.2 are hereby added:

R110.1.1. No certificate of occupancy will be issued until the city has been fully paid all fees and costs that are related to the building or structure. The fees and costs include those related to the infrastructure of the building, such as impact fees and fees for the installation of water meter and water and wastewater connections.

R110.1.2. It is unlawful for a builder, building contractor, or building owner to allow any person to occupy a building until a certificate of occupancy is issued. Occupancy without an active certificate of occupancy will be subject to the penalty provisions of this charter.

(11) Section R112 is hereby deleted.

(12) New Subsection R110.5.1 is hereby added.

R110.5.1 Revocation by failure of Registered Design Professional in Responsible Charge. The building official or designee is also authorized to, in writing, suspend or revoke a certificate of occupancy where the Registered Design Professional in Responsible Charge is required to maintain information in accordance with this ordinance or code and such information is found to be inadequate, incorrect and/or is not provided when requested by the building official.

(13) Subsection R401.2 is hereby deleted and replaced with the following:

R401.2 Requirements

Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.

Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]
FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION
INSPECTIONS

Project: [Builder Name]
[Project Address]
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

___ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

___ Verify excavations are extended to proper depth and have reached proper material.

___ Perform classification and testing of compacted fill materials.

___ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

___ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

___ Inspection of reinforcing steel, including prestressing tendons, and placement.

___ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

___ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

___ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

___ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

___ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

___ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

___ Verify moisture Barrier is properly installed.

___ Verify that geotechnical report remains valid for cut/fill on site.

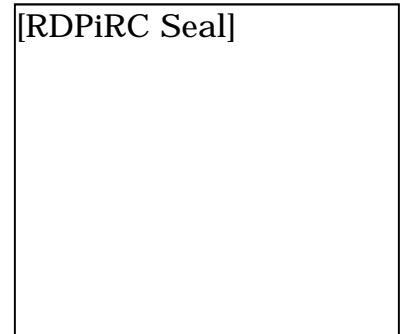
___ Joinery details are adequately installed if required by the foundation design.

___ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

___ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPiRC]
[RDPiRC Firm Name]



After foundation construction, but prior to commencement of framing, the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow for framing of the first floor to occur. Prior to placing any additional load on the slab the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow an additional load to be placed on the slab, including framing above the first floor. In no event shall this be less than 3 days after the foundation was poured.

Post-Tension foundations must be inspected by a Post-Tensioning Institute (PTI) Level 1 or 2 Unbonded PT Inspector prior to placing a load on the slab or commencement of framing. Additionally, the PTI Level 1 or 2 Unbonded PT Inspector must provide foundation design drawings, shipping lists, material certifications, jack certifications, stressing records, and concrete placement records (as described in the Post-Tensioning Institute's Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition) to the City.

Prior to receiving a Certificate of Occupancy, a survey of the final grade elevations around the home demonstrating compliance with the requirements of the adopted International Residential Code (IRC) and verifying positive drainage away from the foundation must be submitted to the building official. The survey shall be sealed by a Professional Engineer or by a Registered Professional Land Surveyor registered in the State of Texas. The methods used to conduct the survey shall be at the discretion of the Registered Design Professional in Responsible Charge.

The Registered Design Professional in Responsible Charge shall maintain all inspection records, testing results, design work, calculations and all relevant supporting documentation for not less than ten (10) years from the date of certification. All records shall be made available at no cost to the building official or his designee at his request.

(14) Subsection R401.4 is hereby deleted and replaced with the following:

Section R401.4 Soil Tests.

Where quantifiable data created by accepted soil science methodologies indicate expansive soils, compressible soils, shifting soils or other questionable soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method. Notwithstanding the foregoing, prior to issuance of a building permit, the owner or applicant shall provide to the building official of the City a soil test (geotechnical investigation) for the residential lot made by a geotechnical engineer licensed to practice in the State of Texas. The soil test shall contain design recommendations. The geotechnical engineer shall determine the location and frequency of borings to accurately assess the design conditions for which the foundation and/or paving are to be designed. Foundation borings should be located in the middle of the residential lot. The applicant or owner shall provide a survey of the lot to the City indicating

the location of the geotechnical investigation. The geotechnical investigation report shall be referenced on the building permit application. In general, for expected uniform subsurface conditions, borings shall not exceed 200-foot centers across a subdivision. However, the maximum spacing shall be reduced as determined by the geotechnical engineer of record. Non-uniform subsurface conditions may require additional borings as determined by the geotechnical engineer.

(15) Subsection R404.4 is hereby deleted and replaced with the following:

Section R404.4 Retaining Walls. Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches (1219 mm) of unbalanced fill, or retaining walls exceeding 24 inches (610 mm) in height that resist lateral loads in addition to soil, shall be designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning. This section shall not apply to foundation walls supporting buildings.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by, the City Engineer of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On residential lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and structures and shall, at a minimum, include all of the fill area. All incursions are prohibited, including but not limited to the planting of trees, except that a fence may be constructed but shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer

licensed to practice in the State of Texas, prior to commencing construction on such incursion. Additionally motor vehicles shall not be parked within the easement.

(16) New Subsection R1004.6 hereby added:

R1004.6 Factory-built fireplace air spaces and chases. No electrical, mechanical, or plumbing, except for the combustion air vent and gas line feed associated with the firebox, shall intrude into the airspace enclosing the firebox or any chase for chimney components associated with the fireplace.

(17) Subsection N1105.4.2 hereby deleted and replaced with the following:

N1105.4.2 (R405.4.2) Compliance report. Compliance software tools shall generate a report that documents that the proposed design complies with Section N1105.3. A compliance report on the proposed design shall be submitted with the application for the building permit. Upon completion of the building, a compliance report based on the as-built condition of the building shall be submitted to the code official before a certificate of occupancy is issued. Batch sampling of buildings to determine energy code compliance for all buildings in the batch shall be prohibited.

Compliance reports shall include information in accordance with sections N1105.4.1 and N1105.4.2. Where the proposed design of a building could be built on different sites where the cardinal orientation of the building on each site is different, compliance of the proposed design for the purposes of the application for the building permit shall be based on the worst-case orientation, worst-case configuration, worst-case building air leakage and worst-case duct leakage. Such worst- case parameters shall be used as inputs to the compliance software for energy analysis. Such reports shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner), 77 (Commercial Energy Inspector), or 79 (Residential Energy Inspector/Plans Examiner)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
 - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

(18) New Subsection N1105.4.2.1 hereby added.

N1105.4.2.1 (R405.4.2.1) Compliance report for permit application. A compliance report submitted with the application for building permit shall include the following:

1. Building Street address, or other building site identification.
2. A statement indicating that the proposed design complies with section N1105.3.
3. An inspection checklist documenting the building component characteristics of the proposed design as indicated in Table N1105.5.2(1). The inspection checklist shall show results for both the standard reference design and the proposed design with user inputs to the compliance software to generate the results.
4. A site-specific energy analysis report that is in compliance with Section N1105.3.
5. The name of the individual performing the analysis and generating the report.
6. The name and version of the compliance software tool.

(19) Subsection G2408.2.1 is hereby deleted and replaced with the following:

G2408.2.1 (305.3.1) Installation in residential garages. In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage. Gas fired appliances installed in open spaces in garages shall pull combustion air directly from the outside per G2407.6.1 (304.6.1). Two-permanent- openings method direct attic openings will not be permitted.

(20) Subsection G2408.3 is hereby deleted and replaced with the following:

G2408.3 (305.5) Private garages. Appliances located in private garages shall be installed with a minimum clearance of 6 feet (1,829 mm) above the floor.

Exception: The requirements of this section shall not apply where the appliances are protected by curbs, tires, bump stops or concrete bollards from motor vehicle impact and installed in accordance with section G2408.2.

(21) Subsection P2503.8.2 is hereby deleted and replaced with the following:

P2503.8.2 Testing. Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

(22) Subsection P2603.5.1 is hereby deleted and replaced with the following:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

(23) Subsection P2903.10 is hereby deleted.

(24) Subsection P2904.1.1 is hereby deleted and replaced with the following:

P2904.1.1 Sprinklers not required. Fire sprinklers are not required in Group R-3, One and Two- Family Dwellings. When sprinklers are installed in Group R-3 dwellings, they shall be installed in accordance with IRC Section P2904 and all applicable referenced standards.

(25) Subsection P3008.1 is hereby deleted and replaced with the following:

P3008.1 General. Fixtures on the first floor of a foundation where the foundation is located at or below the flood level rim of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures located on elevated floors of a building above the flood level rim of the next upstream manhole shall not discharge through the backwater valve. Backwater valves shall be provided with access.

(26) Sections AE104, AE105, AE107, and AE112 of Appendix AE are hereby deleted.

Division 9. Electrical Code

Sec. 6.02.461 Adopted

The National Electrical Code, 2020 edition, and all annexes thereto, as published by the National Fire Protection Association, Inc. is hereby adopted and made a part of this chapter, except as amended in section 6.02.462.

Sec. 6.02.462 Amendments

The National Electrical Code, 2020 edition as adopted in section 6.02.461 is hereby amended as follows:

(1) Article 90.4 is hereby deleted and replaced with the following:

This Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations, including signaling and communications systems, and for use by insurance inspectors. The authority having jurisdiction for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.

By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use

of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.

Permits; licensing

(a) A person applying for an electrical permit shall be:

- (1) A State of Texas licensed master electrician; or
- (2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master electrician shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(d) The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(e) No portion of any fee collected under this article shall be returned after a permit has been issued.

(f) Certificate of Occupancy

Permanent power shall not be released until a certificate of occupancy or temporary certificate of occupancy has been issued under the conditions as set forth in the City's Unified Development Code.

Violations of State and Local Laws will be subject to the established fines of the State as outlined in Chapter 1305, Subchapter G, of the Texas Occupations Code (Texas Electrical Safety and Licensing Act).

(3) The exceptions set forth in 230.41 are hereby deleted.

(4) Section 230.43 is hereby deleted and replaced with the following:

230.43 Wiring methods for 600 volts, nominal, or less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- a. Rigid Metallic Conduit (RMC)
- b. Intermediate Metal Conduit (IMC)

- c. Electrical Metallic Tubing (EMT), or
- d. Rigid Nonmetallic Conduit (RNC) will be approved.

A service mast supporting the service drop must be a minimum of 2" diameter and shall be either rigid metallic conduit (RMC) or intermediate metal conduit (IMC). No couplings are to be installed above the roofline. The mast must penetrate a minimum of 18" above the high side of the roof deck. Any mast over 3' in length, measured from the high side of the roof deck, must be properly guyed to relieve the strain of the service drop.

(5) Section 230.70(A)(1) is hereby deleted and replaced with the following:

230.70(A)(1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

Exception: Services disconnecting means over 1200 amps shall be located a maximum of 25 ft. travel distance from the exterior entrance inside a commercial building. Disconnecting means shall be always accessible to the exterior of the building and shall not be located above the first floor of a multi-level building.

(6) Section 240.4(D) is hereby deleted and replaced with the following:

(D) Small Conductors. Unless specifically permitted in 240.4 (E) or (G), the overcurrent protection shall not exceed that required by (D)(1) through (D)(7) after any correction factors for ambient temperature and number of conductors have been applied.

(1) 18 AWG Copper. 7 amperes, provided all the following conditions are met:

(1) Continuous loads do not exceed 5.6 amperes

(2) overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 18 AWG copper wire
- b. Branch rated fuses listed and marked for use with 18 AWG copper wire
- c. Class CC, Class J, or Class T fuses

(2) 16 AWG Copper. 10 amperes, provides all the following conditions are met:

(1) Continuous loads do not exceed 8 amperes.

(2) Overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 16 AWG copper wire

b. Branch rated fuses listed and marked for use with 16 AWG copper wire

c. Class CC, Class J, or Class T fuses

(3) 14 AWG Copper. 15 amperes

(4) 12 AWG copper. 20 amperes

(5) 10 AWG copper. 30 amperes

(7) Section 320.108 is hereby deleted and replaced with the following:

320.108 Equipment grounding conductor. Type AC cable shall provide an adequate path for fault current as required by 250.4(A)(5) or (B)(4) to act as an equipment grounding conductor. In addition, only type AC cable containing an insulated grounding conductor is authorized.

(8) Section 408.36, Exception 1, is hereby deleted and replaced with the following:

408.36 Overcurrent protection.

...

Exception No. 1: A main circuit breaker shall be required in all panelboards used as service equipment. This overcurrent protective device shall be located within or adjacent to the panelboard.

Division 10. Existing Building Code

Sec. 6.02.501 Adopted

The International Existing Building Code, 2021 edition, and appendices A and B as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.502.

Sec. 6.02.502 Amendments

The International Existing Building Code, 2021 edition and appendices as adopted in section 6.02.501 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 106.1 is hereby deleted and replaced with the following:

106.1. Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City’s extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City’s water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional’s seal. The seal shall bear the professional’s name and the legend “Licensed Professional Engineer,” “Registered Professional Engineer” or “Registered Architect.” The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

Exemption: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the reviewing of construction documents is not necessary to obtain compliance with this code

(4) Subsection 108.2 is hereby deleted and replaced with the following:

108.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 108.6 is hereby deleted and replaced with the following:

108.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) New Subsection 111.1.1 is hereby added.

111.1.1 It is unlawful for a building owner or occupant to institute utility service to any non-residential structure or transfer utility service from one account holder to another occupant or tenant until the utility service provider has received a utility release from the City based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

(7) Section 112 is hereby deleted.

(8) Subsections 113.2, 113.3 and 113.4 are hereby deleted.

(9) Section 114 is hereby deleted.

Division 11. Swimming Pool and Spa Code

Sec. 6.02.551 Adopted

The International Swimming Pool and Spa Code, 2021 edition, as published by the International Code Council, Inc. is hereby adopted and made a part of this chapter, except as amended in section 6.02.552.

Sec. 6.02.552 Amended

The International Swimming Pool and Spa Code, 2021 edition as adopted in section 6.02.551 is hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 108.2 is hereby deleted and replaced with the following:

108.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 108.6 is hereby deleted and replaced with the following:

108.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Subsections 113.2, 113.3, 113.4 and 113.5 are hereby deleted.

(6) Section 114 is hereby deleted.

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING DIVISIONS 2-11, ARTICLE 6.02 OF THE CODE OF ORDINANCES; ADOPTING CERTAIN INTERNATIONAL CODES AND MAKING AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Buda, Texas (the “City”) is a home rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Buda is necessary to protect the public health and welfare; and

WHEREAS, the City of Buda deems it necessary to adopt such codes and regulations; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: The Buda Code of Ordinances is hereby amended by deleting Divisions 2-11 of Article 6.02, in their entireties and adopting new Divisions 2-11 of Article 6.02 to read in accordance with Attachment A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in Attachment A.

Section 3: Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is

necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 4: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 5: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

Section 6: Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 7: Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Buda, on this the ____ day of _____, 2022.

APPROVED:

Lee Urbanovsky, Mayor

ATTEST:

(CITY SEAL)

Alicia Ramirez, City Clerk
City of Buda, Texas

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment A

Division 2. Building Code

Sec. 6.02.051 Adopted

The International Building Code, 2021 edition, and appendices A, C, D, G, I, J and K as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.052.

Sec. 6.02.052 Amendments

The International Building Code, 2021 edition and appendices as adopted in section 6.02.051 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Building Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 105.2 is hereby deleted and replaced with the following:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet (2,134 mm) high.
3. Retaining walls that are not over 4 feet (91,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ration of height to diameter or width is not greater than 2:1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and to the installation of towers and antennas.
3. Temporary testing systems: The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(4) New subsection 107.2.1.1 is hereby added to read as follows:

107.2.1.1. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "licensed professional engineer," "registered professional engineer." "Registered architect" or "certified professional building designer."

(5) New subsections 107.3.4.2 and 107.3.4.3 are hereby added to read as follows:

107.3.4.2. The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering, as applicable.

107.3.4.3. In addition to the state law that requires certain types of buildings to be designed by a registered design professional, privately owned buildings with classifications A, B, F, S, E, H,

M, R-1, R-2, R-4, I and U occupancies shall be designed by registered design professionals. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional or waive requirements.

Exceptions. The following shall not require design by a registered design professional:

1. A new application for a certificate of occupancy, provided the new occupancy is remaining in the same risk category of the previous use or changing to lower risk category from the previous use.
2. A finish-out occupancy with an occupant load under 50 persons for any classification except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
3. Any occupancy under 750 square feet except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
4. A low hazard building classification of S-2 or F-2 under 2,000 square feet.

The above exceptions to the requirements for professionally prepared and sealed plans do not apply to projects which have been rejected by the building official three times. The fourth and all subsequent submittals for such projects shall be designed by registered design professionals and shall bear such registered professional's seal.

(6) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(7) Section 113 is hereby deleted.

(8) Section 903.2.4.2 is hereby deleted and replaced with the following:

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(9) Section 903.2.9.3 is hereby deleted and replaced with the following:

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(10) Section 903.2.10 is hereby deleted and replaced with the following:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:

1. Where a Group S-2 fire area exceeds 18,000 square feet.
Exception: Open parking garages less than < 48,000 square feet.
2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet; or
3. Where enclosed parking garages are located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(11) Section 903.2.11.3 is hereby deleted and replaced with the following:

903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exception: Occupancies in Group F-2 less than < 18,000 square feet.

(12) New subsections 903.2.13 and 903.2.14 are hereby added to read as follows:

903.2.13 Other occupancy classifications. An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having fire area exceeding 18,000 square feet.

903.2.14 Additions and Expansions. Any building constructed after January 1, 2007 that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

(13) Subsection 903.3.1.1.1 is hereby deleted and replaced with the following:

903.3.1.1.1 Exempt Locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Elevator machine rooms, machinery spaces, and hoist ways, other than pits where such

sprinklers would not necessitate shunt trip requirements under any circumstances.

6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the International Building Code.

(14) Section 903.3.1.2 is hereby deleted and replaced with the following:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane.

(15) New subsection 903.3.1.4 is hereby added to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe

(16) Section 907.2.13, Exception 3, is hereby deleted and replaced with the following:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

(17) Section 913.2.1 is hereby deleted and replaced with the following:

913.2.1 Protection of fire pump rooms. Fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour fire barriers constructed in accordance with Section 707 or 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exceptions:

1. In other than high-rise buildings, separation by 1-hour fire barriers constructed in accordance with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711, or both, shall be permitted in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Separation is not required for fire pumps physically separated in accordance with NFPA 20.
3. When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

(18) Subsection 905.8 is hereby deleted and replaced with the following:

905.8 Dry standpipes. Dry standpipes are prohibited unless approved by the fire code official. The fire code official is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(19) Section 1612.3 is hereby deleted and replaced with the following:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for City of Buda, Texas,” dated September 02, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(20) Section 1705.3 Concrete Construction, Exception 1, is hereby deleted and replaced with the following:

Exceptions: Special inspections and test shall not be required for:

1. Isolated spread concrete footings of building additions or supporting poles, monument signs and similar structures where approved by the building official.

(21) Section 1705.3 Concrete Construction, Exceptions 2 and 4, are hereby deleted in their entireties.

(22) Section 1807.2.1 is hereby deleted and replaced with the following:

Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the top of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by the City Engineer of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and shall, at a minimum, include all of the fill area. Any incursion into a retaining wall fill for maintenance and construction of utilities shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. All other incursions are prohibited.

(23) Section 1802.1 is hereby deleted and replaced with the following:

1802.1 Requirements

1. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.
2. Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]
FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION
INSPECTIONS

Project: [Builder Name]
[Project Address]
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

___ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

___ Verify excavations are extended to proper depth and have reached proper material.

___ Perform classification and testing of compacted fill materials.

___ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

___ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

___ Inspection of reinforcing steel, including prestressing tendons, and placement.

___ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

___ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

___ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

___ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

___ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

___ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

___ Verify moisture Barrier is properly installed.

___ Verify that geotechnical report remains valid for cut/fill on site.

___ Joinery details are adequately installed if required by the foundation design.

___ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

___ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPiRC]
[RDPiRC Firm Name]

[RDPiRC Seal]

(24) Sections G104 and G105 of Appendix G are hereby deleted.

Division 3. Energy Conservation Code

Sec. 6.02.101 Adopted

The International Energy Conservation Code, 2021 edition, and all Appendices thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.102.

Sec. 6.02.102 Amendments

The International Energy Conservation Code, 2021 edition and appendices as adopted in section 6.02.101 are hereby amended as follows:

(1) Subsection C101.1 is hereby deleted and replaced with the following:

C101.1 Title. The commercial provisions of the International Energy Conservation Code shall be known as the commercial energy conservation code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Subsection C101.5 is hereby deleted and replaced with the following:

C101.5 Compliance. Residential buildings, except single-family residential construction, shall meet the provisions of the Residential Energy Conservation Code of the City of Buda, Texas. The energy efficiency chapter of the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas applies to single-family residential construction. Commercial buildings shall meet the provisions of the Commercial Energy Conservation Code of the City of Buda, Texas.

(3) Subsection C104.2 is hereby deleted and replaced with the following:

C104.2 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 104.5 is hereby deleted and replaced with the following:

104.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Section 110 is hereby deleted in its entirety.

(6) New subsection C407.4.1.1 is hereby added:

C407.4.1.1. The standard reference design and proposed design shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner) or 77 (Commercial Energy Inspector)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
 - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

(7) Subsection R101.1 is hereby deleted and replaced with the following:

R101.1 Title. The residential provisions of the International Energy Conservation Code shall be known as the Residential Energy Conservation Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(8) Subsection R104.5 is hereby deleted and replaced with the following:

R104.5 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(9) Section R110 is hereby deleted.

Division 4. Fuel Gas Code

Sec. 6.02.151 Adopted

The International Fuel Gas Code, 2021 edition, and Appendices A, B, C and D thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.152.

Sec. 6.02.152 Amendments

The International Fuel Gas Code, 2021 edition and appendices as adopted in section 6.02.151 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Buda, Texas, hereinafter referred to as “this code.”

- (2) Section 103 is hereby deleted.
- (3) New Subsection 106.3.2 is hereby added:

106.3.2 Permits; licensing

- (a) A person applying for a plumbing permit shall be:
 - (1) A State of Texas licensed master plumber; or
 - (2) Exempt under state law from the licensing requirement.
- (b) If applicable, a state licensed master plumber shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.
- (c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.
- (4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

- (6) Subsections 115.2, 115.3, 115.4 and 115.5 are hereby deleted.
- (7) Section 113 is hereby deleted.
- (8) Section 114 is hereby deleted.

Division 5. Mechanical Code

Sec. 6.02.201 Adopted

The International Mechanical Code, 2021 edition, and Appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.202.

Sec. 6.02.202 Amendments

The International Mechanical Code, 2021 edition and appendices as adopted in section 6.02.201 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) New subsection 106.1.3 is hereby added:

106.1.3 Permits; licensing

(a) A person applying for a mechanical permit shall be:

(1) A State of Texas licensed air conditioning and refrigeration contractor; or

(2) Exempt under state law from the licensing requirement.

(b) A state licensed air conditioning and refrigeration contractor shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.6 is hereby deleted and replaced with the following:

109.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Section 114 is hereby deleted.

Division 6. Plumbing

Sec. 6.02.281 Adopted

The International Plumbing Code, 2021 edition, and appendices B, C, D, and E thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.282.

Sec. 6.02.282 Amendments

The International Plumbing Code, 2021 edition and appendices as adopted in section 6.02.281 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) New subsection 106.3.3 is hereby added:

106.3.3 Permits; licensing

(a) A person applying for a plumbing permit shall be:

(1) A State of Texas licensed master plumber; or

(2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master plumber shall register with the City in accordance with the city’s registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

109.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.5 is hereby deleted and replaced with the following:

109.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Section 114 is hereby deleted.

(7) Subsection 305.4.1 is hereby deleted and replaced with the following:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches below grade.

(8) Subsection 312.10 is hereby deleted and replaced with the following:

312.10 Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with Section 312.10.1 and 312.10.2.

312.10.1 Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable and to ensure compliance with 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

312.10.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44 and to be managed by the applicable water purveyor. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

(9) Subsection 903.1.1 is hereby deleted and replaced with the following:

903.1.1 Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated no less than 12 inches(mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet above the roof.

(10) Chapter 14 is hereby deleted.

Division 7. Property Maintenance Code

Sec. 6.02.331 Adopted

The International Property Maintenance Code, 2021 edition, and appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.332.

Sec. 6.02.332 Amendments

The International Property Maintenance Code, 2021 edition and appendix as adopted in section 6.02.331 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Subsection 102.3 is hereby deleted and replaced with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all codes adopted by the City of Buda, Texas.

(3) Subsection 104.1 is hereby deleted and replaced with the following:

104.1 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 104.2 is hereby deleted and replaced with the following:

104.2 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Sections 107 and 108 are hereby deleted.

(6) Subsection 302.4 is hereby deleted and replaced with the following:

302.4 Weeds.

Premises and exterior property shall be maintained free of weeds and plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter the property in violation and cut and destroy the weeds growing there on, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(7) New Section 302.4a is hereby added to read as follows:

302.4a Maintenance of Abutting Property. It shall be unlawful for the owner of any lot or premises in the city to allow or permit weeds, rubbish or any other unsightly, objectionable, or unsanitary matter of whatever nature to grow, accumulate or remain on the area between the

property line and the curb line of adjacent streets and alleys, and where no curb exists, the area extending to the adjacent street or alley surface.

(A) Exemptions. The following property is exempted from the provisions of this section:

(1) State highway median or right-of-way; and

(2) The cultivation of concentrated wildflowers from April 1st to May 31st of each year in areas where weeds and grasses do not exceed 18 inches in height.

(B) Declaration of Nuisance. Unless otherwise provided, an offense under this section is declared a public nuisance and subject to the penalties provided for in Section 1.01.009 of the Code of Ordinances.

(8) A new subsection 302.7.1 is hereby added to read as follows:

302.7.1 Fences. All fences shall be maintained structurally sound and in good repair. Any of the following conditions shall be constitute a violation of this Code:

1. Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees.

2. Rotted, fire damaged or broken wooden support posts or cross members.

3. Broken, fire damaged or missing wooden slats.

4. Broken or bent metal posts or torn, cut or ripped metal fencing materials.

5. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials.

(9) A new subsection 303.1 is hereby deleted and replaced with the following:

303.1 Swimming pools, spas and hot tubs. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

(10) Subsection 304.14 is hereby deleted

(11) New Subsection 308.4 is hereby added to provide as follows:

308.4 Notice; removal or correction by city.

(a) Should any owner of a lot or parcel of real property that has places thereon where stagnant water may accumulate or which are not properly drained, or should any owner of any premises upon or building in which carrion, filth or other impure, or unwholesome matter may be, fail to drain or fill such hole or place in which water may accumulate or fail to remove such carrion,

filth, or other impure or unwholesome matter, or fail to remove such rubbish, as the case may be, within ten (10) days after notice to said owner to do so, the city may do such draining, filling or removal, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or other parcel of real property or real estate, and if such work is done or improvements made at the expense of the city, such expense or expenses shall be assessed on such real property upon which such expense was incurred.

(b) Should any owner of any lot or parcel of real property within the city, who shall allow weeds to grow or accumulate thereon, fail to cut down and/or remove such weeds, within ten (10) days after notice to said owner to do so, the city may do such cutting down and/or removing of such weeds, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or parcel of real property or real estate, and if such work is done or improvements made at the expense of the city then such expense shall be assessed on such real property upon which such expense was incurred.

(c) Such notice referenced above shall be given:

(1) Personally, to the owner in writing.

(2) By letter addressed to the owner at the owner's address as recorded in the appraisal district's records; or

(3) If personal service cannot be obtained, notice may be given by:

(A) Publication at least once.

(B) Posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(4) If a municipality mails a notice to a property owner in accordance with this subsection (b) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(d) Annual notice. After a property owner has been given one (1) notice of violation on a lot, tract, or parcel of land, annual notice may be given to the property owner. If the city opts to provide annual notice, such notice shall be mailed to the owner at the address recorded with the appraisal district and posted on the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice in a change of ownership, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.

- (e) Contents of notice. The notice of violation shall at a minimum contain the following:
 - (1) The name of the owner, if known, of the premises proposed to be entered upon by the city;
 - (2) The address or legal description of the premises proposed to be entered upon by the city;
 - (3) The offending conditions existing on the lot, tract or parcel of land;
 - (4) A statement that the recipient has ten (10) days from the date of notice to correct the violation, that if he/she fails to do so, the city will enter the premises and remedy the same, and that the city is entitled to attach a lien to the property to secure payment for services rendered; and
 - (5) A statement that the recipient is entitled to a hearing.
- (f) If annual notice is given, it shall state, in addition to the foregoing, that the city may enter upon the premises to remedy any violation at thirty-day intervals during the year.
- (g) Owner requested work. In the event the owner of any such property requests that the city do such work as is necessary in order to abate or prevent a violation of this article, then such request will negate the requirement for notification of violation by the city, and the city will have the same remedies as hereinafter set forth.
- (h) Exception. Notwithstanding the foregoing provisions, the city may abate, without prior notice, any weeds that have grown to a height of forty-eight (48) inches and are an immediate danger to health, life, or safety of any person. In the event that the city abates weeds pursuant to this subsection, the requirements set forth in the Texas Health and Safety Code for such abatement shall govern.

(12) New Subsection 308.5 is hereby added to provide as follows:

308.5 Filing of statement of city's expenses; lien. The mayor or building official of the city shall file a statement of such expenses incurred under this section, giving the amount of such expenses, and the date on which said work was done or improvements made, with the county clerk, and the city shall have a privileged lien on such lot or other parcel of real property or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Texas Health and Safety Code, chapter 342, which lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(13) New Section 310 is hereby added to provide as follows:

SECTION 310 PROHIBITED LIVING AND RESIDENTIAL USES

Section 310.1 Prohibited use of recreational vehicles and utility equipment. No recreational vehicle or utility equipment shall be used for living, sleeping, or housekeeping purposes. For purposes of this section, a recreational vehicle is defined as a motorized dwelling, travel trailer, boat, or similar vehicle. For purposes of this section, utility equipment is defined as a horse trailer, portable storage unit, or similar equipment.

Section 310.2 Prohibited Conversion of structure. It shall be unlawful for a person to convert a structure into a residence, or use a non-residential structure for residential purposes, without first meeting the requirements of the International Building Code and the adopted Unified Development Code.

(14) Subsection 401.2 is hereby deleted and replaced with the following:

401.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(15) Subsection 501.2 is hereby deleted and replaced with the following:

501.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(16) Subsection 601.2 is hereby deleted and replaced with the following:

601.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

(17) Subsection 602.3 is hereby deleted and replaced with the following:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the Plumbing Code of the City of Buda, Texas.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(18) Subsection 602.4 is hereby deleted and replaced with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during to maintain a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(19) Subsection 701.2 is hereby deleted and replaced with the following:

701.2 Responsibility. A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

Division 8. Residential Code

Sec. 6.02.381 Adopted

The International Residential Code, 2021 edition, and appendices A, C, D, E G, H, I, J, M, N, P, and T as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.382.

Sec. 6.02.382 Amendments

The International Residential Code, 2021 edition and appendices as adopted in section 6.02.381 are hereby amended as follows:

(1) Subsection R101.1 is hereby deleted and replaced with the following:

R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section R103 is hereby deleted.

(3) Subsection R105.1 is hereby deleted and replaced with the following:

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy classification of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If the

owner is to do the work themselves, then the owner shall provide proof to the building official stating that they own and presently occupy the building as a homestead.

(4) Subsection R105.2 is hereby deleted and replaced with the following:

R105.2. Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.

4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.

2. Portable ventilation appliances.

3. Portable cooling units.

4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of pipes, valves or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(5) New Subsection R105.10 is hereby added:

R105.10 Homestead. A permit shall not be required for work on a homestead, provided the owner provides proof to the building official stating that they owns and presently occupy the existing building as a homestead and certify they will do the work with their own hands; however, in no circumstance shall work create or constitute a danger to life or safety.

(6) Section R106.1 is hereby deleted and replaced with the following:

R106.1. Submittal Documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City’s extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City’s water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional’s seal. The seal shall bear the professional’s name and the legend “Licensed Professional Engineer,” “Registered Professional Engineer” or “Registered Architect.” The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

Exemption: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the reviewing of construction documents is not necessary to obtain compliance with this code

(7) New Subsection R106.6 is hereby added:

R106.6. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and

structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed, and upon completion of the structure, electrical, gas, mechanical, and plumbing systems, a certification that the structure, electrical, gas, mechanical, and plumbing system has been erected in accordance with the requirements of the city's adopted codes. Where the building official relies upon such affidavit, the architect or engineer assures and assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(8) Subsection R108.2 is hereby deleted and replaced with the following:

108.2 Schedule of permit fees. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(9) Subsection R108.5 is hereby deleted and replaced with the following:

108.5 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(10) New subsections R110.1.1 and R110.1.2 are hereby added:

R110.1.1. No certificate of occupancy will be issued until the city has been fully paid all fees and costs that are related to the building or structure. The fees and costs include those related to the infrastructure of the building, such as impact fees and fees for the installation of water meter and water and wastewater connections.

R110.1.2. It is unlawful for a builder, building contractor, or building owner to allow any person to occupy a building until a certificate of occupancy is issued. Occupancy without an active certificate of occupancy will be subject to the penalty provisions of this charter.

(11) Section R112 is hereby deleted.

(12) New Subsection R110.5.1 is hereby added.

R110.5.1 Revocation by failure of Registered Design Professional in Responsible Charge. The building official or designee is also authorized to, in writing, suspend or revoke a certificate of occupancy where the Registered Design Professional in Responsible Charge is required to maintain information in accordance with this ordinance or code and such information is found to be inadequate, incorrect and/or is not provided when requested by the building official.

(13) Subsection R401.2 is hereby deleted and replaced with the following:

R401.2 Requirements

Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.

Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]
FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION
INSPECTIONS

Project: [Builder Name]
[Project Address]
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

___ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

___ Verify excavations are extended to proper depth and have reached proper material.

___ Perform classification and testing of compacted fill materials.

___ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

___ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

___ Inspection of reinforcing steel, including prestressing tendons, and placement.

___ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

___ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

___ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

___ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

___ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

___ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

___ Verify moisture Barrier is properly installed.

___ Verify that geotechnical report remains valid for cut/fill on site.

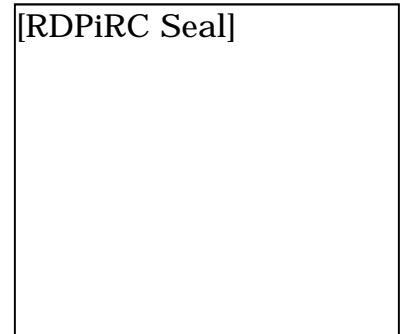
___ Joinery details are adequately installed if required by the foundation design.

___ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

___ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPiRC]
[RDPiRC Firm Name]



After foundation construction, but prior to commencement of framing, the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow for framing of the first floor to occur. Prior to placing any additional load on the slab the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow an additional load to be placed on the slab, including framing above the first floor. In no event shall this be less than 3 days after the foundation was poured.

Post-Tension foundations must be inspected by a Post-Tensioning Institute (PTI) Level 1 or 2 Unbonded PT Inspector prior to placing a load on the slab or commencement of framing. Additionally, the PTI Level 1 or 2 Unbonded PT Inspector must provide foundation design drawings, shipping lists, material certifications, jack certifications, stressing records, and concrete placement records (as described in the Post-Tensioning Institute's Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition) to the City.

Prior to receiving a Certificate of Occupancy, a survey of the final grade elevations around the home demonstrating compliance with the requirements of the adopted International Residential Code (IRC) and verifying positive drainage away from the foundation must be submitted to the building official. The survey shall be sealed by a Professional Engineer or by a Registered Professional Land Surveyor registered in the State of Texas. The methods used to conduct the survey shall be at the discretion of the Registered Design Professional in Responsible Charge.

The Registered Design Professional in Responsible Charge shall maintain all inspection records, testing results, design work, calculations and all relevant supporting documentation for not less than ten (10) years from the date of certification. All records shall be made available at no cost to the building official or his designee at his request.

(14) Subsection R401.4 is hereby deleted and replaced with the following:

Section R401.4 Soil Tests.

Where quantifiable data created by accepted soil science methodologies indicate expansive soils, compressible soils, shifting soils or other questionable soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method. Notwithstanding the foregoing, prior to issuance of a building permit, the owner or applicant shall provide to the building official of the City a soil test (geotechnical investigation) for the residential lot made by a geotechnical engineer licensed to practice in the State of Texas. The soil test shall contain design recommendations. The geotechnical engineer shall determine the location and frequency of borings to accurately assess the design conditions for which the foundation and/or paving are to be designed. Foundation borings should be located in the middle

of the residential lot. The applicant or owner shall provide a survey of the lot to the City indicating the location of the geotechnical investigation. The geotechnical investigation report shall be referenced on the building permit application. In general, for expected uniform subsurface conditions, borings shall not exceed 200-foot centers across a subdivision. However, the maximum spacing shall be reduced as determined by the geotechnical engineer of record. Non-uniform subsurface conditions may require additional borings as determined by the geotechnical engineer.

(15) Subsection R404.4 is hereby deleted and replaced with the following:

Section R404.4 Retaining Walls. Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches (1219 mm) of unbalanced fill, or retaining walls exceeding 24 inches (610 mm) in height that resist lateral loads in addition to soil, shall be designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning. This section shall not apply to foundation walls supporting buildings.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by, the City Engineer of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On residential lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and structures and shall, at a minimum, include all of the fill area. All incursions are prohibited, including but not limited to the planting of trees, except that a fence may be constructed but shall require the submission to,

and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. Additionally motor vehicles shall not be parked within the easement.

(16) New Subsection R1004.6 hereby added:

R1004.6 Factory-built fireplace air spaces and chases. No electrical, mechanical, or plumbing, except for the combustion air vent and gas line feed associated with the firebox, shall intrude into the airspace enclosing the firebox or any chase for chimney components associated with the fireplace.

(17) Subsection N1105.4.2 hereby deleted and replaced with the following:

N1105.4.2 (R405.4.2) Compliance report. Compliance software tools shall generate a report that documents that the proposed design complies with Section N1105.3. A compliance report on the proposed design shall be submitted with the application for the building permit. Upon completion of the building, a compliance report based on the as-built condition of the building shall be submitted to the code official before a certificate of occupancy is issued. Batch sampling of buildings to determine energy code compliance for all buildings in the batch shall be prohibited.

Compliance reports shall include information in accordance with sections N1105.4.1 and N1105.4.2. Where the proposed design of a building could be built on different sites where the cardinal orientation of the building on each site is different, compliance of the proposed design for the purposes of the application for the building permit shall be based on the worst-case orientation, worst-case configuration, worst-case building air leakage and worst-case duct leakage. Such worst- case parameters shall be used as inputs to the compliance software for energy analysis. Such reports shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner), 77 (Commercial Energy Inspector), or 79 (Residential Energy Inspector/Plans Examiner)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
 - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

(18) New Subsection N1105.4.2.1 hereby added.

N1105.4.2.1 (R405.4.2.1) Compliance report for permit application. A compliance report submitted with the application for building permit shall include the following:

1. Building Street address, or other building site identification.
2. A statement indicating that the proposed design complies with section N1105.3.
3. An inspection checklist documenting the building component characteristics of the proposed design as indicated in Table N1105.5.2(1). The inspection checklist shall show results for both the standard reference design and the proposed design with user inputs to the compliance software to generate the results.
4. A site-specific energy analysis report that is in compliance with Section N1105.3.
5. The name of the individual performing the analysis and generating the report.
6. The name and version of the compliance software tool.

(19) Subsection G2408.2.1 is hereby deleted and replaced with the following:

G2408.2.1 (305.3.1) Installation in residential garages. In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage. Gas fired appliances installed in open spaces in garages shall pull combustion air directly from the outside per G2407.6.1 (304.6.1). Two-permanent- openings method direct attic openings will not be permitted.

(20) Subsection G2408.3 is hereby deleted and replaced with the following:

G2408.3 (305.5) Private garages. Appliances located in private garages shall be installed with a minimum clearance of 6 feet (1,829 mm) above the floor.

Exception: The requirements of this section shall not apply where the appliances are protected by curbs, tires, bump stops or concrete bollards from motor vehicle impact and installed in accordance with section G2408.2.

(21) Subsection P2503.8.2 is hereby deleted and replaced with the following:

P2503.8.2 Testing. Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

(22) Subsection P2603.5.1 is hereby deleted and replaced with the following:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

(23) Subsection P2903.10 is hereby deleted.

(24) Subsection P2904.1.1 is hereby deleted and replaced with the following:

P2904.1.1 Sprinklers not required. Fire sprinklers are not required in Group R-3, One and Two- Family Dwellings. When sprinklers are installed in Group R-3 dwellings, they shall be installed in accordance with IRC Section P2904 and all applicable referenced standards.

(25) Subsection P3008.1 is hereby deleted and replaced with the following:

P3008.1 General. Fixtures on the first floor of a foundation where the foundation is located at or below the flood level rim of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures located on elevated floors of a building above the flood level rim of the next upstream manhole shall not discharge through the backwater valve. Backwater valves shall be provided with access.

(26) Sections AE104, AE105, AE107, and AE112 of Appendix AE are hereby deleted.

Division 9. Electrical Code

Sec. 6.02.461 Adopted

The National Electrical Code, 2020 edition, and all annexes thereto, as published by the National Fire Protection Association, Inc. is hereby adopted and made a part of this chapter, except as amended in section 6.02.462.

Sec. 6.02.462 Amendments

The National Electrical Code, 2020 edition as adopted in section 6.02.461 is hereby amended as follows:

(1) Article 90.4 is hereby deleted and replaced with the following:

This Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations, including signaling and communications systems, and for use by insurance inspectors. The authority having jurisdiction for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.

By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use

of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.

Permits; licensing

(a) A person applying for an electrical permit shall be:

- (1) A State of Texas licensed master electrician; or
- (2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master electrician shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(d) The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(e) No portion of any fee collected under this article shall be returned after a permit has been issued.

(f) Certificate of Occupancy

Permanent power shall not be released until a certificate of occupancy or temporary certificate of occupancy has been issued under the conditions as set forth in the City's Unified Development Code.

Violations of State and Local Laws will be subject to the established fines of the State as outlined in Chapter 1305, Subchapter G, of the Texas Occupations Code (Texas Electrical Safety and Licensing Act).

(3) The exceptions set forth in 230.41 are hereby deleted.

(4) Section 230.43 is hereby deleted and replaced with the following:

230.43 Wiring methods for 600 volts, nominal, or less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- a. Rigid Metallic Conduit (RMC)
- b. Intermediate Metal Conduit (IMC)

- c. Electrical Metallic Tubing (EMT), or
- d. Rigid Nonmetallic Conduit (RNC) will be approved.

A service mast supporting the service drop must be a minimum of 2" diameter and shall be either rigid metallic conduit (RMC) or intermediate metal conduit (IMC). No couplings are to be installed above the roofline. The mast must penetrate a minimum of 18" above the high side of the roof deck. Any mast over 3' in length, measured from the high side of the roof deck, must be properly guyed to relieve the strain of the service drop.

(5) Section 230.70(A)(1) is hereby deleted and replaced with the following:

230.70(A)(1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

Exception: Services disconnecting means over 1200 amps shall be located a maximum of 25 ft. travel distance from the exterior entrance inside a commercial building. Disconnecting means shall be always accessible to the exterior of the building and shall not be located above the first floor of a multi-level building.

(6) Section 240.4(D) is hereby deleted and replaced with the following:

(D) Small Conductors. Unless specifically permitted in 240.4 (E) or (G), the overcurrent protection shall not exceed that required by (D)(1) through (D)(7) after any correction factors for ambient temperature and number of conductors have been applied.

(1) 18 AWG Copper. 7 amperes, provided all the following conditions are met:

(1) Continuous loads do not exceed 5.6 amperes

(2) overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 18 AWG copper wire
- b. Branch rated fuses listed and marked for use with 18 AWG copper wire
- c. Class CC, Class J, or Class T fuses

(2) 16 AWG Copper. 10 amperes, provides all the following conditions are met:

(1) Continuous loads do not exceed 8 amperes.

(2) Overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 16 AWG copper wire

b. Branch rated fuses listed and marked for use with 16 AWG copper wire

c. Class CC, Class J, or Class T fuses

(3) 14 AWG Copper. 15 amperes

(4) 12 AWG copper. 20 amperes

(5) 10 AWG copper. 30 amperes

(7) Section 320.108 is hereby deleted and replaced with the following:

320.108 Equipment grounding conductor. Type AC cable shall provide an adequate path for fault current as required by 250.4(A)(5) or (B)(4) to act as an equipment grounding conductor. In addition, only type AC cable containing an insulated grounding conductor is authorized.

(8) Section 408.36, Exception 1, is hereby deleted and replaced with the following:

408.36 Overcurrent protection.

...

Exception No. 1: A main circuit breaker shall be required in all panelboards used as service equipment. This overcurrent protective device shall be located within or adjacent to the panelboard.

Division 10. Existing Building Code

Sec. 6.02.501 Adopted

The International Existing Building Code, 2021 edition, and appendices A and B as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.502.

Sec. 6.02.502 Amendments

The International Existing Building Code, 2021 edition and appendices as adopted in section 6.02.501 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 106.1 is hereby deleted and replaced with the following:

106.1. Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City’s extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City’s water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional’s seal. The seal shall bear the professional’s name and the legend “Licensed Professional Engineer,” “Registered Professional Engineer” or “Registered Architect.” The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

Exemption: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the reviewing of construction documents is not necessary to obtain compliance with this code

(4) Subsection 108.2 is hereby deleted and replaced with the following:

108.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 108.6 is hereby deleted and replaced with the following:

108.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) New Subsection 111.1.1 is hereby added.

111.1.1 It is unlawful for a building owner or occupant to institute utility service to any non-residential structure or transfer utility service from one account holder to another occupant or tenant until the utility service provider has received a utility release from the City based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

(7) Section 112 is hereby deleted.

(8) Subsections 113.2, 113.3 and 113.4 are hereby deleted.

(9) Section 114 is hereby deleted.

Division 11. Swimming Pool and Spa Code

Sec. 6.02.551 Adopted

The International Swimming Pool and Spa Code, 2021 edition, as published by the International Code Council, Inc. is hereby adopted and made a part of this chapter, except as amended in section 6.02.552.

Sec. 6.02.552 Amended

The International Swimming Pool and Spa Code, 2021 edition as adopted in section 6.02.551 is hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section 103 is hereby deleted.

(3) Subsection 108.2 is hereby deleted and replaced with the following:

108.2 Fee schedule. The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 108.6 is hereby deleted and replaced with the following:

108.6 Fee refunds. No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Subsections 113.2, 113.3, 113.4 and 113.5 are hereby deleted.

(6) Section 114 is hereby deleted.

City of Buda Code of Ordinance Section 6.02.051-6.02.552

Modify Sections 6.02.051 thru 6.02.552 to the 2021 International Code Council (ICC) Building Codes and the 2020 National Fire Protection Association (NFPA) Section 70 National Electric Code (NEC)



1

1

2021 ICC/2020 NEC

- International Building Code with appendices A,C,D,G,H,I,J & K, which will include the adopted Buda ESD fire code amendments;
- International Energy Conservation Code with all appendices;
- International Fuel Gas Code with appendices A,B,C & D
- International Mechanical Code with appendices A
- International Plumbing Code with appendices B,C,D & E
- International Property Maintenance Code with appendices A
- International Residential Code with appendices A,C,D,E,G,H,I,J,M,N,P & T
- National Electric Code 2020 version
- International Existing Building Code with appendices A & B
- International Swimming Pool and Spa



2

2

Significant Changes

International Building Code-IBC

- **109.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued
- **903.2.4.2 F-1 Distilled Spirits.** Automatic Sprinkler system required in F-1 involving more than 120 gallons of distilled spirits. Also amended to include S-1
- **903.2.13.** Automatic sprinkler system required in groups B or F-2 exceeding 18,000 sq. ft.
- **903.3.1.2. NFPA 13R in group R occupancies,** 4 stories or 35' to the floor level of the highest story
- **1009.6.3** Wheelchair spaces increase to 30"X52"



3

3

Significant Changes

- **1010.2.8-** Locks to exclude intruders in groups B,E & I-4
- **1802.1 Foundation Requirements.** Registered design Professional in Responsible Charge letterhead

Energy Conservation Code-IECC

- **Table R402.1.3.** Climate Zone 2, ceiling R-value increases from R38 to R49
- **Table C405.4.2(2).** Interior lighting Power Allowances, Space-By-Space Method



4

4

Significant Changes

International Plumbing Code-IPC

- 403.2 Multi User Facility. Exception 5. Separate facilities shall not be required to be designated by sex where single –user toilet rooms are provided in accordance with section 403.1.2

International Residential Code-IRC

R302.2.2 Common Walls. Fire rated on both sides

R302.2 Two-family Dwellings. Wall and floor assemblies have a 1 hour fire rating. Separation shall be provided



5

5

Significant Changes

- Whether a lot line exist between the two dwellings.
- R310.1- Emergency escape and rescue openings required.- Minimum width of 36" into a public way

International Property Maintenance Code-IPMC

- **302.5 Maintenance of Abutting Property.** It shall be unlawful for the owner of any lot or premises in the city to allow or permit weeds, rubbish or any other unsightly, objectionable, or unsanitary matter of whatever nature to grow, accumulate or remain on the area between the property line and the curb line of adjacent streets and alleys, and where no curb exists, the area extending to the adjacent street or alley surface.



6

6

Significant Changes

- (A) Exemptions. The following property is exempted from the provisions of this section:
 - (1) State highway median or right-of-way; and
 - (2) The cultivation of concentrated wildflowers from April 1st to May 31st of each year in areas where weeds and grasses do not exceed 18 inches in height.



7



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-269- #J.5

Contact: Alicia Ramirez

Subject: Deliberation and possible action on two City Boards, Commissions, and Committee composition matters: 1) to accept a Task Force on Aging and Sustainability Commission board member's resignation; and 2) to consider a Task Force on Aging and Sustainability Commission appointment (City Clerk Alicia Ramirez) [PUBLIC TESTIMONY]

1. Executive Summary

The City Council encourages citizens to participate in their city government through the various boards and commissions. The work done by citizens who serve is a vital part of our city government.

On July 20, 2022, SC member Bret Keister tendered his resignation due to work conflicts. Mr. Keister was reappointed in April 2021.

On August 2, Board Liaison Isabel Fernandez informed me that appointee Deepakkumar Patil never responded to the appointment notice on the TfoA. Several attempts have been made to contact but with no success.

2. Background/History

As part of the Council's initiative to develop and establish a consistent appointment process, the Board and Commission appointments were placed on the same appointment schedule.

The City Council appointed a Nomination Committee, consisting of Council members Cummings, Daugereau, and Smith, to review the applications and make their recommendations on the various vacancies.

3. Staff's review and analysis

The duties of each board and commission are outlined in the supplemental report. Several applicants applied for one or more of the City's boards/commissions and committee. Applicant details are also outlined in the supplemental report.

4. Financial Impact

Staff time to coordinate the appointments and advertisement costs at approximately \$1,000 per year.

5. Strategic Plan Goals

OTHER

6. Strategic Plan Objectives

N/A

7. Summary/Conclusion

Staff seeks Council's direction on nominating and appointing members to the various boards and commissions.

8. Pros and Cons

Pros: Council may make their nominations and selections from the roster.

Cons: Council may direct staff to seek additional applications.

9. Alternatives

N/A

10. Recommendation

Staff seeks Council's direction on the Nominations Committee recommendation to appoint a member or members to the various boards and commissions openings.



City Council Agenda Item Report

Date: Tuesday, September 6, 2022

Agenda Item No. 2022-512- #J.6

Contact: Alicia Ramirez

Subject: Deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance declaring the candidate for Councilmember At-Large Position 1, Matt Smith, Unopposed; Declaring Matt Smith, Candidate for Councilmember At-Large Position 1, Elected; Declaring the Candidate for Councilmember Single Member District C, Terry Cummings, Unopposed; Declaring Terry Cummings, Candidate for Councilmember Single Member District C, Elected; Canceling the Election for Councilmember At-Large Position 1 and Councilmember Single Member District C to be held in the City of Buda, Texas, on Tuesday, November 8, 2022, for the purposes of a General Election for electing a Councilmember At-Large Position 1 and Councilmember Single Member District C; repealing all ordinances or parts of ordinances and resolutions or parts of resolutions inconsistent or in conflict herewith; and providing for severability (City Clerk Alicia Ramirez) [PUBLIC TESTIMONY]

1. Executive Summary

The City Council approved the Election Order on August 2, 2022. The deadline to file for candidacy was August 22nd and the deadline for a write-in candidacy was August 26th. One candidate each filed for Councilmember At-Large Position 1 and SMD C; therefore, the positions are unopposed.

2. Background/History

To cancel an election, the City Council must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued "in the same manner and at the same time" as for a candidate elected at an election. Therefore, the candidates, who have been declared "elected" at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing

period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State's Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

3. Staff's review and analysis

The following steps will be scheduled as follows:

1) November 9, 2022 - Certificates of Election are issued and signed for each unopposed candidate.

2) Canvass period is November 11th through November 22th. Canvass is not required for this election.

3) November 15, 2022 - Per the Charter Section 4.06 Taking of Office, each newly elected person to the City Council shall be inducted into office at the next City Council meeting following the canvass of the votes. Since no canvass was required, we will issue the Certificates of Election and the Oath of Office for the unopposed candidates.

4) November 15, 2022 - Election of the Mayor Pro Tem

4. Financial Impact

The budget for the November 2022 election was \$10,000.00. The City is responsible for an administration fee equal to 10% of the City's share of the cost of the election or a minimum of \$75.00.

5. Strategic Plan Goals

OTHER

6. Strategic Plan Objectives

7. Summary/Conclusion

Adoption of an Order cancelling the November 8, 2022 General Election for the unopposed positions - Councilmember At-Large Position 1 and SMD C.

8. Pros and Cons

N/A

9. Alternatives

N/A

10. Recommendation

Adoption of an Order canceling the November 8, 2022 General Election for the unopposed positions - Councilmember At-Large Position 1 and SMD C.

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS DECLARING THE CANDIDATE FOR COUNCILMEMBER AT-LARGE POSITION 1, MATT SMITH, UNOPPOSED; DECLARING MATT SMITH, CANDIDATE FOR COUNCILMEMBER AT-LARGE POSITION 1, ELECTED; DECLARING THE CANDIDATE FOR COUNCILMEMBER SINGLE MEMBER DISTRICT C, TERRY CUMMINGS, UNOPPOSED; DECLARING TERRY CUMMINGS, CANDIDATE FOR COUNCILMEMBER SINGLE MEMBER DISTRICT C, ELECTED CANCELLING THE ELECTION FOR COUNCILMEMBER AT-LARGE POSITION 1 AND COUNCILMEMBER SINGLE MEMBER DISTRICT C TO BE HELD IN THE CITY OF BUDA, TEXAS, ON TUESDAY, NOVEMBER 8, 2022 FOR THE PURPOSES: A) GENERAL ELECTION FOR ELECTING A COUNCILMEMBER AT-LARGE POSITION 1 AND COUNCILMEMBER SINGLE MEMBER DISTRICT C; REPEALING ALL ORDINANCES OR PARTS OR ORDINANCES AND RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Ordinance No. 2022-19 adopted August 2, 2022, a general election was ordered to be held on November 8, 2022, for the purpose of electing Councilmember for At-Large Position 1 and Councilmember Single Member District C; and

WHEREAS, pursuant to said resolutions and state law, the deadline for filing applications for places on the ballot and declarations of write-in candidacy for said elections has expired; and

WHEREAS, the City Council of the City of Buda, Texas, hereby finds and determines that the person whose name is to appear on the ballot in said election is unopposed;

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

Section 1: The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2: The City of Buda, Texas, hereby cancels the general election for Councilmember At-Large Position 1 and Councilmember Single Member District C scheduled to be held on November 8, 2022, in accordance with Section 2.053(a) of the Texas Election Code. The following candidate has been certified as unopposed and is hereby elected as follows:

Candidate	Office Sought
Matt Smith	Councilmember At-Large Position 1
Terry Cummings	Councilmember Single Member District C

Section 3: A copy of this ordinance will be posted on Election Day at each polling place that would have been used in the election.

Section 4: Repeal. All ordinances or parts of ordinances and resolutions or parts of resolutions inconsistent or in conflict herewith are expressly repealed.

Section 5: Severability. If any clause or provision of this ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the ordinance, which shall continue to have full force and effect.

PASSED, APPROVED, AND ADOPTED on first and final reading by an affirmative vote of the City Council of the City of Buda, this 6th day of September, 2022.

THE CITY OF BUDA, TEXAS

/s/ _____
Lee Urbanovsky, Mayor

ATTEST:

/s/ _____
Alicia Ramirez, City Clerk

UNA ORDENANZA SOBRE LA PRIMERA Y ÚLTIMA LECTURA DEL CONSEJO DE LA CIUDAD DE BUDA, TEXAS, DECLARAR EL CANDIDATO DE CONCEJAL PARA EL MIEMBRO DEL CONCEJO EN GENERAL, POSICIÓN 1, MATT SMITH, SIN OPOSICIÓN; DECLARAR MATT SMITH, EL CANDIDATO DE MIEMBRO DEL CONCEJO EN GENERAL, POSICIÓN 1, ELEGIDO; Y DECLARAR EL CANDIDATO DE CONCEJAL PARA EL MIEMBRO DEL CONCEJO, DISTRITO DE UN SOLO-MIEMBRO, DISTRITO C, TERRY CUMMINGS, SIN OPOSICIÓN; DECLARAR TERRY CUMMINGS, EL CANDIDATO DE MIEMBRO DEL CONCEJO, DISTRITO DE UN SOLO-MIEMBRO, DISTRITO C, ELEGIDO; CANCELACIÓN DE LA ELECCIÓN QUE SE CELEBRARÁ EN LA CIUDAD DE BUDA, TEXAS, 8 DE NOVIEMBRE 2022 CON EL PROPÓSITO: A) LA ELECCIÓN DE UN MIEMBRO DEL CONCEJO EN GENERAL, POSICIÓN 1 Y CONCEJAL, DISTRITO DE UN SOLO-MIEMBRO, DISTRITO C; LA DEROGACIÓN DE TODAS LAS ORDENANZAS O PARTES O ORDENANZAS Y RESOLUCIONES O PARTES DE RESOLUCIONES CONTRADICTORIO O EN CONFLICTO CON LA PRESENTE; Y PREVER LA DIVISIBILIDAD

EN TANTO QUE, de conformidad con la ordenanza núm. 2022-19, adoptada el 2 de agosto de 2022, se ordenó que se celebrara una elección general el 8 de noviembre de 2022, con el propósito de elegir al miembro del concejo en general, Posición 1, y al miembro concejo, distrito de un solo-miembro, Distrito C; y

EN TANTO QUE, de conformidad con las resoluciones y las leyes estatales, ha expirado el plazo de presentación de aplicaciones para los lugares en la boleta electoral y las declaraciones de candidatura por escrito para dichas elecciones; y

EN TANTO QUE, el Concejo Municipal de la ciudad de Buda, Texas, encuentra y determina que la persona cuyo nombre debe aparecer en la papeleta en dicha elección no tiene opuestas;

POR LO TANTO, EL CONSEJO DE LA CIUDAD DE BUDA, TEXAS DECRETA:

Sección 1. Los hechos y las recitaciones enunciados en el preámbulo de esta ordenanza se encuentran por la presente son verdaderos y correctos.

Sección 2. La ciudad de Buda, Texas, cancela la elección general por el miembro del concejo en general, posición 1, y el miembro del concejo, distrito de un solo-miembro, distrito C; programada para ser celebrada el 8 de noviembre de 2022 de acuerdo con la sección 2.053 (a) del código electoral de Texas. Los siguientes candidatos han sido certificados como no-opuestos y por la presente son elegidos de la siguiente manera:

Candidato	Cargo al que presenta candidatura
Matt Smith	Miembro del Concejo En General, Posición 1
Terry Cummings	Miembro del Concejo, Distrito de un Solo-Miembro, Distrito C

Sección 3. Se publicará una copia de esta ordenanza el día de las elecciones en cada lugar de votación que se hubiera utilizado en la elección.

Sección 4. Derogación. Todas las ordenanzas o partes de ordenanzas y resoluciones o partes de resoluciones incoherentes o en conflicto con la presente quedan expresamente derogadas.

Sección 5. Divisibilidad. Si alguna cláusula o disposición de esta ordenanza se considerara inexigible por cualquier razón, dicha cláusula o disposición no exigible será cortada de la porción restante de la ordenanza, la cual continuará teniendo plena vigencia y divisibilidad. Si alguna cláusula o disposición de esta ordenanza se considerara inexigible por cualquier razón, dicha cláusula o disposición no exigible será cortada de la porción restante de la ordenanza, que seguirá teniendo plena vigencia y efecto.

PASADO Y APROBADO sobre la primera y última lectura del Consejo de la ciudad de Buda, este 6 día de septiembre, 2022.

SAMPLE ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

The City of Buda, Texas, hereby cancels the election scheduled to be held on
(official name of governing body)
Tuesday, November 8, 2022 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El City of Buda, Texas, por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el Tuesday, November 8, 2022 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidatura</i>)
Matt Smith	Councilmember At-Large Position 1
Terry Cummings	Councilmember Single Member District C

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

President (*Presidente*)

Secretary (*Secretario*)

(seal) (*sello*)

Date of adoption (*Fecha de adopción*)

See reverse side for instructions
Instrucciones en el reverso

Instructions for sample order of cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued “in the same manner and at the same time” as for a candidate elected at an election. Therefore, the candidates, who have been declared “elected” at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State’s Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;

This means:

- In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
- In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para el ejemplo de orden de cancelación:

Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado “en la misma manera y al mismo tiempo” para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados "elegido" en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del período prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*

Esto significa:

- *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
- *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

REQUESTED DATE	COUNCIL MEMBER	REQUESTED ITEM
	Staff	Cancel November 2022 Election
8/2/2022	Davidson	review of the Board and Commission attendance policy, specifically regarding virtual meetings, policy & procedure, etc.
5/17/2022	Horne- Williams	Update on Bradfield restroom
	Staff	Resolution: FM 2001 Roadway Swap
	Staff	TML Delegate appointment
8/2/2022	Urbanovsky	Workshop to consider the downtown parking policy noting per the Unified Development Code (UDC); a prospective buyer must purchase two lots on Austin Street for the building and for the parking lot to comply with UDC.
6/7/2022	Smith	Development Process transparency and requested a full list, including tracking, of all projects as well as a recurring report.
3/30/2022	Staff	Update to Hazard Mitigation Plan
	Staff	HOT Policy Amendment
7/19/2022	Davidson	Designated Review Evaluation
5/17/2022	Staff	Presentation on 2023 Rodeo-George Haehn
	Staff	Human Service Grants - Quarterly Payment
	Exec.Dir.	BEDC Quarterly Updates
	Judge Smith	Annual Municipal Court Update