



**NOTICE OF MEETING OF THE
PLANNING AND ZONING COMMISSION
OF
BUDA, TX
6:30 PM - Tuesday, May 11, 2021
VIDEO CONFERENCE
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Planning & Zoning 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. VIDEO CONFERENCE

Please register to attend the online Meeting - May 11, 2021 at 6:30 PM CDT at:

<https://attendee.gotowebinar.com/register/3714892863741508622> Webinar ID 192-694-195

- After registering, you will receive a confirmation email containing information about joining the meeting.

- Attendees may call in to listen only.

- CALL-IN NUMBER (LONG DISTANCE) +1 (213) 929-4212 - ATTENDEE ID-muted 299-432-444

B. CALL TO ORDER

C. WELCOME AND INTRODUCTION OF NEW COMMISSIONERS

Welcome and introduction of new Commissioners Jurika and Cottrill and reappointment of Commissioners Strother and Altmiller.

D. ROLL CALL

Chair Colin Strother

Vice-Chair Meghan McCarthy

Commissioner Henry Altmiller

Commissioner Jeff Cottrill

Commissioner Virginia Jurika

Commissioner Emily Jones

Commissioner David Nuckels

E. PUBLIC COMMENTS/PUBLIC TESTIMONY

OPPORTUNITY FOR PUBLIC COMMENT OR PUBLIC TESTIMONY:

Public Comment and Public Testimony will be recognized upon the Chairperson's announcement. When recognized, please state your name and address for the record.

An attendee has three options:

1) Access the webinar and use the "raise the hand" feature during the meeting.

2) Complete the online form for Virtual Public Comment / Public Testimony.

3) Use the email option at comments@ci.buda.tx.us. Please include the Council, or which Board/Commission name, and meeting date in subject line.

F. CONSENT AGENDA

F.1. Approval of the minutes of the Regular Planning and Zoning Commission meeting held April 27, 2021.

[Minutes from PZ 4.27.2021.pdf](#)

G. WORKSHOP

G.1. Workshop, discussion and Possible Action regarding possible text amendments to the Unified Development Code

[Workshop SR 05112021 update.pdf](#)

[Citizen ordinance amendments- Comments.pdf](#)

H. REGULAR AGENDA

H.1. Discussion, update and possible action on the Texas 87th Regular Legislative Session and the issues affecting the City of Buda (Deputy City Manager Micah Grau)

[City of Buda - 2020-2021 Legislative Priorities \(Booklet\).pdf](#)

[h1 Legislative Update Memo 4.29.21.pdf](#)

I. PLANNING DIRECTOR'S REPORTS

COVID-19, Developments, Engineering Department, Transportation Mobility and Master Plan, 2014 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Buda Economic Development Corporation (EDC), Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, MFV Ad Hoc Committee, Road Projects, Status-Future Agenda Request (Planning Director Melissa McCollum)

J. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

K. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact City Hall at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission 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 5:00 pm on Friday, May 7, 2021.

/s/_____
Melissa M. McCollum AICP
Director of Planning / Board Liaison



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 meetings may be obtained from the Board Liaison, 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 Board/Commission 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 Board/Commission to allow members of the public to participate and speak to the Board/Commission 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 Board/Commission. 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.

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.



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, May 11, 2021

Agenda Item No. 2021-274- #F.1

Contact: David Fowler

Subject: Approval of the minutes of the Regular Planning and Zoning Commission meeting held April 27, 2021.

- 1. Executive Summary**
- 2. Background/History**
- 3. Staff's review and analysis**
- 4. Financial Impact**
- 5. Summary/Conclusion**
- 6. Pros and Cons**
- 7. Alternatives**
- 8. Recommendation**

CITY OF BUDA
PLANNING AND ZONING COMMISSION REGULAR MEETING
(VIDEO CONFERENCE)
MEETING MINUTES
APRIL 27, 2021 - 6:30 PM.

A. VIDEO CONFERENCE

B. CALL TO ORDER

Chair Strother called the virtual meeting to order at 6:30 PM.

C. ROLL CALL

| | |
|------------------------------|---------|
| Chair Colin Strother | Present |
| Vice-Chair Meghan McCarthy | Present |
| Commissioner Henry Altmiller | Present |
| Commissioner Emily Jones | Present |
| Commissioner David Nuckels | Present |

D. PUBLIC COMMENTS/PUBLIC TESTIMONY

No public comments were made at this meeting.

E. CONSENT AGENDA

E.1. Approval of the minutes from the February 9, 2021 regular Planning and Zoning Commission meeting.

E.2. Consideration and approval of the Final Plat of Carpenter Hill Section 4 Subdivision, being 22.235 +/- acres out of the Phillip J. Allen Survey No. 5 Abstract 1, generally located north of FM 967 and west of Dahlstrom Middle School (FP 20-14) (Senior Planner David Fowler)

E.3. Consideration and approval of the final plat of Doral Academy Subdivision, being 10.00 +/- acres out of the Trinidad Varcinas Survey No. 9, Abstract No. 465, Hays County, Texas, generally located west of Fire Cracker Drive, approximately 1,000 feet north of Overpass Road (FP 21-03) (Senior Planner David Fowler)

E.4. Consideration and approval of the Eden 2 Business Park Subdivision, being 2.397 +/- acres out of the Jacob G. Lentz Survey, Abstract No. 284, Hays County, Texas and addressed as 1435 S. FM 967, Buda, TX 78610 (FP 18-16) (Senior Planner David Fowler)

Item E.1 and E.2 were pulled.

Items E.3. and E.4. were considered together on consent agenda with Commissioner Altmiller's motion, with Vice-Chair McCarthy seconding. That motion carried 5-0.

Commissioner Altmiller requested to pull E.2., Carpenter Hill Section 4, from the consent agenda for deliberation. Senior Planner David Fowler answered several questions regarding the plat. Commissioner Altmiller moved for approval, with Commissioner Jones seconding. The motion passed 5-0.

Item. E.1., minutes, was voted upon separately, with Commissioner Altmiller moving approval and commissioner Jones seconding. The motion carried 5-0.

F. REGULAR AGENDA

F.1. Hold a Public Hearing, deliberation, and possible action in regard to a revised Specific Use Permit (SUP) for Automobile or Other Motorized Vehicle Sales, Equipment Sales, and Outdoor Storage in the Interstate 35 Business (B-3) zoning district for the property known as John Deere Final Plat, Lot 1, City of Buda, Hays County, TX, Being 20.481 acres +/- and addressed as 17301 North Interstate Highway 35, Suite 200, Buda, TX 78610 (SUP 19-01) (Senior Planner David Fowler) [PUBLIC TESTIMONY]

Mr. David Fowler, Senior Planner, presented the case to the Commission. This is a revision of the SUP that was approved in March 2020 for vehicle sales and tractors for John Deere. The revised SUP is because during the start of construction it became aware of the additional pavement needed for equipment sales. For an SUP to be revised it must follow the SUP process. This SUP is for an expansion of the site's paved area to allow for more inventory/ equipment on site. This new paving adds 243,245 square feet of impervious coverage. The surface will be of recycled asphalt/ gravel This pushed the impervious coverage from 17.18% to 44.1%, still well under the 75% allowable. The applicant is also proposing to plant additional shrubs for screening along the neighboring property west of the driveway. Staff recommended approval with the following condition:

1) Completion of the staff engineering review of the revised drainage and water quality designs.

Vice Chair McCarthy moved to approve this the revised SUP with the condition. This was seconded by Commissioner Jones. The motion carried 5-0.

F.2. Hold a Public Hearing, deliberation, and possible action regarding a request to change the zoning from Form District 4 (F4) to Interstate 35 Business (B-3) for Camper Clinic Subdivision, Block A, Lot 1, Hays County, TX, being +/- 22.98 acres and addressed as 15855 S. IH 35, Buda, TX 78610 (Z 20-07) (Senior Planner David Fowler) [PUBLIC TESTIMONY]

F.3 Hold a Public Hearing, deliberation, and possible action regarding a request for a Specific Use Permit (SUP) application for Automobile or Other Motorized Vehicle Sales in the Interstate 35 Business (B-3) Zoning District for Camper Clinic Subdivision, Block A, Lot 1, Hays County, TX, being +/- 22.98 acres and addressed as 15855 S. IH 35, Buda, TX 78610 (SUP 20-02) (Senior Planner David Fowler) [PUBLIC TESTIMONY]

Items F.2 & F.3 were presented together by Senior Planner David Fowler. The zoning change to B-3 and SUP for automobile/vehicle sales is needed for the existing nonconforming site to expand/rebuild. Automobile sales is not allowed within the current F4 zoning district and requires an SUP in B-3. Both the zoning change and SUP are required to allow the applicant to expand and rebuild the site.

The background of this project: The site is 22.99 acres currently in the F4 zoning district, within the Green Meadows-Old Goforth Form-Based overlay node. Rezoning is required/proposed due to inability to expand buildings for a nonconforming use in the current zoning district.

The current F4 zoning, Form District 4 (F4), consists of a mixed-use urban fabric. It may have a wide range of building types, setbacks and street types and can be used to transition from higher to lower intensity development. The intent of Form District 4 (F4) is to reinforce appropriate scale development and encourage uses that are compatible with existing residential and provide a transition from a residential neighborhood to a mixed-use core.”

The proposed B-3 zoning is described as follows “The Interstate-35 Business (B-3) District is intended to provide a location for general retail and commercial activities that serve the entire community and its visitors. Uses may be large in scale and generate substantial traffic, making the Interstate-35 Business (B-3) District only appropriate near Interstate-35 and similar limited-access freeways and tollways.”

Factors to consider when deliberating rezoning are:

- Rezoning and SUP needed to replace and enlarge buildings on site.
- Failure of rezoning means buildings cannot be expanded.
- Use can remain “as-is” if rezoning request denied.
- Proposed use is roughly consistent with intent of Interstate Corridor in comp plan.
- Proposed rezoning contradicts location of property in the Green Meadows/Old Goforth Neighborhood Node in the Buda UDC
- Development under current mixed-use zoning would likely generate more sales and property taxes per acre.
- All other B-3 uses would be permitted if SUP development not completed.

Regarding the Specific Use Permit (SUP): Site plan will expand buildings and develop more of the lot. The overall site plan shows two buildings built for showroom and service purposes. The dealership site will have three vehicular entrances: IH 35 access road (current), East Goforth Road (current) and from FM 2001 (new entrance).

This site plan meets parking requirements, lighting and architectural requirements, Landscaping which includes tree mitigation request and alternative compliance for I-35 frontage landscaping. The Drainage and water quality engineering is not complete and needs completion of review. The Applicant has requested fee in lieu of sidewalk construction along all road frontages.

Alternative compliance is requested for shade trees along I-35 and was prompted by presence of overhead power lines and wastewater easements, in the planned landscape buffer. The alternative compliance will include the same number of trees required and planted the required 40’ maximum but clustered together along the frontage. The landscape buffer areas would still

have groundcover and shrubs. The East Goforth and FM 2001 frontages will be planted per code and no alternative compliance requested for those areas.

Staff recommends the SUP be approved if Zoning is approved. SUP was recommended for approval by staff with final Site Plan conformance and sidewalk placement along FM 2001 and East Goforth. The applicant requested sidewalk fees in lieu, along IH-35 frontage roads, and asked for fee in lieu as well along both East Goforth and FM 2001. The UDC requires sidewalks with development, and fees in lieu, are only offered for the frontage roads of IH-35. UDC requires sidewalks to increase mobility and complete the sidewalk network throughout the City, in accordance with the Transportation Mobility and Master Plan (TMMP).

Graham Moore with Cool Breeze Consultants spoke on behalf of Explore USA/Airstream. This business was recently purchased, and the owners have plans to upgrade and redevelop the site. The new site layout will include 282 full-size RV stalls and 42,146 square feet of building for Airstream and Explore USA. The sidewalk fee waiver request was sought because of concerns regarding sidewalks for East Goforth as the ROW is a roadside ditch/drainage and that to place a sidewalk, they would have to reconstruct drainage underground which would be costly. The applicant requested a sidewalk fee in lieu for all three road frontages.

Commissioners had questions and comments including:

- If the rezone could be approved contingent on the SUP being fulfilled
- Discussion regarding if the rezoning application could be turned into a Planned Development (PD) so that if something happened the zoning would not be set at B-3.
- Concerns regarding on site drainage and if it would flood the convenient store and buildings to the east.
- Is the new driveway off FM 2001 required or desired?
- Concerns about the traffic along FM 2001
- If the zoning were approved to B-3 and the project backed out, could multi-family be built by right?
- Sidewalks are a large part of the future of Buda and that sidewalks along East Goforth and FM 2001 would help build this area up to whole and pedestrian traffic is important. As a part of the Transportation Mobility Master Plan

Staff and the applicant answered these questions, multifamily would not be allowed, and the rezoning could not be conditioned under the current application to B-3. The new driveway off 2001 is sought to better facilitate the expansion of the site.

Commissioner Altmiller moved to approve Item F.2. Rezoning from F4 to B-3. This was seconded by Commissioner Jones. The Motion carried 4-1 with Vice Chair McCarthy voting in opposition.

Commissioner Altmiller moved to approve Item F.3. the Specific Use Permit (SUP) as presented, but to allow the sidewalk fee in lieu along East Goforth and IH-35 and require the sidewalks along FM 2001. Commissioner Nuckels seconded the motion. The motion carried 5-0.

H. PLANNING DIRECTOR'S REPORTS

COVID-19, Developments, Engineering Department, Transportation Mobility and Master Plan, 2014 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, Road Projects, Status-Future Agenda Request (Planning Director Melissa McCollum

Chair Strother asked that the Director's Report be emailed to the commissioners due to the time of the meeting.

I. PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

- Group discussion continuation with City Council and EDC regarding the strategic plan.
- Discussion on Commission ambitions to accomplish i.e. The Comprehensive Plan, UDC amendments
- Creation of a 3-person committee to help apply for Planning awards- draft responses, complete applications.

J. ADJOURNMENT OF PLANNING AND ZONING COMMISSION

Commissioner Nuckels made a motion to adjourn the meeting, with Commissioner Jones seconding the motion. The motion carried 5-0, and the meeting was adjourned at 8:13 PM.

ATTEST:

Melissa McCollum, AICP Planning Director

Recording Secretary



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, May 11, 2021

Agenda Item No. 2021-277- #G.1

Contact: Melissa McCollum

Subject: Workshop, discussion and Possible Action regarding possible text amendments to the Unified Development Code

- 1. Executive Summary**
- 2. Background/History**
- 3. Staff's review and analysis**
- 4. Financial Impact**
- 5. Summary/Conclusion**
- 6. Pros and Cons**
- 7. Alternatives**
- 8. Recommendation**



**Planning and Zoning Commission
Agenda Item Report
May 11, 2021**

**Contact – Melissa McCollum, AICP, Planning Director
512-312-5745 / melissa.mccollum@ci.buda.tx.us**

SUBJECT: WORKSHOP, DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLE TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC).

1. SUMMARY

City Council recently adopted the Unified Development Code (UDC) amendments forwarded from Planning and Zoning Commission except the changes to Subsection 2.09.04 regarding accessory buildings for residential lots over one acre in size.

This is an opportunity to discuss and evaluate potential changes to subsection 2.09.04 for accessory buildings for large 1+ acre residential lots, as well as discuss potential future UDC amendments.

A link to the UDC can be reached here:

[Franklin Buda UDC](#)

2. BACKGROUND

At the City Council meeting of April 20, 2021, Council asked staff to provide additional information regarding the allowance of accessory buildings for residential lots 1+ acres. After the P&Z meeting of March 9, 2021, staff received the attached citizen letter requesting additional allowance for accessory buildings/structures.

City Council approved all UDC amendments but asked Staff and the P&Z commission to reevaluate accessory buildings for large lot residential.

3. CHANGE TO SUBSECTION 2.09.04, ALLOWANCES FOR RESIDENTIAL ACCESSORY STRUCTURES FOR LOTS OVER 1 ACRE

Because many of the city's older large-lot subdivisions are characterized by smaller houses on larger lots, many owners of lots in those neighborhoods have been surprised at the limitation that the total area of all accessory structures on a lot must be 50 percent or less of the ground floor area of the primary structure. To address this issue, Staff originally proposed changes that would allow the total floor area of accessory structures such as garages, barns, and accessory dwelling units to be less than or equal to the total floor area of the primary residential structure of the lot.

However, based on feedback received Staff would like to continue to discuss these revisions and propose the following amendments to both number of accessory structures

as well as building square footage allowance. The redline in the following chart represents staff's recommended change.

SUBSECTION 02.09. ZONING DEVELOPMENT REGULATIONS

02.09.04. ACCESSORY STRUCTURES

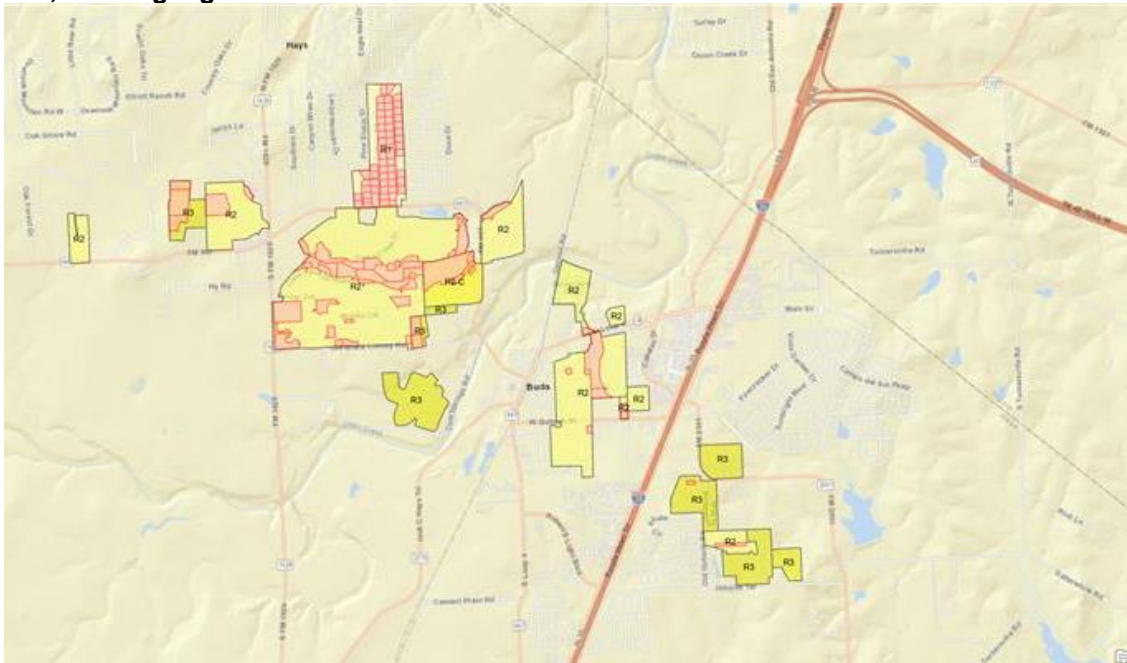
Table 17. Residential Accessory Structure Requirements

| | Lots up to 7,500 sq ft | Lots up to 1 acre | Lots over 1 acre |
|---|--|--|---|
| Maximum Number of Accessory Structures | 2 | 2 | 3-5 |
| Maximum Floor Area of All Accessory Structures Combined | 484 sq ft | 1,000 sq ft | 50% of the ground floor area of the main structure <u>N/A same standards as main building</u> |
| Maximum Height | 18' | 25' | N/A |
| Minimum Front Setback | Behind the front façade of the main building | Behind the front façade of the main building | Behind the front façade of the main building |
| Minimum Side and Rear Setback | 10' if height does not exceed 20'; otherwise same standards as main building | 10' if height does not exceed 20'; otherwise same standards as main building | 10' if height does not exceed 20'; otherwise same standards as main building |

Staff evaluated how many large residential lots are over one acre in the City Limits. GIS analysis reveals there is approximately 117 lots zoned R-1, R-2, R-3, R-4, R-MH, F3, F3H, F4, or F4H that are 1+ acres in size. The total number of residentially zoned lots amounts to 4,416 lots. These large residential lots (1+ acres) roughly amount to 2.65% of the total residential lots.

The following maps show the large residential lots shaded pink that are residentially zoned.

GIS, Pink highlight 1+ acre lots in residential areas



Most of the large residential lots are located in the Oxbow Trails subdivision. Please also note that many of our drainage/parkland areas are also zoned residential districts and show up as being over one acre in size. Additionally, many of our Form District nodes are also part of the above queried zoned districts.

The following tables from 2.07.01 and 2.08.07 show the maximum building coverage allowed for each district.

02.07.01. Residential Dimensional Regulations

| | R-1 | R-2 | R-3 | R-4 | R-MH |
|---|---------|-------|--------------|---------------|-------|
| Minimum Front Yard Setback (ft) | 30 | 20 | 20 | 20 | 20 |
| Minimum Side Yard Setback (Interior/Corner) (ft) | 15/20 | 10/15 | 7.5/10 | 5/10 | 5/10 |
| Minimum Rear Yard Setback (ft) | 25 | 25 | 20 | 10 | 10 |
| Minimum Lot Area (sqft) or Maximum Dwelling Units per Acre | 30,000 | 9,000 | 6,000/8 DUA* | 5,000/12 DUA* | 7,500 |
| Minimum Lot Frontage | 75 | 50 | 35 | 30 | 40 |
| Minimum Lot Width (Interior/Corner) (ft) | 100/105 | 70/75 | 55/60 | 35/40 | 55/60 |
| Minimum Lot Depth (ft) | 200 | 100 | 100 | 90 | N/A |
| Maximum Height (ft) | 35 | 35 | 30 | 30 | 30 |

| | | | | | |
|--------------------------------------|----|----|----|----|----|
| Maximum Building Coverage (%) | 25 | 40 | 50 | 50 | 40 |
| Maximum Impervious Cover (%) | 30 | 50 | 60 | 60 | 45 |

02.08.07. Building Types

B. Single Family Detached (F3, F3H, F4, F4H)

| Lot Dimension | F3 | F3H | F4 | F4H |
|---|---|---|---|---|
| A1. Area (min) | 6000 sf | 10000 sf | 5000 sf | 6000 sf |
| A2. Width – interior lot (min) | 55 ft | 65 ft | 45 ft | 60 ft |
| A2. Width – corner lot (min) | 60 ft | 75 ft | 55ft | 75 ft |
| A3. Depth (min) | 110 ft | 110 ft | 110 ft | 110 ft |
| A4. Building Coverage | 50% | 40% | 60% | 55% |
| A5. Impervious Coverage | 60% | 50% | 70% | 65% |
| Building Setbacks | F3 | F3H | F4 | F4H |
| B1. From primary street (min) | 15 ft | 20 ft* | 10 ft | 15 ft* |
| B2. From side street (min) | 10 ft | 10 ft* | 10 ft | 10 ft* |
| B3. From side lot line (min) | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater |
| B4. From rear lot line (min) | 20 ft | 20 ft | 20 ft | 20 ft |
| * or the average of the setbacks on the block, whichever is greater | | | | |
| Parking Setbacks | F3 | F3H | F4 | F4H |
| C1. From Primary Street (min)* | 30 ft | 30 ft | 50 ft | 50 ft |
| C2. From Side Street (min)* | 15 ft | 15 ft | 15 ft | 15 ft |
| C3. From side lot line (min) | 5 ft, 0 ft if shared with adjacent lot. | | | |

| | | | | |
|--|---------------------|------------|-----------|------------|
| C4. From rear lot line (min) | 5 ft | 5 ft | 5 ft | 5 ft |
| * Parking area must be setback a minimum of 15 ft from the wall of the home on the primary street or a minimum of 5 ft from the wall of the home on the side street. | | | | |
| Build-to Zone | F3 | F3H | F4 | F4H |
| D1. Primary Street (min/max) | B1. /B1. plus 10 ft | | | |
| D2. Building Width in Build-to (min) | 40% | 40% | 70% | 60% |
| Height | F3 | F3H | F4 | F4H |
| E1. All Buildings (max) | 30 ft | 30 ft | 35 ft | 35 ft |
| Pedestrian Access | F3 | F3H | F4 | F4H |
| F1. Main pedestrian entrance must front onto Primary Street | | | | |
| Frontage Types | F3 | F3H | F4 | F4H |
| Common Yard, Porch and Fence | | | | |

Please provide comments or recommendation regarding potential revisions to the allowed accessory buildings.

4. OTHER UDC AMENDMENTS

This workshop is an opportunity for the Commission and Staff to discuss other sought potential UDC amendments.

5. ATTACHMENTS Citizen Request

From: [David Patterson](#)
To: [Comments](#); [Melissa McCollum](#)
Subject: ordinance amendments
Date: Thursday, April 1, 2021 10:01:03 AM

The ordinance amendments for accessory structures in Section 2.09.04 for larger lots (over 1 acre) should be limited to the building coverage of the zoning of the lot.

I purchased my lot in 1980 and built my house on one of the two acres. I have always planned to build a guest house on the other acre. In the meantime, I needed storage so I got two 12'x12' buildings to avoid the building inspection costs of buying one 288 sq.ft. building not knowing about the accessory structure limit. Those of us who bought two acre lots might have the need for a barn, a workshop, a greenhouse, chicken coops, and horse stalls. Limiting accessory buildings to only the square footage of the primary structures would severely limit the size of the accessory building, preventing the property owners from materializing their vision. Please increase the number of accessory buildings from 3 to 5.

Thank you for your consideration.

--

David Patterson
16220 Remuda Trl.
Buda TX. 78610
512-694-7360



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, May 11, 2021

Agenda Item No. 2021-229- #H.1

Contact: Micah Grau

Subject: Discussion, update and possible action on the Texas 87th Regular Legislative Session and the issues affecting the City of Buda (Deputy City Manager Micah Grau)

1. Executive Summary

The 87th Texas Legislature will convene on January 12, 2021, and end on May 31, 2021. Staff will provide an update to the Planning and Zoning Commission on the 87th Legislative Session.

The City Council previously adopted a legislative agenda to provide guidance on which legislative items to support or oppose.

2. Background/History

The 87th Texas Legislature will begin on January 12, 2021. The City of Buda hired Texas Solutions Group to help advance the City's legislative agenda and to provide insights into the legislative session. Texas Solutions Group was selected partly because of their extensive experience in groundwater issues and because of their relationships with key legislators. They also represent the Alliance Regional Water Authority, the San Antonio Water System, and others.

A legislative agenda was adopted in October 2020 to guide the City of Buda's conversations with state officials and to inform the City's stance on particular bills.

The agenda includes the following priorities:

1. Local Control
2. Mobility
3. Revenue
4. Public Safety & Court
5. Health & Wellness
6. Expand Broadband
7. Tourism, Parks & Natural Areas

- 8. Economic Development
- 9. Development
- 10. Housing
- 11. Right of Way
- 12. Flood Prevention

3. Staff's review and analysis

Texas Solutions Group, the City's legislative consultants, identified several topics that they expect will be at the forefront of the session including police funding, social justice, public education, public health, budget, and the economy.

4. Financial Impact

Legislative decisions could have a major impact on Buda if revenue caps, other adjustments to funding sources for cities, or unfunded mandates are passed. The economic downturn has created a budget shortfall for the state that could impact programs and grants for cities.

5. Summary/Conclusion

This agenda item is intended to update the Planning and Zoning Commission on the most recent activities of the Texas Legislature and the potential impacts on Buda.

6. Pros and Cons

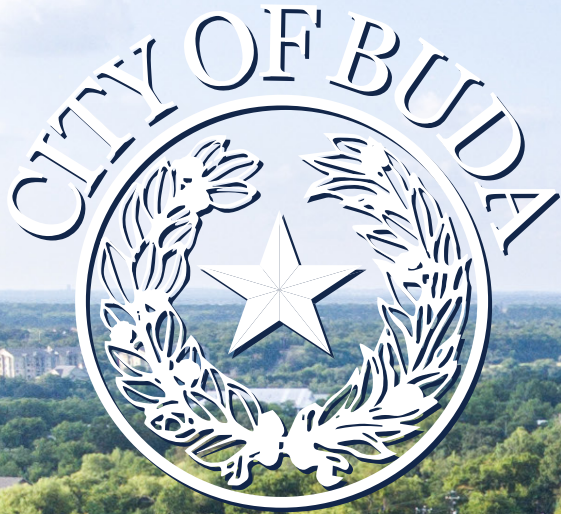
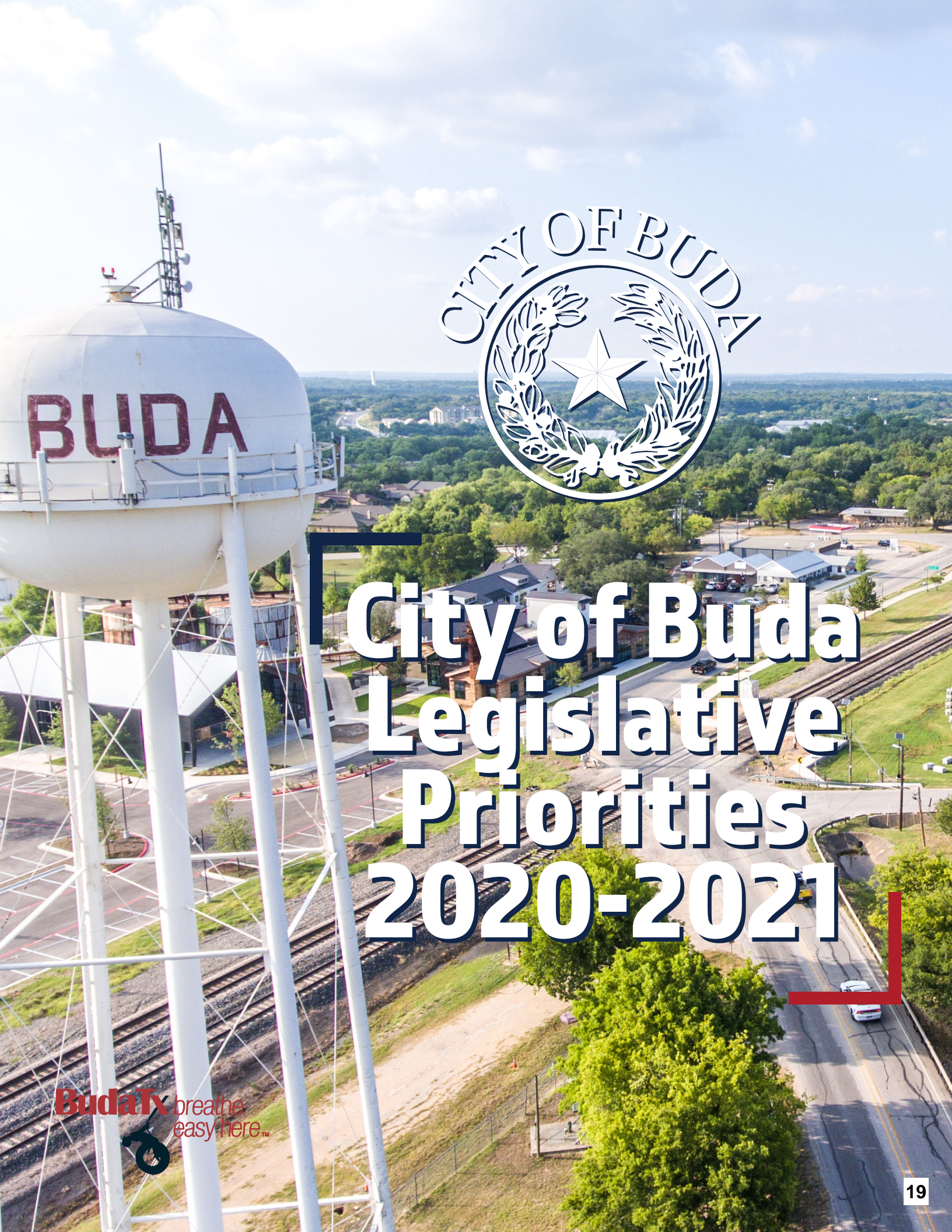
Not applicable.

7. Alternatives

Not applicable.

8. Recommendation

Not applicable.



City of Buda Legislative Priorities 2020-2021

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Introduction

Buda, Texas

The 87th session of the Texas Legislature will begin on January 12, 2021. While the legislative system in Texas inherently makes passage of bills difficult, cities across Texas are still challenged with fending off legislation that can negatively impact a city's ability to self-regulate and finance municipal operations such as public safety, maintenance of infrastructure, and provision of services requested by its citizens. During the 2019 session, of the over 7,500 bills introduced, approximately 2,000 of them would have impacted Texas cities.

The City of Buda is a member of and works closely with the Texas Municipal League (TML) on legislative issues. While the membership of TML adopts its own legislative agenda, the needs of Buda are sometimes unique from other cities. The priorities in the City of Buda's legislative agenda were identified through input from City of Buda staff, discussion with the City's legislative consultants and other professional organizations, and from input provided by the City Council.

The creation of a legislative agenda develops a unified voice for Buda on the legislative needs of the City. It aids City staff and community leaders in identifying issues that are important to the community and the impact that legislation could have on Buda. The legislative items are not presented in priority order. The City Council may modify or amend its legislative agenda at any time to address items as they arise.

House District 45 Senate District 25



2020 Population:
18,326
(29% increase from 2018)

Median Age:

32

**Median Household
Income:**
\$86,236

Homeownership:
70%

City of Buda Legislative **Priority #1**



Overview

Municipalities often step up to the plate to protect property values, quality of life, and the health, safety, and welfare of their citizens. Historically, the state legislature has believed that “local control” was best, as local government is the level of government closest and most accountable to the people. The City of Buda is opposed to any legislation that attempts to erode municipal authority or control.

Many decisions need to occur at the neighborhood level, and not every neighborhood in a state of nearly 30 million people is the same. Every city is different, and accordingly, each city has different needs. Fast growing cities, such as Buda, rely on financing tools like municipal bonds to provide infrastructure to meet the growing populations’ needs. City councils are in the best position to consider the unique set of circumstances in each city to determine what is needed and whether a regulation is appropriate. The local communities who elect them hold these city councils accountable for those regulations and decisions.

Objectives

1. **Local Control** - Support the Texas Municipal League’s efforts and oppose legislation that erodes and preempts local control.
2. **Local ordinances** – Oppose legislation that limits a city’s ability to self-govern and pass local legislation to meet the needs of the citizens.
3. **Municipal control over issuance of debt** – Support legislation that preserves municipal local control over the issuance of debt.
4. **Unfunded Mandates** – Oppose legislation that creates unfunded mandates for a city.

Comments

City of Buda Legislative Priority #2

Overview

Hays County, including the City of Buda, has experienced tremendous growth over the last two decades, resulting in ever increasing traffic and mobility challenges. New ideas are needed to meet the challenge like mass transit solutions such as rail and commuter buses. Because transportation networks cross municipal jurisdictions and counties, a regional approach is needed to make projects work.

Objectives

- 1. Support legislation and funding of transportation improvements that address all forms of mobility and address regional needs.
- 2. Provide cities with tools and resources to address local transportation needs.

Comments



City of Buda Legislative **Priority #3**



Overview

Cities collect only 16% of the property taxes levied in the state while the majority (55%) goes to school districts. A report from the Texas Comptroller found that municipal property taxes rose by an average of 2.6% per year in the five years preceding 2013. A Texas Municipal League survey found that in 2015, 73% of cities either lowered their tax rate from 2014 or adopted the same rate. Revenue caps provide only minimal, symbolic relief, saving taxpayers an average of \$2-3 per month. Such minor relief to taxpayers, taken in aggregate, has severe implications for cities. Revenue generation is essential for growing cities as growth related revenue gains often lag service demand by 1-2 years. Implementation of revenue caps negatively affects municipal general fund revenue, with public safety-related departments being the largest portion of such general fund revenue. As a result, public safety services such as police and fire will be restricted. The passage of Senate Bill 2 in the 86th Session severely limits a city's ability to operate and provide services to its residents. The previous 10% maximum annual assessed value increase and 8% rollback tax rate were better tools for managing municipal property tax impacts to citizens.

Objectives

1. Oppose revenue or appraisal caps and tax limits that impact a city's ability to provide services.
2. Oppose legislation that limits or erodes city revenue and the ability to provide services to its citizens.
3. Oppose legislation that restricts a city's ability to collect and utilize sales tax to support municipal operations.

Comments

City of Buda Legislative **Priority #4**

Overview

Recent national events have highlighted the need for new policing strategies and training methods for law enforcement. The City of Buda is proud of the community-building partnership between the Buda Police Department and community at large. Cities must be allowed to make policing strategy decisions that are best suited for the individual communities. Additional funding, training, and resources are needed to provide officers with the tools and skills to safely protect themselves and the community members they serve.



Objectives

1. Support legislation that promotes community policing practices and social justice.
2. Support legislation that promotes de-escalation training for all officers.
3. Support legislation that promotes positive interactions between police officers and the public.
4. Support legislation that provides funding for police officers, training, and equipment.
Oppose legislation that penalizes a city for making choices on policing strategies best suited for the city.

Comments

City of Buda Legislative **Priority #5**



Overview

Funding and support for health services falls short of the need in Texas, especially mental health services. With its expanding population, more Texans now than ever need access to affordable mental health resources. Instead of addressing mental health needs with mental health professionals that can proactively address issues, cities are often forced to dispatch police officers to address mental health issues. The City of Buda requests the State of Texas to address the mental health needs of Texans by providing additional resources that safely and humanely serve those in need.

The COVID-19 pandemic has put tremendous strain on the health care systems in Texas. We must ensure that policies and systems are in place to help all people in Texas.

Objectives

1. Support legislation and efforts to address mental health needs.
2. Support public health efforts to slow or eliminate the spread of COVID-19.

Comments

City of Buda Legislative **Priority #6**



Expand Broadband

Overview

With more Texans working and learning remotely, and more commerce and other services happening digitally, we need faster and more reliable internet connections than ever before. Funding to improve services and to close the digital divide is necessary. Texas municipalities should be allowed to offer broadband service to households and businesses as a municipal utility or to partner with other providers to expand services. The Texas Utilities Code currently prohibits municipalities from providing telecommunication services.

Objectives

1. Support Net Neutrality.
2. Support or introduce bills to allow municipalities to provide broadband service as a utility.
3. Support initiatives to expand broadband coverage across Texas.

Comments

City of Buda Legislative **Priority #7**



Tourism, Parks & Natural Areas

Overview

Preservation of natural spaces is more important now than ever as Texas faces exponential growth. The City of Buda, as the “Outdoor Capitol of Texas”, supports funding for preservation and development of outdoor recreation and natural areas that preserve the natural beauty of Texas for current and future generations. Outdoor recreation and beautiful natural areas drive eco-tourism that bring visitors to the community. The City seeks passage of amendments to Chapter 351 of the Tax Code to expand the use of Hotel Occupancy Taxes for the development of parkland and amenities that support destination outdoor recreation activities.

Objectives

1. Support funding of Parks and local park grants.
2. Support conservation efforts to protect natural resources and native areas.
3. Support legislation authorizing electric utilities to allow cities to build and operate hike and bike trails and recreational amenities on land and easements occupied by
4. electric utilities.
Support or introduce legislation to expand the use of Hotel Occupancy Tax funds to support Park Development projects.

Comments

City of Buda Legislative **Priority #8**



Overview

Texas continues to grow due to its great natural resources, low taxes, educated workforce, and reasonable regulations. The City of Buda supports legislation that continues to provide Texas and its cities with the tools it needs to attract national and international companies as well as to support home-grown businesses. The City supports the continued use of the sales and property tax abatement programs in place to support the continued growth of Texas.

Objectives

1. Support legislation that preserves or enhances the City's economic development tools to expand the local economy.
2. Oppose legislation that restricts a city's ability to compete for projects that provide jobs and economic benefit to the community.
3. Support legislation that provides economic relief for cities impacted by COVID-19.

Comments

City of Buda Legislative **Priority #9**



Overview

Cities face unique development changes based on their location and the environment around them. Cities also work to develop their built environment to create inimitable locations that make a city a desirable place to live, work, and visit. To do this, cities must have jurisdiction to regulate land use and zoning. Cities must be able to annex in new areas to provide services and to ensure the use is congruent with the surrounding neighborhoods.

In the 86th Legislative Session, House Bill 2439 was passed. It prevents a city from regulating building materials, among other things. This bill fails to consider the cohesive development goals a community may desire and the natural conditions that may make the use of a material unsuitable. Cities must retain local control for development decisions.

Objectives

1. Support beneficial amendments to 86R - HB 2439 (building materials bill).
2. Support beneficial amendments to 86R - HB 3167 ("shot clock" bill).
3. Land use regulation and zoning – Oppose legislation that would erode a city's land use authority through planning and zoning.
4. Annexation – Oppose legislation that would further erode a city's ability to annex property and authority in the extraterritorial jurisdiction.
5. Support legislation that supports the development of new affordable water supplies to meet Texas' growing population.

Comments

City of Buda Legislative Priority #10

Overview

As the Central Texas region continues to grow, land and home values continue to rise as the housing supply is not able to match the demand. Housing affordability is impacting Texans that have called Central Texas home for generations and residents new to Texas alike. The Housing Tax Credit program is intended to provide tax credits to developers to develop and preserve workforce housing for Texas families. The current scoring system used to allocate funding for this program makes it a political decision rather than one based on need as a letter of support from the local state legislator influences the score. In doing so, legislators have the power to stop or advance a project, despite the need in a community. The scoring process needs revision to ensure that projects are awarded based on the needs of each unique area.



Objectives

1. Monitor proposed reforms for the Texas Department of Housing and Community Development for the Low-Income Housing Tax Credit Program.
2. Oppose legislation that would restrict a city’s ability to address affordable housing challenges.

Comments

City of Buda Legislative **Priority #11**



Right of Way

Overview

Cities are responsible for providing transportation and distribution of utility systems throughout a community. Cities are responsible for the maintenance of municipal rights of ways and should be able to regulate how they are used. Past legislation has preempted the ability of cities to regulate rights of ways. One such example was the placement of wireless transmission facilities on city assets located in municipal right of way.

Objectives

- 1. Support legislation that supports municipal authority to manage infrastructure and issues affecting rights of way.
- 2. Oppose legislation that erodes a city’s authority to regulate the location of infrastructure in rights of ways.
- 3. Oppose legislation that prevents compensation for use of a city’s right-of-way.

Comments



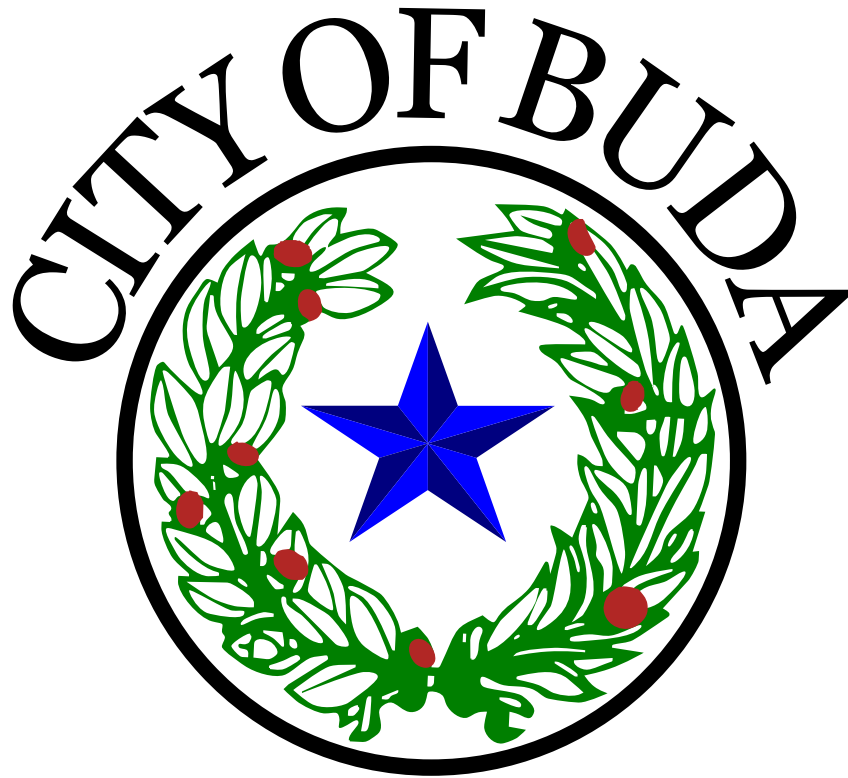
Overview

Texas has been hit with devastating flooding this decade as a result of severe storms and hurricanes. Buda has been impacted by flooding through storm events in 2013 and 2015. Buda’s city leaders have worked to address flooding through the construction of flood improvements. The City is also the recipient of a Hazard Mitigation Grant Project from the 2015 Presidential Disaster Declaration but has not been able to begin construction due to elongated federal and state review. The City requests that hazard mitigation project reviews be expedited by state and federal agencies in order to ensure that projects may be completed in a timely manner.

Objectives

- 1. Continue to allow local control for flood prevention and control.
- 2. Seek state support for funding of flood control projects.

Comments



**City of Buda
512-312-0084
405 E. Loop Street
Buda, Texas 786010
Mayor Lee Urbanovsky
City Manager Kenneth Williams**

MEMORANDUM

TO: City Council via Kenneth Williams, City Manager

FROM: Micah Grau, Deputy City Manager *MG*

CC: Directors

Re: Legislative Update 4.30.21



Changes and updates to this recurring memo are marked in blue.

The purpose of this memorandum is to provide the Buda City Council with an update on the activities of the Texas Legislature. The 87th Legislature convened on January 12, 2021 and will end on May 31, 2021. The deadline to file bills was March 12, 2021. Thus far, approximately 4,569 bills have been filed in the House and 2,142 have been filed in the Senate. Bills are beginning to be assigned to committees throughout March.

Senator Donna Campbell has been assigned to chair the Veteran Affairs & Border Security Committee and will also serve on Business & Commerce, Finance, Health & Human Services, State Affairs, and Redistricting. Committee assignments have been made for the House. Representative Zwiener will serve on Appropriations, House Administration, and Public Health Committees.

Governor Abbott has established the following priorities for this legislative session:

- Bail reform
- Election integrity
- Civil liability protections for businesses
- Preventing cities from defunding police
- Broadband deployment
- ERCOT reform

Below is a summary of notable bills that the City is monitoring. The bills have been sorted to align with the City's adopted legislative agenda. Staff has made assumptions on whether to support or oppose the bills based on the City's legislative agenda. Please notify City Manager Kenneth Williams if you believe a different stance should be made on a bill.

You may view the Texas Municipal League's legislative updates by visiting <https://www.tml.org/319/Legislative-Information>.

PRIORITY #1 – Local control

- (Oppose) SB 10 (Bettencourt): This bill would prohibit a municipality from spending public money to influence the outcome of any legislation. A city official could still advocate on behalf of their municipality so long as they are not considered and registered as a lobbyist. Referred to Senate Committee on Local Government. A letter of opposition was signed by the Mayor and delivered to Senator Bettencourt and Senator Campbell. A public hearing is scheduled for April 6. [Substitute considered on April 12 and voted favorably. The substitute language allows a municipality to pay fees or dues to a non-profit state association or organization like TML that advocates for or against bills on behalf of the city. Approved by Senate on April 15. Referred to House State Affairs on April 20.](#)
- (Oppose) HB 3 (Burrows): This bill would maintain the Governor's authority intact for disasters, curtailing local authority.
- (Oppose) HB 17 (Deshotel): Relating to a restriction on the regulation of utility services and infrastructure based on the energy source to be used or delivered. This bill would preempt a city's ability to regulate which utilities are provided in a community. This bill was referred to the State Affairs Committee. The bill was voted out of the House on March 31. [The bill was referred to the Senate Business and Commerce Committee on April 8, considered in public hearing and approved on April 19. Referred to Senate Intent Calendar on April 21.](#)
- (Oppose) SB 23 (Huffman): Relating to an election to approve a reduction or reallocation of funding or resources for a municipal or county law enforcement agency. This bill strips away a City Council's authority to manage its budget and make decisions for the community. Bill referred to Senate Jurisprudence. [Public hearing in committee on March 23. Public hearing held on April 1. Voted out of committee with amendments on April 7. Approved by Senate on April 13 and filed with the House on April 14. Referred to House State Affairs Committee.](#)
- (Oppose) HB 749 and SB 234: Relating to the use by a political subdivision of public funds for lobbying activities. If passed, this may limit our ability to be a part of professional organizations like the Texas Municipal League and others that perform legislative advocacy. HB 749 referred to House State Affairs. SB 234 referred to Senate State Affairs. Letters opposing the passage of these bills were signed by Mayor Urbanovsky and delivered to Chairman Chris Paddie and Chairman Bryan Hughes. The House State Affairs Committee held a hearing on HB 749 on March 25th.
- (Oppose) HB 741: Relating to voter approval of a county or municipal budget that reduces by a certain percentage the amount allocated to provide a fire protection, law enforcement, or emergency medical service. This bill goes against the City Council's Local Control Priority. Referred to Education. [Public hearing was held on April 20. Reported favorably out of committee on April 23 and placed on intent calendar. First record vote held on April 28.](#)
- (Oppose) HB 753 (Cain): This bill would limit a city's solid waste franchise fee to 2% of gross receipts. It would also prevent a city from having an exclusive contract for commercial, industrial, or multifamily residential waste. This bill has been assigned to the Environmental Regulation Committee.
- (Oppose) HB 1495 (Dutton): Relating to the award of court costs and attorney's fees in certain actions challenging certain local laws or the failure of an officer of certain political subdivisions

to perform certain acts. This does not apply for a city with a population of 45,000 or less, so it would not immediately apply to Buda. In a lawsuit concerning preemption of a city's authority by state law, if the city loses the suit, it would be responsible for paying court costs and attorney fees to the prevailing party. Referred to Judiciary & Civil Jurisprudence.

- HB 1501 (Dean): Relating to certain regulations adopted by governmental entities restricting the use of natural gas or propane. This bill would preempt a city from regulating the connection of natural gas or propane as a utility for residential or commercial service. Referred to State Affairs. HB 4503 (Cain) is similar. [Public hearing held on April 8 and April 14. Voted out of committee on April 14 with amendments. Submitted to Calendars on April 27.](#)
- (Oppose) HB 3967 (Cortez): Bill would prohibit a municipality from prohibiting or restricting the sale of fireworks. Referred to County Affairs. Public hearing scheduled for April 8.
- (Oppose) SB 1168 (Campbell): [Relating to the authority of a municipality to impose a fine or fee in certain areas in the municipality's extraterritorial jurisdiction. Referred to Local Government Committee. Approved by committee on April 14. Approved by the Senate on April 23.](#)
- (Oppose) SB 1500 (Buckingham): The bill would authorize registered voters to petition for release from a city's extraterritorial jurisdiction and from the city.
- (Oppose) SB 1658 (Bettencourt): Bill would remove a city's ability to annex property through a strategic partnership agreement. Adds requirement for an election of consent for annexation including on existing agreements. This bill would require us to hold an election in Sunfield to annex them into the city in the future.
- SB 1659 (Bettencourt): would allow residents within a strategic partnership agreement to vote in all municipal elections.

PRIORITY #2 – Mobility

- HB 1241 (Shine) and SB 374 (Seliger) – Annexation of Rights-of-Way: would provide that: (1) a city annexing an area on request of the owners, an area with less than 200 population by petition, an area with at least 200 population by election, or certain special districts may also annex with the area: (a) the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is contiguous to the city's boundaries and the area being annexed or a right-of-way described in (b); or (b) the right-of-way of a public road or highway connecting the area being annexed to the city by the most direct route; (2) a city may only annex a right-of-way described under (1) if the city: (a) provides written notice of the annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation; and (b) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation; and (3) certain width requirements do not apply to the annexation of a right-of-way under (1). (Companion bill is SB 374 by Seliger.) HB 1241 referred to Land & Resource Management. SB 374 referred to Transportation. [HB 1241 was considered favorably on March 30 and considered in Calendars on April 23. On April 27, the bill was read a 2nd time and postponed until May 10.](#) SB 374 held a public hearing on March 24 and referred to the local and uncontested calendar. [SB 374 approved by the Senate on April 9.](#)

Referred to House Land and Resource Management Committee on April 14. Approved by the Land and Resource Management Committee on April 28.

PRIORITY #3 – Revenue

- (Oppose) HB 35: Relating to an election authorizing the issuance of bonds or an increase in taxes by a political subdivision. Would require a turnout of at least 25% of registered voters for a bond or tax increase election to be considered valid. [Public hearing scheduled but withdrawn on April 16.](#)
- (Support) HJR 32: Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on a municipality or county. If approved, this would eliminate unfunded mandates from the Texas Legislature. It would require the legislature to have a funding source to offset financial impacts of legislation to cities and counties. Referred to State Affairs.
- (Oppose) HJR 62 and HJR 71: Proposing a constitutional amendment to authorize a political subdivision other than a school district to establish a limitation on the amount of ad valorem taxes. This would mandate automatic senior tax freeze for all taxing entities except school districts. HJR 62 referred to Ways & Means. HJR 71 referred to Ways & Means.
- (Oppose) HB 330: Relating to elections; creating criminal offenses; increasing criminal penalties. Would require a 20% turnout of registered voters and passage by 2/3 of voters to be valid for bond elections. [Scheduled for public hearing on April 21 but withdrawn.](#)
- (Oppose) HB 528: Relating to a limitation on increases in the appraised value of commercial real property for ad valorem tax purposes. This bill proposes a 3.5% cap on commercial. Referred to Ways & Means.
- (Oppose) HB 529: Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation. This bill proposes a 2.5% cap on residential compared to the current 10% cap. Referred to Ways & Means.
- (Oppose) HB 993: Relating to the establishment of a limitation on the total amount of ad valorem taxes that certain taxing units may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses. Referred to Ways & Means.
- HB 664: Would require that all bond elections move to November election date. Referred to Pensions, Investments & Financial Services. [Considered in public hearing on April 16.](#)
- (Oppose) HB 1279 (Kacal) – Property Tax Exemption: would provide that an individual is entitled to a local option property tax exemption by a taxing unit of a percentage, not to exceed five percent, of the appraised value of the individual's residence homestead if: (1) the individual is a qualifying volunteer first responder; and (2) the exemption is adopted by the governing body of the taxing unit. (See H.J.R. 70). Referred to Ways & Means. [Considered in public hearing on April 19.](#)
- (Oppose) HB 1283 (Wilson) – Property Tax Freeze: would expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses to all taxing units other than school districts. (See H.J.R. 71). Referred to Ways & Means.

- HB 1393 (Middleton): Relating to the maximum amount of the local option residence homestead exemption from ad valorem taxation by a taxing unit. This bill phrasing from “his residence” to “the individual’s residence. It also changes the maximum homestead exemption a taxing unit may adopt, increasing it from 20% to 100%. A taxing entity could, therefor, enact a 100% homestead exemption. Referred to Ways & Means.
- HB 1421 (Cain): Relating to the temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster. This bill amends a current exemption that allows a person to apply for an exemption from property taxes property damaged by a disaster. The change removes language that states, “a person who qualifies for an exemption...must apply for the exemption not later than the 45th day after the date the governing body of the taxing unit adopts the exemption.”
- (Oppose) HB 1798 (Shaheen): This bill adds onto the property tax reform bill (SB2) that passed last session. Under the proposed language, a taxing entity may not levy a tax rate higher than the “no-new-revenue” rate if any of the area was part of a declared disaster area by the governor or by the president of the United States. HB1798 appears to undo language in SB2 that provided an exception to a voter approved tax rate of 3.5% or more over the no-new-revenue rate for taxing units impacted as part of a local disaster area.
- (Oppose) HB 1869 (Burrows): Relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit. This bill would change how a city pays bond principal and interest from an interest and sinking fund. This bill would only allow the I&S portion of tax proceeds to be used on bonds that have been approved through a bond election. Certificate of Obligation bonds would need to be financed through the maintenance and operations portion of the tax rate. This is problematic because of how the no new taxes rate is calculated as part of the annual tax rate setting process. Referred to Ways & Means. Public hearing held on March 22. [Considered in public hearing on April 12 with amendments.](#) [Committee favorable vote on April 21 and referred to Calendars on April 27.](#)
- HB 2410 (Dean): This bill would source sales tax on internet orders to the shipping destination instead of the sale origin.
- HB 3841 (Cole): This bill would: (1) increase the voter-approval tax rate of a taxing unit by the rate that, if applied to the current total value, would impose an amount of taxes equal to the amount the taxing unit will spend out of its maintenance and operations funds to pay for facilities, equipment, or personnel necessary to correct a deficiency in the first response capacity of the fire or police department of the taxing unit; and (2) provide that in order for a taxing unit to receive an adjustment to its voter-approval tax rate under (1), a taxing unit must submit information detailing an existing deficiency in the first response capacity of the fire or police department of the taxing unit to the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement, as applicable, and receive approval from the relevant agency.
- HB 4170 (Middleton): This bill would adjust the voter-approval tax rate down based on federal dollars the taxing unit received in the previous year if the federal receipts exceed the amount the taxing unit’s receipts for the previous year. Referred to Ways & Means.

PRIORITY #4 – Public Safety & Court

- SB 24 (Huffman): Relating to the procedures required before a law enforcement agency hires a peace officer. This bill establishes standards and a process for requesting employment records between agencies when hiring a peace officer. This bill was voted out of the Senate on March 31. [Filed with the House Homeland Security and Public Safety Committee on April 7. Public hearing scheduled for April 29.](#)
- HB 88 and SB 161 “George Floyd Act”: Relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, witnesses to the commission of those offenses, and other members of the public, to peace officer liability for those interactions, and to the confinement, conviction, or release of detained or arrested individuals. Public hearing held on March 25.
- (Support) HB 95: Relating to requiring law enforcement agencies to adopt a policy regarding the discharge of a firearm by a peace officer at or in the direction of a moving vehicle.
- (Oppose) HB 101: Relating to civil liability of municipalities for failure to comply with immigration detainer requests. This bill attempts to hold cities responsible for individual’s actions of detained immigrants.
- (Support) HB 312: Relating to training for peace officers regarding implicit bias. This bill fits within the City Council’s Public Safety Legislative Priority.
- (Support) HB 562: Relating to law enforcement policies regarding de-escalation and proportionate response. This bill fits within the City Council’s Public Safety Legislative Priority. Referred to Homeland Security & Public Safety.
- HB 563: Relating to law enforcement policies requiring a peace officer to intervene when another peace officer uses excessive force or commits an offense.
- (Oppose) HB 638 (Krause) and SB 741 (Allison): Relating to the authority of certain political subdivisions to adopt a budget that reduces the amount allocated to provide a fire protection, law enforcement, or emergency medical service. HB 638 has been referred to State Affairs.
- (Support) HB 831: Relating to prohibiting the use of certain techniques when using force to make an arrest or search. This bill would classify any tactics that impedes normal breathing or circulation of the blood as deadly force. Referred to Homeland Security & Public Safety. [Public hearing held on April 8. Approved by committee with amendments on April 23 and referred to Calendars on April 29.](#)
- (Support) HB 833: Relating to the use of force to make an arrest or search and to law enforcement policies regarding de-escalation and proportionate response. This bill would require law enforcement to adopt a written policy on use of force. Referred to Homeland Security & Public Safety. [Public hearing held on April 8.](#)
- HB 929 (Sherman): Relating to the investigation and prosecution of criminal offenses and to certain recordings created by peace officers during an investigation or other law enforcement activity; creating a criminal offense. Referred to Homeland Security & Public Safety. Scheduled for a public hearing on April 1.
- HB 1089 (Reynolds): Relating to the liability of governmental units under the Texas Tort Claims Act. This bill would increase the City’s liability for the actions of a peace officer acting in their official capacity as an employee. This bill has been sent to the City Attorney for input. This bill

has been referred to the Judiciary & Civil Jurisprudence Committee. [Considered in public hearing on April 14.](#)

- HB 1238 (Biederman) – Firearms: would provide, among other things that: (1) a person who is not otherwise prohibited from possessing a firearm under federal or state law may, without a license, openly or concealed carry a handgun; (2) a city may not regulate the carrying of a firearm at a public park or parade, rally, or political meeting in the city; and (3) the mere possession or carrying of a handgun shall not constitute reasonable belief for a peace officer to disarm or detain a person. This bill was referred to Homeland Security & Public Safety. Public hearing held on March 25.
- HB 1272 (Crockett) – No-Knock Entries: would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer from entering, for the purpose of executing a warrant, into a building or other place without giving notice of the officer’s authority or purpose before entering (a no-knock entry). (This bill is identical to HB 492 by Wu and the companion bill is SB 175 by Miles.) Referred to Criminal Jurisprudence. Public hearing held on March 29. [Substitute bill considered and reported favorably on April 9. Sent to Calendars on April 20.](#)
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- HB 1287 (Meza) – DWI Blood Draws: this bill, known as “Colten’s Law,” would provide that: (1) a peace officer shall require the taking a specimen of a person’s blood if: (a) the officer arrests the person for operating a motor vehicle while intoxicated; (b) the person refuses the officer’s request to submit to the taking of a specimen voluntarily; (c) the person was the operator of a motor vehicle involved in an accident involving a pedestrian; (d) the officer reasonably believes that the accident occurred as a result of the offense; and (e) at the time of the arrest, the officer reasonably believes that as a direct result of the accident the pedestrian died, will die, or has suffered a serious bodily injury. Referred to Homeland Security & Public Safety.
- HB 1349 (Crockett) – Murder Offense: would make the offense of murder committed by a peace officer acting under the authority of the state or a political subdivision of the state a felony of the first degree with a minimum term of imprisonment of 15 years. Referred to Criminal Jurisprudence. [Public hearing held on April 19.](#)
- (Oppose) HB 1950 (Slawson): This bill characterizes defunding law enforcement as 1) reducing of the law enforcement agency’s appropriation; 2) decreasing the number of peace officers employed; 3) reduction in overtime for peace officers; and 4) decreased funding for recruitment and training of peace officers. If any of these cases are found, the Criminal Justice Division of the Governor’s Office will consider the local government a “defunding local government.” This bill is in State Affairs. A public hearing was held on March 25. [A public hearing was held on April 8 and April 20 with a favorable vote on April 20.](#)
- (Oppose) HB 2362 (Harris), HB 2438 (Meyer), and HB 2695 (Noble): Implements an expenditure cap if the Governor determines the City is “defunding local government.”
- (Oppose) HB 3021 (Burns): If the Governor determines that public safety has been defunded by the local government, the state will withhold city sales tax.

- HB 3723 (Crockett): The bill requires the head of a law enforcement agency to report to TCOLE any unlawful acts, engaging in conduct that would constitute a misdemeanor, falsifying a police report or evidence, destroying evidence, accepting a bribe, engaging in fraud, and others. Referred to Homeland Security & Public Safety.
- HR 1280 (Federal): Known as the “George Floyd Justice in Policing Act of 2021,” the bill seeks to address police misconduct, excessive force, and racial discrimination and biases in policing. The Texas Police Chiefs Association (TPCA) has raised concerns that the bill removes “qualified immunity” as a defense in civil cases for law enforcement officers. The bill was passed by the House on March 1.
- (Oppose) HB 3832 (Wilson): This bill is similar to HB 1950 in that it establishes criteria for defining a “defunding municipality,” a municipality that has reduced funding for law enforcement. A municipality that is classified as such would be unable to annex new properties for a period of 10 years. Furthermore, a city must hold an election in each area that the city annexed within the last 30 years with the question of disannexing the area. Referred to Land & Resource Management.
- (Oppose) HB 3935 (Slawson): Under this bill, cities that are characterized as a police defunding city, the city’s share of sales and use taxes shall be deducted at 150% and appropriated to the Department of Public Safety. Referred to Ways & Means. [Public hearing held on April 6.](#)
- (Oppose) HB 4052 (Jetton): This would apply to city’s that employ 20 or fewer public safety personnel. If the budget allocated for public safety personnel expenses is less than the amount allocated for those expenses in the preceding fiscal year by more than the sum of the percentage by which the city or county’s total revenue is reduced from the preceding fiscal year and five percent – the registered voters of the city or county, as applicable, must determine whether to approve the amount allocated at an election held for that purpose.
- HB 4464 (Deshotel): This bill would prohibit a magistrate from authorizing an officer to enter a building to execute a warrant without giving notice of the officer’s authority or purpose. Referred to Criminal Jurisprudence.
- SB 1544 (West): This bill would only allow a district court judge to authorize a no-knock warrant and establishes criteria for when they may be authorized. It also establishes requirements for the officer conducting the warrant such as wearing a body worn camera. Referred to Criminal Justice. [Public hearing held on April 13.](#)
- (Support) SB 1545 (West): This bill would have the Texas Commission on Law Enforcement (TCOLE) create a model policy and training materials on de-escalation and use of force. Referred to Jurisprudence.
- (Support) SB 1600 (Huffman): This bill prohibit an officer from utilizing a choke hold, carotid artery hold or other neck restraints unless necessary to prevent serious bodily injury or death to the officer or another person. Referred to Jurisprudence.

PRIORITY #5 – Health & Wellness

- (Oppose) HB 34 (Canales): Relating to presumptive coverage for first responders that contract COVID19. This will would add COVID19 to the list of presumed illnesses contracted during the

course and scope of employment resulting in the City being responsible for medical bills and death benefits. This bill is problematic because the employee could contract the virus outside of work. The benefits only apply to a firefighter, peace officer, or emergency medical technician.

- HJR 42 (Toth): Proposing a constitutional amendment regarding certain powers of the governor in issuing orders or proclamations and specifying the powers of the legislature in special sessions called following certain disaster or emergency declarations. Referred to State Affairs.
- HJR 47 (Krause): Proposing a constitutional amendment requiring the governor to convene the legislature in special session following certain disaster or emergency declarations and specifying the powers of the legislature in those special sessions. Referred to State Affairs.
- HB 1254 (Shaheen) – Mental Health: would modify current law to provide that: (1) a peace officer may, without a warrant, take a person into custody, regardless of the age of the person, if the officer: (a) has reason to believe and does believe that the person has a cognitive disability, including autism, down syndrome, traumatic brain injury, and dementia, and because of the cognitive disability there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (b) believes that there is not sufficient time to obtain a warrant before taking the person into custody; (2) a peace officer who takes a person with a cognitive disability into custody as described in (1), above, shall make a good faith effort to: (a) use the least restrictive available and appropriate means of transport; and (b) include in transporting the person the person's parent, appointed guardian, managing conservator, or possessory conservator, as applicable; (3) the peace officer shall transport the individual to the nearest appropriate inpatient mental health facility, or if not available, a mental health facility deemed suitable by the local mental health authority; (4) a judge or magistrate that issues a warrant for emergency detention shall notify the applicable law enforcement agency of the warrant by: (a) e-mail, with the warrant attached as a secure document in PDF; or (b) secure electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is secure, available to the judge or magistrate, and provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the agency; (5) a law enforcement agency that receives a warrant issued under (4), above, shall serve the warrant no later than 48 hours after the agency receives the warrant; (6) if a law enforcement agency that has a memorandum of understanding with a mental health authority to use telehealth service, a peace officer who apprehends a person under the provisions (4), above, may arrange to have a physician conduct a telehealth appointment with the apprehended person to determine whether emergency detention is necessary before transporting a person to mental health facility; (7) if a physician conducting the telehealth appointment described in (6), above, determines that emergency detention is not required, the peace officer shall release the person; (8) if a peace officer releases an apprehended person as described in (7), above, the peace officer shall notify the judge or magistrate who issued the warrant not later than 24 hours after the peace officer released the person; and (9) if a peace officer is contacted to locate a person who has left a facility before the earlier of the time a preliminary examination is completed or the expiration of a 48-hour period, the peace officer must make a good faith effort to locate the

person, and if located, the peace officer must: (a) reevaluate whether the person meets the criteria for apprehension as described in (1), above; and (b) if the person meets the criteria for apprehension, transport the person to an appropriate mental health facility. Referred to Public Health.

- HB 1260 (Bowers) – Homelessness Study: would: (1) require the Texas Interagency Council for the Homeless to conduct a study on the feasibility of establishing a centralized homelessness crisis response data system through which state agencies, local governmental entities including law enforcement agencies, court systems, school districts, and emergency service providers, and other relevant persons are able to share and access information related to individuals who experience chronic homelessness in order to connect or refer those individuals to services, including affordable housing opportunities; (2) provide that, when conducting the study in (1), above, the council shall: (a) consult with representatives of the entities described by (1), above, to determine the challenges faced by those entities in addressing chronic homelessness and how best to improve the responses to those challenges; and (b) assess the feasibility of the centralized homelessness crisis response data system described by (1), above, to collect data from other homelessness crisis response data systems maintained or operated by a state agency, local law enforcement agency, or other entity of this state; and (c) collect, aggregate, analyze, and share homelessness information with entities that have access to the system; and (3) require the council to prepare and submit a report to the Texas Department of Housing and Community Affairs that summarizes the results of the study required by the bill by November 1, 2022. Referred to Urban Affairs. [A public Hearing was held on April 7. It was voted favorably out of committee on April 14. Referred to Calendars on April 20.](#)
- HB 1277 (Campos) – Homelessness: would, among other things: (1) provide that the Texas Department of Housing and Community Affairs (TDHCA) may: (a) operate the transitional housing pilot program in coordination with one or more cities or counties; and (b) provide a grant from the Ending Homelessness fund to a city or county with which TDHCA coordinates to operate the program; and (2) require TDHCA to give priority in issuing grants from the Ending Homelessness fund to cities and counties that coordinate with TDHCA in the operation of the transitional housing pilot program. Referred to Urban Affairs. [Public hearing held on April 7. Voted favorably in committee on April 14. Referred to Calendars on April 23.](#)
- (Oppose) HB 1498 (Martinez): Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees. This bill is similar to HB 34. It would make a city responsible for paying health and death benefits for contagious diseases associated with a disaster declaration. It also applies to detention officers. As noted with HB 34, the problem with this bill is that it assumes the employee became ill while performing their official city duties. Referred to Business & Industry.
- SB 422 (Springer) – Emergency Powers Board: would, among other things: (1) establish the Emergency Powers Board (Board) consisting of the governor, the lieutenant governor, the speaker, the senate committee chair with primary jurisdiction over state affairs, and the house committee chair with primary jurisdiction over state affairs to provide oversight during a declared state of disaster, including a declared public health disaster; (2) provide that on or after

the eighth day after the date the governor issues the executive order, proclamation or regulation, the Board, by majority vote, may set an expiration date for the order, proclamation or regulation; and (3) provide that if an executive order, proclamation or regulation issued by the governor has an expiration date set by the governor and not modified by the Board within 22 days after the date the order, proclamation or regulation is issued, the governor shall convene a special legislative session to implement, modify or repeal the order, proclamation or regulation. Referred to State Affairs.

- S.J.R. 29 (Springer) – Special Legislative Session: would amend the Texas Constitution to provide that: (1) the governor shall convene a special legislative session: (a) if a state of disaster or emergency declared by the governor continues for more than 21 days; or (b) on receipt of a petition from any member of the legislature requesting legislative review of a state of disaster or emergency declared by the governor if the petition is signed by at least two-thirds of the members of the house and two-thirds of the members of the senate; and (2) a special session convened under (1), above, shall be for the following purposes: (a) review an order, proclamation or other instrument issued by the governor during the 90 days before the special session begins: (i) declaring a state of disaster or emergency in the state; or (ii) in response to a state of disaster or emergency in the state declared by any federal, state or local official or entity; (b) terminate or modify an order, proclamation or instrument described by (2)(a), above, by passage of a resolution approved by a majority vote of the members present in each house of the legislature; (c) respond to the state of disaster or emergency; and (d) consider any other subjects stated in the governor’s proclamation convening the special session. Referred to State Affairs.
- (Oppose) HB 1406 (Schaefer): Relating to judicial review of certain orders regarding a declared state of disaster or public health disaster or issued to prevent the spread of a communicable disease. This bill would allow a person to file a suite to challenge a provision of an order issued by the governor or the presiding officer of the governing body of a political subdivision relating to a declared state of disaster if the provision is alleged to cause injury to the person or burden. This is goes against the City’s priority of local control and further erodes the City’s ability to respond to natural disasters including health pandemics. Referred to State Affairs.
- (Support) HB 2121 (White): This bill would require TCOLE certified peace officers to complete a 4-hour education and training program on interactions with persons with Alzheimer’s disease and other dementias. Referred to Homeland Security & Public Safety.

PRIORITY #6 – Expand Broadband

- (Support) HB 5 (Ashby): This bill would establish a State Broadband Development Office to research the deployment of broadband statewide with a priority on providing it to schools and universities. The bill was voted out of the House on April 9 and will head to the Senate.
- (Support) SB 5 (Nichols): This bill would establish a State Broadband Development Office to work on expanding broadband service throughout the state. The bill was approved by the Senate on March 31.

- (Support) SB 154: Relating to the creation of the broadband office within the Public Utility Commission of Texas and the establishment of a broadband service investment grant program. Referred to Transportation Committee.
- HB 425: Relating to the use of the universal service fund for the provision of broadband service in underserved rural areas. Referred to State Affairs. Public hearing held on March 18. [Another public hearing held on April 1. Voted out of committee on April 1 with amendments. Referred to Calendars on April 14.](#)
- (Oppose) HB 258: Relating to certain contracting requirements for the provision of broadband Internet access service to governmental entities. While this bill appears to be favorable to governmental entities as it prioritizes their service, this bill goes against the objective of net neutrality established by City Council. Referred to State Affairs.
- (Support) HB 1446 (Ashby) and SB 506 (Nichols): Relating to the expansion of broadband services to certain areas. This bill seeks to create a broadband development office under the Comptroller to serve as a resource on information about broadband throughout the state, outreach to communities about expanding broadband service, create a web map showing by census block which areas are served by high-speed internet, and create a development broadband program to award grants and other incentives to expand broadband service to underserved census blocks. HB 1446 referred to State Affairs. SB 506 referred to Transportation.
- (Support) HB 4373 (Rodriguez): This bill would establish a funding source to provide assistance with deployment of rural broadband.
- (Support) HB 4375 (Rodriguez): Relating to requirements of the Governor's Broadband Development Council.

PRIORITY #7 – Tourism, Parks & Natural Areas

- (Support) HB 2350 (Zwiener): At their meeting on February 4, 2021, the Sustainability Commission voted to recommend to the City Council to support a proposed bill that seeks to amend the Water Code to enable the Texas Water Development Board to finance nature-based water quality projects as part of the Clean Water State Revolving Fund (CWSRF) program. In short, the TWDB would be able to forgive a portion of the loan payment and interest amounts to allow the borrower to implement nature-based or green infrastructure projects to improve water quality as part of a larger CWSRF funded project. The City of Kyle has also endorsed this initiative. The Buda City Council adopted a resolution of support at the February 2 City Council Meeting. [This bill was referred to Natural Resources. Public testimony was taken on March 30. Voted out of committee on April 1. Voted affirmatively out of the House on April 21 and filed with the Senate.](#)
- (Support) HB 3223 (Zwiener): This bill would expand the use of hotel occupancy tax revenue to use 10% of revenues to enhance and maintain public parks owned by a city. Referred to Ways & Means committee.
- (Support) HB 2433 (Zwiener): The City Council authorized a resolution of support for this bill that would expand the eligible use of hotel tax funds to support dark sky related events and activities. [Deputy City Manager provided public testimony in support of this bill at the request of](#)

[Representative Zwiener during the April 12 committee hearing. Substitute bill approved by the committee on April 14. Sent to Local and Consent Calendar on April 27.](#)

- HB 4489 (Zwiener): Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.

PRIORITY #8 – Economic Development

- (Support) HB 778 (Lozano) and SB 144: These bills would extend Chapter 313 of the Tax Code through 2032. Chapter 313 deals with a school district's ability to abate property tax for large economic development projects. HB 778 is in the Ways & Means Committee. SB 144, the companion bill to HB 778, is in the Natural Resources & Economic Development Committee. HB 1556 is also associated with the Texas Economic Development Act. It changes the language to read "an exemption from ad valorem taxation" instead of the current language of "a limitation on appraised value."
- (Support) HB 4119 (Guillen) and SB 1465 (Hinojosa): These companion bills establish the Texas small and rural community success fund to make loans to economic development corporations for eligible projects. HB 4119 referred to International Relations & Economic Development. SB 1465 referred to Natural Resources & Economic Development. [Public hearing held on April 15 and April 28. Voted favorably with substitutes on April 28.](#)

PRIORITY #9 – Development

- (Support) HB 233: Relating to the applicability of the prohibition on governmental entities adopting certain regulations governing the use of certain building products, materials, or methods. This bill would create an exemption for cities with a population of less than 25,000 to HB 2439 (86R "building materials bill").
- (Support) HB 298: Relating to regulation of outdoor lighting by certain municipalities. This bill by Representative Zwiener attempts to fix language related to outdoor lighting from HB 2439 (86R "building materials bill"). Referred to Urban Affairs. A public hearing held on March 17. Considered favorably in committee on March 31. [Referred to Calendars committee on April 9.](#)
- (Oppose) HB 1877 and 1878 (Gates): These bills would prevent a city from forcing a damaged-vacant residential structure to be brought up to current building code standards when repairs are made to the structure. Instead, the codes or regulations that were in place before the damage occurred would apply. HB 1878 would prevent a city from requiring a permit for repairs for items that are related to protect public safety or to prevent further damage to the building. These bills are in the Land & Resource Management Committee. [Public hearing held on April 27 for HB 1877 and HB 1878.](#)
- (Oppose) HB 2590 (Leach) and SB 1947 (Springer): Under current state law, a city must approve or deny a request for a permit within 45-days of request. This bill adds language to Section 214.904 of the Local Government Code removing a city's flexibility to establish an alternative review timeframe with written consent from the applicant.

- (Oppose) HB 4121 (Guillen): Bill would require a political subdivision to approve, approve with conditions, or disapprove a land development application within 30 days after the date the application is filed. Referred to Land & Resource Management. Staff is evaluating how this bill would work with 86R HB 3167 that established a 30-day review period for plans. [Public hearing was held on April 6.](#)
- (Oppose) HB 4447 (Oliverson) and SB 1667 (Hughes): Bills would prohibit a city from requiring a person to submit or obtain approval of a required planning document or fulfill other conditions before the person files a plan or plat. [Public hearing held on April 20.](#)
- HB 4496 (Hinojosa): Bill would implement energy efficiency requirements of the International Residential Code across the state for new construction. [Public hearing held on April 27.](#)
- (Support) SB 1881 (Buckingham): This bill would restore some of the authority cities lost last session in regulating building materials. This bill would allow regulation in designated entry corridors.

PRIORITY #10 – Housing

- HB 1295 (Rodriguez) & SB 400 (Zaffirini) – Housing Tax Credits: would authorize the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community only if: (1) one of the developments will be located wholly within a census tract in which the median value of owner-occupied homes has increased by 15 percent or more within the five years preceding the date of the application; (2) the governing body of the municipality containing the development or, if located outside a municipality, the county containing the development, adopts a resolution that authorizes an allocation of housing tax credits for the development; and (3) the applicant for the development includes in the application a copy of the resolution adopted under (2), above. HB 1295 Referred to Urban Affairs. SB 400 referred to Local Government. Public hearing held on March 24 and on March 31. Reported favorably on March 31 with not amendments. [Referred to Calendars on April 9.](#)
- HB 2027 (Cortez) and SB 1565 (Lucio): would eliminate: (1) the requirement for a city council to hold a public hearing and adopt a resolution in order for the Texas Department of Housing and Community Affairs (TDHCA) to approve an application for housing tax credits for developments financed through the private activity bond program; (2) the requirement that TDHCA score and rank applications using a point system that prioritizes criteria in a particular order; and (3) the ability of TDHCA to provide incentives through the qualified allocation plan to reward applicants for low income housing tax credits for locating a housing development in a census tract in which there are no other existing developments supported by housing tax credits. [Referred to Urban Affairs. A public hearing was held on April 14 and April 28. Reported favorably with substitute language on April 28.](#)

PRIORITY #11 – Right of Way

- SB 987 (Buckingham): This bill would prevent camping in a public place without the consent of the entity responsible for the public place. This bill is filed in response to homeless camping in

the City of Austin. Referred to Local Government Committee. [A public hearing was held on April 12.](#)

PRIORITY #12 – Flood Prevention & Control

OTHER NOTABLE BILLS

- HB 1232 (Crockett) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is SB 95 by Menéndez.) This has been referred to the Elections Committee.
- HB 1245 (Cole) – Ballots Voted by Mail: would: (1) require election notice posted on a county’s website to include: (a) the location of each polling place that will be open on election day; (b) the location of each polling place that will be open for early voting; and (c) each location that will be available to voters to deliver a marked ballot voted by mail; (2) authorize a voter to deliver a marked ballot voted by mail in person to the early voting clerk’s office or to another designated location while the polls are open on election day or during the early voting period; (3) provide that a voter delivering a marked ballot in person may return only the voter’s own ballot; and (4) authorize the county clerk to designate any of the following locations for delivering marked ballots under (2), above: (a) the early voting clerk’s office; (b) any polling place open for early voting or for election day; or (c) any suitable location that meets criteria prescribed by the secretary of state. (Companion bill is HB 844 by Bucy.) Referred to Elections.
- HB 1348 (Deshotel) – Charter Schools: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, including land development standards in territory that a city has annexed for limited purposes; (2) prohibit a city from enacting or enforcing an ordinance or regulation that prohibits an open-enrollment charter school from operating at any location or within a zoning district in the city; (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school’s governing body consents to the payment; and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations, and that any such exemption granted to a school district before the effective date of the bill automatically extends to all open-enrollment charter schools located in a city. Referred to Land & Resource Management. Public hearings were conducted on March 5 and March 16. Referred to Calendars Committee.
- HB 1359 (Biedermann): Relating to proposing a referendum to the people of the State of Texas on the question of whether this state should leave the United States of America and establish an independent republic. Referred to State Affairs.
- HB 1418 (Leach): Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.
- HB 1718 (Rodriguez): Relating to the equalization of rates of production fees charged on certain wells by the Barton Springs Edwards Aquifer Conservation District (BSEACD). This bill would allow the District to increase the production fees of water permitted for non-agricultural use

from the current fee of \$0.17 per 1,000 gallons to a maximum fee of \$0.38 per 1,000 gallons in \$0.10 increments each year. This bill does not appear to apply to the City of Buda as it currently is only intended to apply to Section 8802.0035 which is part of the shared territory defined as:

1. Inside the boundaries of:
 - a. the Edwards Aquifer Authority; and
 - b. Hays County; and
2. Not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

The City of Buda's fee falls under Section 8802.1045 (d) which states, "for a permit first issued on or before September 9, 2004, that is renewed without material amendment after September 1, 2007, the board may not charge an annual production fee of more than 17 cents per thousand gallons for the amount of water permitted under the permit as renewed if the water is permitted for any purpose other than agricultural use." This language is not proposed to change with this bill. Referred to Natural Resources.

- SB 639 (Menendez), SB 861 (Paxton), and HB 1888 (Fiero): These bills would authorize a governmental body to hold a meeting by conference call so long as the public can participate in the portion of the meeting open to the public, be audible to the public, be visible to the public, the participation of the member or employee is "live", and the meeting recorded. SB 639 (Menendez) is similar but not a true companion bill. SB 639 referred to Business & Commerce.
- [HB 1927 \(Schaefer\): This bill would authorize open "constitutional carry" of handguns in Texas, meaning that a license or permit would no longer be needed to carry a handgun. This bill was voted out of the House on April 16 and referred to the Senate.](#)
- HB 2092 (Sanford): This bill would add a partisan candidacy requirement for municipal elections. [Public hearing held on April 2 and April 21. Substitute reported favorably on April 21.](#)
- (Support) HJR 103 and HB 2275 (Zwiener): Relating to critical infrastructure resiliency and financing. This bill would establish funding for creating resilience in water and wastewater infrastructure systems. Referred to State Affairs. [Considered in public hearing on April 14.](#)