

City Council Meeting Minutes

A Regular City Council Meeting of the City of Horseshoe Bay was held Tuesday, February 21, 2017, beginning at 3:00 PM in the City Hall, 1 Community Drive, Horseshoe Bay, Llano County, Texas.

1. Call the Meeting to Order and Establish a Quorum

Mayor and City Council Members

Mayor Steve Jordan

Mayor Pro Tem Craig Haydon

Council Member Cynthia Clinesmith

Council Member Kent Graham

Council Member Jerry Gray

Council Member Reagan Lambert

Mayor Steve Jordan called the meeting to order at 3:00pm. All present.

2. Invocation - Senior Pastor Rev. Johnny White, Church at Horseshoe Bay, gave the invocation.

3. Pledges to the Flags - Mayor Steve Jordan led the pledges of allegiance to the United States flag and the Texas flag.

4. Public Comment

Citizens wishing to address City Council may do so by signing the Public Comment Sign In sheet on the podium prior to the start of the meeting. This is an opportunity for the public to address City Council on any subject. When called upon by the Mayor, please go to the podium, state your name and address, and speak for up to three minutes. In accordance with the Texas Open Meetings Act, Council Members may not discuss issues raised, answer questions (other than to make statements of fact or to recite existing policy), or take any action at this time. Issues raised may be referred to staff for research and possible future action. If the item you wish to address is on this agenda under the Public Hearing Items section, please wait to speak until that item is addressed by City Council. – No one spoke.

5. Staff Recognition

A. Introduction of Jules Martin, IT Administrator – City Manager Stan Farmer introduced Mr. Martin.

B. Joe Bates - 15 Year Service Award – Fire Chief Joe Morris recognized and thanked Mr. Bates for his service.

C. Hill Country 100 Club Award Recipients: Mayor Pro Tem Craig Haydon provided information on the Hill Country 100 Club and the award, and thanked the two 2016 recipients for their outstanding service.

1. Captain Brad Casey - Firefighter of the Year – Fire Chief Joe Morris recognized and thanked Captain Casey for his service.

2. Sergeant Travis McRee - Police Officer of the Year – Police Chief Rocky Wardlow recognized and thanked Sergeant McRee.

6. Consent Agenda

All items under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion and vote. There will be no separate discussion of items unless a request by a Council Member is made prior to the time of the City Council voting on the motion. In such event, the item will be removed, without debate, from the general order of business and considered in its normal sequence.

A. Approval of Regular Meeting Minutes, January 17, 2017

B. Acknowledgement of the Annual Racial Profiling Statistics Report for 2016

- C. Approval of an Amendment to the Water Tower/Land Lease Agreement between the City of Horseshoe Bay and VisiCom Group, Inc. dba VGI Technology
- D. Approval of Personnel Policy Revision: Article IX, Section 4: Use of City Vehicles
- E. Approval of Ordinance No. 2017-07: An Ordinance of the City of Horseshoe Bay Amending Chapter 3 Building Regulations, Article 3.06 Signs, Section 3.06.017 Prohibited Signs to Add Street Furniture to the Description of Prohibited Sign Number (11) and Providing for Repealer, Severability, and an Effective Date.
- F. Approval of Resolution 2017-09: A Resolution of the City Council of the City of Horseshoe Bay, Texas, Approving Submission of the Police Department Radio Project Grant Application to the Office of the Governor and Designating the City Manager as the Authorized Official for the Grant

Mayor Pro Tem Craig Haydon motioned to approve all consent items. Council Member Jerry Gray seconded. VOTE: 5-0 in favor, motion passes.

7. Monthly Statistical Departmental Reports

Informational reports only; no action to be taken.

- A. City Manager
- B. Finance Department
- C. Community Services
- D. Development Services
- E. Fire Department
- F. Police Department
- G. Animal Control

8. Business

Discuss, Consider and Possibly Take Action Regarding:

- A. Presentation by Doise Miers, Community Outreach Manager from the Capital Area Metropolitan Planning Organization (CAMPO), Regarding the Wirtz Dam Bridge Project – Doise Miers gave a presentation regarding the Wirtz Dam Bridge Project. Burnet County Judge James Oakley was available to answer questions. Council Member Cynthia Clinesmith: Thanked CAMPO and Judge Oakley for the work they have done with this project including CAMPO’s outreach efforts. Stated she has lived in the community for 20 years and remembers 20 years ago there was discussion about the need to find another way to cross the river. Options other than this bridge have been discussed, such as an east side route winding around to HWY 281, a flyby, etc. Although she has read the survey and would not be surprised to know that 80% of people know there is a need for another way across the river, she would be shocked if 80% of the people in Horseshoe Bay believe that the best solution would be to move traffic from a four-lane road from Marble Falls onto a two-lane road in Horseshoe Bay. It would be great if the plan was through Wirtz Dam straight on to HWY 281, but right now the plan is to move traffic into Horseshoe Bay which is a big concern. The City just completed a Long-Range Plan in which over 1400 residents responded that managed growth is the second most important issue facing Horseshoe Bay, so we must make that issue a priority. Why aren’t the other options being considered? Burnet County Judge James Oakley stated that the road and right of ways already exist in the proposed area, whereas other locations would require a larger project and would be more expensive. Judge Oakley stated he does not believe traffic will be increased in Horseshoe Bay due to this project, and he supports working with Llano County to widen FM 2147 to HWY 71 and possibly adding traffic and

street lights to that section of the road for safety reasons. Mayor Jordan stated he agrees with Council Member Clinesmith's belief that this project will increase traffic through Horseshoe Bay, and believes a thoroughfare through to HWY 281 or HWY 71 rather than FM 2147 is a better option. Mayor Jordan asked what the timeline would be for the Wirtz Dam Bridge Project. Judge Oakley stated if everything went perfectly, traffic would be driving on the bridge in five years. Council Member Clinesmith asked at what point would the potential second leg of the project, extending the road to HWY 281, be a reality. Judge Oakley said they could possibly happen at the same time depending on all of the variables, but could not provide specific information. Council Member Jerry Gray stated the intersection of Wirtz Dam Bridge Road and FM 2147 will be a nightmare.

- B. Letter from Texas Department of Transportation District Engineer Terry McCoy, P.E., to Mayor Steve Jordan Regarding FM 2147 – Mayor Jordan provided the history and current status of the potential turn lane to be added to FM 2147. Council discussed the response from TXDOT regarding FM 2147. Diane Jones spoke regarding FM 2147 including the unnecessary re-surfacing of FM 2147, the need for improvements at the intersection of FM 2147 and HWY 71, and the need for a turn lane/third lane on FM 2147 from HWY 71 through Horseshoe Bay. Mayor Jordan stated the City is looking into all possible options to increase the priority level of this project with the County and TXDOT. Burnet County Judge James Oakley stated the squeaky wheel gets the grease and encouraged the city to continue meeting with officials.
- C. Ordinance No. 2017-05: An Ordinance of the City of Horseshoe Bay Creating the Board of Adjustment – City Manager Stan Farmer provided a report, which is on file. Staff recommends approval of the ordinance. Council Member Cynthia Clinesmith motioned to approve Ordinance 2017-05. Council Member Kent Graham seconded. VOTE: 5-0 in favor, motion passed.
- D. Appointment of Members to the Board of Adjustment – City Manager Stan Farmer provided a report, which is on file. Council Member Jerry Gray motioned to approve the appointment of the members recommended by staff: David Pope, Jim Babcock, John Bird, Lee Peterson, and Elaine Waddill. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed. Council Member Jerry Gray motioned to appoint David Pope as the Chair of the Board of Adjustment. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed.
- E. Appointment of Members to the Capital Improvements Advisory Committee – City Manager Stan Farmer and City Attorney Rex Baker provided a report, which is on file. Council Member Kent Graham motioned to appoint the Planning and Zoning Commission members to the Capital Improvements Advisory Committee. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed.
- F. Progress Report from Builder and Owner on Construction and Issuing a Building Re-Permit for 153 Applehead Island Drive, *Darin Gray and Linda Gutzman, Applicants* – Development Services Director Eric Winter provided a report, which is on file. Jim McNabb, Applehead Island POA President, thanked the city staff for promoting timely completion of construction projects. Mr. McNabb stated he and the neighbors in this area want the project finished, and although they have no wish to cause the builder or owner problems, they are in favor of a firm approach by the City to address this issue which has been going on for several years. There is trash and debris around the property which is not contained and is over-flowing onto neighboring properties and into the lake. Mayor Jordan stated this project has been going on and creating issues for too long and suggested setting a deadline for completion. Council Member Kent Graham asked what action the City has taken when inspecting this property in the past to resolve this issue. Mr. Winter says the Development Services department sent

emails and notices informing the property owner they needed to clean up the mess. Council Member Graham asked if there are financial penalties with these types of violations. City Manager Stan Farmer said they aren't in violation so they haven't been fined. Mr. Winter stated the owner is asking for a re-permit until May 15th with the intention of having the project completed by that date. Dennis Gutzman, property owner, stated the project started in 2011 and has faced legal issues with contractors and other delays such as damage from severe weather. They have been advised to perform more work than originally intended, basically rebuilding the home, and there is no room for construction materials and dumpsters on the property. Mr. Gutzman asked to be given until May 15, 2017 to finish the project. Council Member Clinesmith asks if the City has ever fined the builder for violations on this property due to the trash, dumpster, etc. Mr. Winter stated his office has communicated with the builder on numerous occasions due to violations but he doesn't recall if they have ever been fined. Darin Gray, builder, states he has built in Horseshoe Bay before and has never had fines for violations. This is one of the most difficult jobs he has been involved in, particularly due to water issues and lack of space for materials. His crew has always gone out to the property within 24 hours to clean up the site after receiving calls from the City. Council Member Jerry Gray motioned to renew the permit with an expiration date of May 15, 2017 for a fee in the amount of \$1,000 with the understanding that if a request for an extension occurs again then the minimum fee for that re-permit will be \$5,000. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed. Council Member Jerry Gray stated that the City isn't tough enough with situations like this, and he is requesting that the City enforce the rules and issue the applicable fines with full force when builders do not do the job they are supposed to be doing and there are violations. This situation is happening in more than one location and he wants to be sure the City is doing their job in enforcing action against violations.

G. Resolution No. 2017-08: A Resolution of the City of Horseshoe Bay to Direct the City Prosecutor to File a Petition with Municipal Court for Repair, Demolition, Removal and/or Vacation of a Substandard Structure at 2401 Saddle Gun – Development Services Director Eric Winter provided a report, which is on file. Staff recommends approval of the resolution and petition. Council Member Jerry Gray motioned to approve the resolution and authorize the filing of the petition. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed.

9. Executive Session

The City Council of Horseshoe Bay has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with City Attorney), 551.072 (Deliberations Regarding Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices), and 551.086 (Economic Development).

A. Consultation with City Attorney Regarding 2014 Development Agreements Between the City of Horseshoe Bay and Suzanne Waller Dillon, Bobby and Norma Green, and Glen Salem (*Consultation with City Attorney 551.072*)

Convened to Executive Session at 5:40pm to discuss Executive Session Item A. Present: Mayor Steve Jordan, Mayor Pro Tem Craig Haydon, Council Member Cynthia Clinesmith, Council Member Kent Graham, Council Member Jerry Gray, Council Member Reagan Lambert, City Manager Stan Farmer, Development Services Director Eric Winter, and City Attorney Rex Baker. Reconvened to the regular meeting at 5:48pm. No action was taken.

10. **Adjourn** – Mayor Pro Tem Craig Haydon motioned to adjourn the meeting. Council Member Reagan Lambert seconded. VOTE: 5-0 in favor, motion passed. Meeting adjourned at 5:49pm.