

City Council Meeting Minutes

A Regular City Council Meeting of the City of Horseshoe Bay was held Tuesday, June 19, 2018, 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** - Father Ruben Patino from St. Paul the Apostle Catholic Church, gave the invocation. Father Ruben also invited everyone to attend the dedication of the Armed Forces Honor Garden at St. Paul the Apostle Catholic Church in Horseshoe Bay on July 4th. The special event will begin with Mass at 5:30 p.m. The dedication ceremony will take place at 6:15 p.m. at the Armed Forces Honor Garden, which is in front of the church. Following the dedication, there will be a reception and refreshments in the adjacent Linda Finn Family Life Center. St. Paul's campus is located atop Thanksgiving Mountain, at 201 Dalton Circle in Horseshoe Bay.
3. **Pledges to the Flags** - Mayor Steve Jordan led the pledges of allegiance to the United States flag and the Texas flag.
4. **Announcements and Staff Recognition**
 - A. Garth Davis - 5 Year Service Award – Police Chief Rocky Wardlow presented Assistant Police Chief Davis with his award and thanked him for his service to the city.
 - B. Recognition of Captain Jason Graham's Triology Award through the FBI Law Enforcement Executive Development Association (FBI-LEEDA) Program – Police Chief Rocky Wardlow recognized Captain Graham for his accomplishments and thanked him for his service.
5. **Public Comment** – Steve Jarrard spoke regarding a neglected and dangerous property next to his property at 502 Silver Spur. Jean Johnson spoke in support of a dog park for Horseshoe Bay. Mayor Jordan directed City Manager Stan Farmer to write an article for the newspaper regarding the dog park. Bob Baker spoke regarding property taxes in Llano County and how it is unfair that his property appraisal went up but his neighbors did not.
6. **Consent Agenda**
 - A. Approval of Regular Meeting Minutes, May 15, 2018
 - B. Approval of Engagement Letter for Independent Audit Financial Services with BrooksWatson & Co., PLLC to Conduct the Fiscal Year 2018-2020 Audits
 - C. Approval of Resolution 2018-29: Declaring Police Department Property and/or Equipment to be Surplus Property and Authorizing the City Manager to Delegate the Disposition of Such Property in a Manner Which is Beneficial to the City of Horseshoe Bay
 - D. Approval of a Change Order to the Street Upgrades Contract with Aaron Concrete Construction to Add the Street Named H2O

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

7. Public Hearing Items

- A. Ordinance 2018-06: Changing the Zoning Designation for a 77.0 Acre Tract of Property Owned by Phoenix Center in Horseshoe Bay, Burnet County, Texas; Amending the Zoning Map for Zone 12 Summit Rock in Horseshoe Bay by Changing the Zoning Designation of the Tract from A-1 Recreational to C-3 Commercial; Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting – Development Services Director Eric Winter provided a report, which is on file. Mayor Jordan opened the public hearing at 3:29pm. No one spoke. Mayor Jordan closed the public hearing at 3:30pm. Mayor Pro Tem Craig Haydon motioned to approve Ordinance 2018-06. Council Member Cynthia Clinesmith seconded. VOTE: 5-0 in favor, motion passed.
- B. Ordinance 2018-14: Amending Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.414(d)(11) In Zone 12 Summit Rock by Adding a New Section (J) to Allow Recreational Use as a Conditional Use; and Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting - Development Services Director Eric Winter provided a report, which is on file. Mayor Jordan opened the public hearing at 3:30pm. No one spoke. Mayor Jordan closed the public hearing at 3:31pm. Mayor Pro Tem Craig Haydon motioned to approve Ordinance 2018-14. Council Member Jerry Gray seconded. VOTE: 5-0 in favor, motion passed.
- C. Ordinance 2018-16: Approving and Issuing a Conditional Use Permit to Phoenix Center to Allow Recreational Uses Shown on the Phoenix Center Master Plan in the C-3 Zoning Classification in Zone 12 Summit Rock; Containing Findings of Fact and Imposing Specific Conditions and Regulations; Providing for Transferability, Amendment, Enforcement, and Penalties; Amending the Zoning Map; and Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting - Development Services Director Eric Winter provided a report, which is on file. Mayor Jordan opened the public hearing at 3:31pm. No one spoke. Mayor Jordan closed the public hearing at 3:32pm. Mayor Pro Tem Craig Haydon motioned to approve Ordinance 2018-16. Council Member Cynthia Clinesmith seconded. VOTE: 5-0 in favor, motion passed.

8. Monthly Statistical Departmental Reports

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

9. Business

- A. Annual Consideration of the City's Drought Contingency Plan Stage – Community Services Director Jeff Koska provided a report, which is on file. Council Member Kent Graham motioned to remain at Stage 2. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed. Council Member Jerry Gray directed Mr. Koska to clarify to residents of Horseshoe Bay the current restrictions and water use schedule.
- B. Request for Variance from City Building Code Section 3.03.010(c) to Allow More Than Two Speculative Homes, *Terry Neiman of Neiman Homes and Construction LLC, Applicant* - Development Services Director Eric Winter provided a report, which is on file. Council Member Reagan Lambert motioned to approve the variance for a five-year period to allow Neiman Homes to have up to five speculative homes at one time under construction. Mayor Pro Tem Craig Haydon seconded. VOTE: 5-0 in favor, motion passed.
- C. Ordinance 2018-15: Allowing An Exemption to Section 2.07.001(a) of the City Code of Ordinances to Allow the Keeping of Livestock on Any Property When Used for Therapy Under a Doctor's Care; and Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting - Development Services Director Eric Winter provided a report, which is on file. Dwight King spoke in favor of this

ordinance and stated that every member of The Hills 3 also approves of this ordinance. Pat Baylor spoke in opposition to this ordinance. Cynthia Jackson requested clarification regarding jurisdiction in relation to these rules. Lane Bowen spoke in support of this ordinance. Council Member Jerry Gray suggested amending the ordinance to include a requirement for the applicant to notify neighbors within a certain distance of their intent to apply for the exemption. City Attorney Rex Baker said the ordinance, as currently presented, is very broad and allows City Council to require notification on a case by case basis if they choose. Council Member Reagan Lambert also pointed out that the applicant will have to first be approved by their POA prior to coming to Council for approval. Mayor Pro Tem Craig Haydon motioned to approve Ordinance 2018-15. Council Member Reagan Lambert seconded. VOTE: 5-0 in favor, motion passed. City Attorney Rex Baker informed Council that they also need to vote to approve or deny the request for chickens on Mr. King's property as well. Council Member Reagan Lambert motioned to accept 10 chickens and Doug the rooster on the property owned by Dwight King. Mayor Pro Tem Craig Haydon seconded. Vote: 5-0 in favor, motion passed.

- D. Potential 15-Year City Lease of Twelve Acres of Property on Golden Nugget for Park Preservation Purposes - Mayor Steve Jordan provided a report, which is on file. The family are in favor of a 20-year initial lease term for that certain +/- 12-acre property owned by Whitney Shelly Properties LLC. For a nominal sum due annually, the city is considering the 20 year lease on the following terms: 1) HSB will provide an indemnification and hold harmless agreement naming the LLC and its owners, officers, and management, their successors and assigns. 2) HSB will operate and maintain the property in an appropriate manner as an environmental/nature preserve and city park with any and all leaseholds ("improvements") thereto at the sole expense of HSB. 3) HSB will timely pay any and all taxes, assessments, fees, etc. that may be imposed on the property by governments and/or legitimate tax collecting authorities both presently and for the term of the lease. 4) Such other legal protections the parties determine should be required. John Smith, owner of the subject property, provided background on the family's history with this property. Mayor Pro Tem Craig Haydon motioned to accept the transfer of the property subject to approval of the agreement for a 20-year lease by the attorneys for both parties. Council Member Cynthia Clinesmith seconded. VOTE: 5-0 in favor, motion passed.
- E. Review of the City's Pickleball Courts – Mayor Steve Jordan provided a report, which is on file. Council Member Cynthia Clinesmith motioned to approve the expenditure of \$7,900 to hire Australian Courtworks to replace the pickleball courts. Council Member Jerry Gray seconded. VOTE: 4-0-1 in favor, Mayor Pro Tem Craig Haydon abstained, motion passed.

10. Executive Session

- A. Authorize/Ratify the Contract and Allocate Funds for the Purchase of a Portion of Lot 42, Section 3 The Hills Subdivision, Related to the Construction of a Roadway That Will Revise the Connection of The Hills Road to FM 2831 (*Deliberations Regarding Real Property 551.072*)
- B. City Manager's Mid-Year Performance Review (*Personnel Matters 551.074*) - Convened to Executive Session at 5:13pm to discuss Executive Session Items A and B. 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, and City Attorney Rex Baker. Reconvened to the regular meeting at 5:50 pm. Reconvened to the open meeting at 5:51pm. No action was taken after reconvening to the open meeting.

11. **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 5:51pm.