

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING

June 16, 2009

The Council of the City of Horseshoe Bay held a Public Meeting at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, June 16, 2009, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor
James E. Babcock, Mayor Pro Tem
John Bird, Alderman
Claudia Haydon, Alderwoman
Jeff Robinson, Alderman
Steve Spence, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present.
2. Invocation: Reverend Johnny White, Pastor at the Church at Horseshoe Bay led the invocation.
3. Pledges to the Flags: Mayor Lambert led the pledge of allegiance to the United States flag and the Texas flag. He welcomed everyone to the meeting and asked that anyone who wanted to make comments please sign the sheet on the podium.
4. Public Comments (those speaking are asked to limit their comments to three minutes): There were no public comments.
5. Update by Dennis Hill, Superintendent of Llano Independent School District: Mayor Lambert welcomed Dennis Hill. Mr. Hill stated they are in the process of revitalizing Llano ISD. He said they hope to add to the school district's fund balance this year as they have the last five years. They are progressing on improving the academic accomplishments of the students at Llano ISD. They are working on developing a world class professional development program in order to perpetuate the gains they have made. The school district is a leader in the state in their alignment of curriculum. Several years ago, voters approved their \$14.3 million bond project, \$12 million of which was for construction and it is all on time and under budget. All of the projects should be finished in time for fall of this year. He said he is happy with the district's academic progress, but not satisfied and will continue to strive to be the best school district in the state. Three years ago the board and the administrative team got together and outlined a set of very specific goals. He added both his

administrative team and he are evaluated on these goals and a result they have been able to make the kinds of gains he has outlined today.

21. Proposal for a Veterinarian Clinic on Property Located in the City's ETJ (Northeast Corner of Highway 71 and FM 2147): Mayor Lambert stated there are several people here that would like to speak to this item. This item was put on the agenda so the Council could be briefed in Executive Session on the legal aspects of something this substantial being built in the ETJ. Individuals involved in the project would like to address the Council regarding their plans. He then introduced Dr. Garrett Craig. Dr. Craig said he has practiced in Marble Falls for nine years. He is proposing a small animal clinic near the intersection of Hwy. 71 and 2147 in the City's ETJ. He said his plans are for a 4,000 square foot building with the design based on current Horseshoe Bay architecture that would be all enclosed. Alderman Babcock asked if he was aware that this area is part of a larger 45 acre tract that is also part of a 100 acre tract that will eventually be developed. Dr. Craig stated he was. The current primary access would be from Highway 71 which could change once the area is developed. Mayor Lambert asked if Dr. Garrett understood that at some point this would be in the city limits. Dr. Garrett said he did understand this. Ted Burget added he is also involved in the development of this area and they have invested a lot of time and money and would not jeopardize that type development by putting in a structure that would not meet the standards they have worked out. They consulted with another veterinarian regarding items they should be aware of when designing this type facility. He also stated Dr. Garrett is aware he will have to come into their development once it is done and they have it in their deed restrictions which they are working on. Mr. Burget said their preliminary plan for this entire area is for mixed use with very little single family. Mr. Burget said there will be no impact on the City's utilities at this point. Mayor Lambert thanked Dr. Garrett and Mr. Burget.
6. Odor Related to Golf Course Irrigation: City Manager Stan Farmer stated there has been a problem related to the effluent water used for irrigation on Ram Rock and Apple Rock golf courses. The City's water treatment facility ponds are at a higher level than in the past and the pump pulls from the bottom of the ponds; therefore oxygen and sunlight have not been able to reach the bottom of the ponds. Odor is the result. The City has rented a pump in order to take water from the top of the ponds, applied extra chlorine and chemicals and they are in the process of getting an aerator that will provide more oxygen to the water. The new pump also has the ability to pump more gallons per minute to the Resort which will get the pond level lowered. City staff has driven the golf course in the evenings to gauge the results of their efforts. Utilities Director Jeff Koska added they take this very seriously and have been working on this steadily since they first became aware of it. The City continues to work with the Resort to be able to pump more water in a shorter amount of time which will better meet their needs. Alderman Babcock added that although this was an unpleasant problem it was not unsafe. Mr. Koska said they are currently looking at increasing the capacity of the existing pumps at the facility as well as adding the aerator which will actually mix the pond allowing oxygen to reach the bottom to reduce odor.
7. Items to be removed from the Consent Agenda: Mayor Lambert stated he would like to remove Item f from the Consent Agenda. He said this is routine in order to get necessary funds related to the streets into the budget. He said the Council authorized \$10,000 for engineering at this morning's workshop and he would like to amend this item to include that additional \$10,000 with an additional \$5,000 to include work that has already been done.

8. Consent Agenda Items:

- a. Minutes of the May 19, 2009 Public Meeting
- b. Final Plats:
 - i. Replat of Lot Nos. W5012 and W5013 Horseshoe Bay West Plat No. W5.1 and a 0.20 Acre Tract out of the Levi Mercer Survey No. 1 outside the City, to be known as Horseshoe Bay West Plat No. W5.8, Horseshoe Bay, Llano County, Texas (311 Up There West)
 - ii. Replat of Lot Nos. 1T-1A and 1T-2A, Applehead Island Plat No. 11.6T and a 0.061 Acre Tract out of the Robert Bratton Survey No. 1, to be known as Applehead Island Plat No. 11.8T, Horseshoe Bay, Llano County, Texas (1T-1A Dominion Drive)
 - iii. Replat of Lot Nos. 41057 & 41058 of Horseshoe Bay Plat No. 41.1 to be known as Horseshoe Bay Plat No. 41.57, Horseshoe Bay, Llano County, Texas (Hi Ridge)
- c. Amendments to Ordinance No. ORD 06-08-22A Comprehensive Fee Schedule for On-Site Septic Facility Permit Fees
- d. Interlocal Agreement with Llano County for the Provision of Street Sealcoating and Maintenance
- e. Resolution Authorizing the Investment of City Funds in Certificates of Deposit at American Bank of Texas, N.A.
- f. Budget Amendment for Streets and Other Services Related to Agreement with Horseshoe Bay POA
- g. Resolution Supporting Grant Application for Police Department Special Use Vehicles Project
- h. Agreement with Pedernales Electric Cooperative Regarding Connection of Electrical Services for New and Existing Structures
- i. Variance for Storage of Fireworks
- j. Amendment to Ordinance No. ORD 07-06-19B Health, Sanitation, Trash and Litter

Alderman Robinson made a motion to approve the consent agenda with Item f amended to include an additional \$15,000 for engineering. The motion was seconded by Alderman Spence. The motion passed unanimously (5-0).

9. Monthly Statistical Departmental Data Reports:

- a. City Manager; Administration; Community Services; Development Services; Fire Dept.; and Police Dept.

City Manager Stan Farmer stated the graffiti on the house on Indian Paint has been removed. The City contacted the owner who did not cooperate; so the City had the work done for less than \$500 and will file a lien on the property. He said the budget process is under way for the July 6th Budget Workshop. He also stated he formed an IT Committee to review the City's current computers and what will be needed to upgrade the system as well as review and implement a clean up the current file system on the server and how the backups are being done. The Energy Reduction Group recommendations have been completed except for the new porch lights at City Hall. Mr. Farmer added he is currently pursuing a grant regarding energy efficiency.

He then reviewed the monthly budget reports.

10. Appoint Planning and Zoning Commission Members: Mayor Lambert said this item is to appoint members of the Planning and Zoning Commission. The ordinance was amended as to how the commission would operate and the Council members were encouraged to make nominees. Alderman Babcock nominated Jerry Gray stating he was a part of the Home Rule Charter Commission and lives in HSB Proper. Alderman Robinson nominated Sharon Botello who also served on the Charter Commission. She is familiar with State government and how it works. Alderman Bird nominated Norm Long who has 10 years past experience serving on the P & Z in Farmers Branch and recently served on the Llano ISD School Board. Mayor Lambert said that George Sladczyk, Jr. had volunteered to serve on the Commission and referred the Council to an email from Mr. Sladczyk. Alderwoman Haydon made a motion to accept these three nominees to serve on the P & Z Board. The motion was seconded by Alderman Spence. The motion passed unanimously (5-0). Mayor Lambert stated two of the members will have a two year term and one member a one year term. The Commission members will also need a chairperson. He suggested that the Council let the Commission decide on their preference on these items and make a recommendation to the Council. The Council agreed with this suggestion.

11. Conduct a Public Hearing Bay West Blvd Right-of-Way, Tracts R, S, T, and U of Horseshoe Bay West Plat No. 1.2 and FM 2147 West Right-of-Way Annexation: Mayor Lambert convened the Public Hearing at 3:49 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing.

12. Conduct a Public Hearing Bay West Blvd Right-of-Way, Tracts R, S, T, and U of Horseshoe Bay West Plat No. 1.2 and FM 2147 West Right-of-Way Annexation: Mayor Lambert convened the Public Hearing at 3:51 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Mayor Lambert said this is purely an administrative matter to clear up some odd property that is not currently in the City and is causing a problem for law enforcement. The requirement is that there is a waiting period of at least thirty days before the annexation can take place and due to the fact the July meeting is early in the month this annexation cannot be on the agenda for final consideration until the August 25, 2009 Council meeting.

13. Sign Ordinance Variance Request for a 2 foot by 18 foot Sign for Divine Designs Erected Without a Permit (7503 FM 2147, Suite 4): Mayor Lambert said this is for a variance to allow this sign which was also erected without a permit. Alderwoman Haydon made a motion to approve the variance. The motion was seconded by Alderman Spence. The motion passes unanimously (5-0).

14. Public Hearing and Consideration to Determine Whether the Following Structures Should be Declared Public Nuisances and Unlawful Under the Substandard Building Ordinance No. 08-05-27-D, Section VII (a) (5) Greater than 50% Deteriorated and Section VII (a) (12) Buildings Have Become an Eyesore and Denigrate Property Values:
 - a. 1208 Sunray (Lot No. W21007 Horseshoe Bay West Plat No. 21.1)
 - b. 1000 Sunray (Lot No. W21018 Horseshoe Bay West Plat No. 21.1)
 - c. 340 Sunray (Lot No. W22013 Horseshoe Bay West Plat No. 22.1)
 - d. 336 Sunray (Lot No. W22012 Horseshoe Bay West Plat No. 22.1)
 - e. 300 Sunray (Lot No. W22003 Horseshoe Bay West Plat No. 22.1)

Mayor Lambert convened the Public Hearing at 3:49 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. City Manager Stan Farmer stated there has been no work done on these structures since the permits expired in March 2009. City Building Inspector Mike Light gave a presentation including pictures of the current state of these properties. Mayor Lambert read from a letter the Council received from Patriot Bank stating they would be unable to attend today's meeting; however a representative from Savannah Homes would attend. There was no representative present at the meeting. City Attorney Monte Akers said through the City's ordinance the City Council may order the structures repaired, removed or demolished as they see appropriate. If the owners ignore the order then the City can do so themselves and place a lien on the property. Alderwoman Haydon made a motion to issue Orders to Demolish these properties and notify the appropriate parties stating that they have thirty days to demolish these structures. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

15. Building Permit for Escondido Clubhouse: Mayor Lambert said Escondido was issued a permit to build the foundation for their Clubhouse several months ago and it has been built. They have been working with City staff and a consultant hired by the City to obtain a building permit for the clubhouse and that process is not complete as of this time. They would like to proceed with the structural framing in anticipation that they will get the entire building permit approved within a 60-90 day time frame. That part of the project has been approved by the consultant and they have agreed if anything does not meet the required specifications they will remove and change it. Alderman Robinson made the motion to approve the request. The motion was seconded by Alderman Bird. The motion passed unanimously (5-0).
16. Skywater Over Horseshoe Bay Update: City Attorney Monte Akers stated the City has been named a party seeking Declaratory Relief that they have an interest in the PID money. His firm recommended the City hire a bankruptcy attorney and Akers & Boulware-Wells has engaged Ardie Baer. He will now be the one who answers on behalf of the City as far as Declaratory Judgment.
17. Personnel Policy Manual: City Manager Stan Manager stated the Council has the latest draft of the Personnel Policy Manual. This item was continued from last month's meeting. The City Attorney and Staff have reviewed a second time and the few minor changes are noted in the redline version. Alderman Robinson made the motion to approve the Personnel Policy Manual as presented. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).
18. Amendment to Building Code Ordinance ORD 06-04-18E to Adopt the 2008 Edition of the National Electrical Code and the 2009 Edition of Each of the following Codes: the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, and International Energy Conservation Code – For Discussion Only: Council requested that the Staff solicit comments from local builders regarding their opinion. This will be on the July agenda for further consideration.
19. Amendment to Zoning Ordinance for the Planned Development Ordinance for Village Square (Hi Circle South and 15th Green Drive) – For Discussion Only: Mayor Lambert stated the City continues to have discussions with the developers and their representatives.

