

CITY OF HORSESHOE BAY
CITY COUNCIL PUBLIC MEETING

July 7, 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, July 7, 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 Pete Christy, 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. Staff Recognition:
 - a. Bill Lane – 10 year Service Award
Mayor Lambert presented Bill Lane, Horseshoe Bay Chief of Police, with a plaque in appreciation of ten years of service to the City.
6. Proposed Burnet County Emergency Services District Nos. 3 & 6 in City's ETJ: Mayor Lambert said the City has again been contacted regarding the proposed Burnet County ESDs in the City's ETJ. He added the property owners in Wilderness Cove, a sub-division in the City's ETJ, still object to being included in ESD #3 and ESD #6 is currently ranch land. The Mayor recommended not approving the inclusion of portions of the City's ETJ in these ESDs. Alderman Babcock asked City Manager Stan Farmer if he had received the maps of the ESDs he requested and Mr. Farmer said no. Alderwoman Haydon made a motion to

decline approval of this request. The motion was seconded by Alderman Spence. The motion passed unanimously (5-0).

7. Odor Related to Golf Course Irrigation: Utilities Director Jeff Koska said his department has been working diligently to alleviate this problem and had received no complaints recently.
8. Public Hearing on Conditional Use Permit for AT&T to allow Construction of a 150 Foot Wireless Antenna Tower on Lot No. 14166 of Horseshoe Bay Plat No. 14.1 (South Side of South Wind, 13th Lot West of Clayton Nolen Drive): Mayor Lambert convened the Public Hearing at 3:08p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. He explained that representatives from AT&T have requested this item be deferred until the August 25th Council meeting. Alderman Robinson stated he has been involved with this item since the beginning in an effort to bring better phone and internet service to HSB. He confirmed with Ron Mitchell that the FAA has no problem with placing this tower at this proposed site. City Manager Stan Farmer has requested a letter from AT&T documenting their consent to move all of the City's equipment to the new site at no charge. Alderman Babcock made the motion to continue the Public Hearing until the August 25, 2009 City Council meeting. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).
9. Items to be removed from the Consent Agenda: There were no items to be removed from the Consent Agenda.
10. Consent Agenda Items:
 - a. Minutes of the June 16, 2009 Special Meeting and the June 16, 2009 Public Meeting
 - b. Request for Approval of a Building Permit for an Addition and Remodel of a Residence which will be make it more than 10,000 Square Feet of Covered Area on Lot 1-A of Horseshoe Bay Plat No. 37.51 (5410 FM 2147 West - Jonathon Cove 4)
 - c. Interlocal Agreement with Burnet County for the Provision of Street Sealcoating and Maintenance

Alderman Spence made the motion to approve the Consent Agenda. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

11. Monthly Statistical Departmental Data Reports
 - a. City Manager; Administration; Community Services; Development Services; Fire Dept.; and Police Dept.

City Manager Stan Farmer reviewed the Departmental Data Reports. Alderman Robinson questioned the increase in the number of animal control calls. Police Chief Bill Lane said as word of mouth is partially responsible for the increased number as well working with non-domestic animals.

12. Streets to be Sealcoated Per Interlocal Agreements with Llano and Burnet Counties: Alderman Babcock made the motion that Aldermen Spence and Bird work with Mayor Lambert and City Manager Stan Farmer to determine the streets for the chip seal program for

2009. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

13. The City Council, meeting as the Board of Adjustment, will Conduct a Public Hearing and Possible Action Regarding:

a. Public Hearing on Request for a 10 Foot Variance from the 15 Foot Rear Yard Setback of Section 3.6.2 (c) (3) of the Zoning Ordinance for Lot No. 12016 of Horseshoe Bay Plat No. 12.1 (North Side of Near North Circle, West of Lighthouse Drive)

Mayor Lambert convened the Public Hearing at 3:17 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Alderman Robinson made the motion to approve the variance. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).

14. Conduct a Public Hearing and Consideration of Preliminary Plats:

- a. Replat Lot Nos. 27 and 28, Trails End to be known as Plat No. 1.0, Horseshoe Bay, Llano County, Texas (Trails End Parkway)
- b. Replat of a 4.22 Acre Parcel of a 45 Acre Tract Out of the E. G. Mercer Survey No. 3, Abstract No. 562 and the J. Jones Survey No. 86, Abstract No. 562, to be known as Parcel 1 of Craig Plat No. 1, Llano County, Texas (North of Highway 71 West and East of FM 2147)

Mayor Lambert convened the Public Hearing at 3:18 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Alderman Robinson made the motion to approve the preliminary plats. The motion was seconded by Alderwoman Haydon. The motion passes unanimously (5-0).

15. Development Agreements for Veterinarian Clinic and Larger Tract Developments in the ETJ:

Alderman Babcock made the motion to give Mayor Lambert the authority to sign these development agreements. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0). The Development Agreement for the Larger Tract will be considered at a later date.

16. Annexation Service Plan for Six Areas of the Extra-Territorial Jurisdiction Totally or Almost

Totally Surrounded by the City Limits: Alderwoman Haydon made the motion to approve the annexation service plan. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).

17. Schedule Two Public Hearings for Annexation of Six Areas of the Extra-Territorial Jurisdiction Totally Surrounded or Almost Totally Surrounded by the City Limits:

Alderman Babcock made the motion to schedule two public hearings regarding this item on August 25, 2009 at 3:00 p.m. and September 15, 2009 at 9:00 a.m. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

18. Annexation Service Plan for 0. 20 Acre Part of Lot W5013-A of Horseshoe Bay Plat No. W5.8, Llano County, Texas:

Mayor Lambert said the property owners, Tom and Mary

Barker, had requested annexation of this property into the city limits. Alderman Robinson made the motion to approve the annexation plan. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).

19. Schedule Two Public Hearings for Annexation of 0.20 Acre Part of Lot W5013-A of Horseshoe Bay Plat No. W5.8, Llano County, Texas: Alderman Bird made the motion to schedule two public hearings regarding this item on August 25, 2009 at 3:00 p.m. The motion was seconded by Alderman Spence. The motion passes unanimously (5-0).
20. 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: Mayor Lambert said Brian Ellis with Westway Builders had signed up to speak on this item. Mr. Ellis said this has been a tough year. He reviewed the additional requirements of the 2009 edition of these codes and the cost he believes they would add to the price of new homes in the City. He said this version has just been released and he feels the City would be better served by not adopting these at this time. Other area builders had sent responses in writing and these were included in the Council's packet. Alderman Spence suggested this item be reconsidered and that the Council might consider adopting the 2006 editions or the 2009 Editions with exceptions. Mayor Lambert stated the ISO consultant suggested adopting the 2006 Edition would help improve the City's rating and would like this to be on the August or September agenda for further consideration.
21. Amendment to Fire Code Ordinance ORD 08-1-22C to Adopt the 2009 Edition of the Fire Code – For Discussion Only: The City has already adopted the 2006 version of the Fire Code. No further action is expected on this item at this time.
22. Zoning Ordinance Amendments for Boat Docks Along Waterfront Lots and for Storage Sheds in the M-1 Mobile Home Classification in Zone 4-B Horseshoe Bay South – For Discussion Only: Mayor Lambert explained the Council just received the second draft of this item today. He added that they do not think this is a change from existing practice along the waterfront in Horseshoe Bay; he feels this should be added to the Zoning ordinance in order to make it parallel with the requirements of the Architectural Control Committee. Mayor Lambert suggested that the Council considered annexing property off the shoreline of the City out to some point in the water in order to be able to have zoning authority on these very important structures in the City. Mayor Lambert said the amendment regarding the boat docks will be dropped for the time being; however the portion covering the storage buildings still needs to proceed and will be on the August 25, 2009 agenda for consideration.
23. Amendment to Zoning Ordinance for the Planned Development Ordinance for Village Square (Hi Circle South and 15th Green Drive) – For Discussion Only: Mayor Lambert said this item was placed on the agenda in case there was an update and he was contacted yesterday and informed the project has been postponed until financing becomes available.

24. Ordinance Prohibiting Smoking in Public Places – For Discussion Only: Mayor Lambert said the City has received requests from businesses as well as residents from the City. He suggested we limit the signage requirements. The Resort facilities are now non-smoking in all indoor facilities with limited smoking outdoors.
25. Ordinance Prohibiting Graffiti and Providing for Abatement and Assessing of Expense: Mayor Lambert explained this ordinance is needed in order for the City to be able to require the owner of property to cover and remove graffiti from their property. Alderman Spence made the motion to approve the ordinance as written. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).
26. Propose Tax Rate: Mayor Lambert said Richard Waters had asked to speak on this item. Mr. Waters asked that the Council require stricter adherence to regulations for businesses in the City. Possibly requiring proof of general liability insurance to operate in the City.
- Mayor Lambert stated the Council held a 5 hour budget workshop yesterday and discussed a draft budget. There will be another budget workshop on August 25th. State law requires that the Council propose a tax rate. Alderwoman Haydon made the motion to lower the tax rate to an amount no higher than \$0.33/\$100. The motion was seconded by Alderman Spence. The motion passed unanimously (5-0).
27. Schedule Public Hearings on Proposed Tax Rate: Mayor Lambert said the public hearing will not be necessary with a tax rate of \$0.33/\$100. The actual rate will be set once the City receives the final evaluation figures from the Appraisal Districts. This will be at the September 15, 2009 Council meeting.
28. Sales Tax Election: Mayor Lambert said the City Council during the budget meeting yesterday considered asking the community to approve a ¼% sales tax that would be dedicated solely for street maintenance. The decision will probably be made at the August 25th meeting after the budget workshop scheduled for that morning.
29. November 3, 2009 Election for City Council: Mayor Lambert said there are three positions up for election this year. The mayor and two council members, John Bird and Claudia Haydon. The first date to file is August 3rd and the last day to file for a place on the ballot is September 2nd. Mayor Lambert stated he will be seeking re-election. He said he appreciated the support and encouragement from the citizens of Horseshoe Bay. Alderwoman Haydon said she will also be seeking re-election for another two year term. Alderman Bird said he is not currently planning on seeking re-election.
30. Skywater Update: Mayor Lambert thought there would be representatives from Southstar Development at today's meeting; however they are not present.
31. Update Regarding Patty Akers New Role in Akers & Boulware-Wells: City Attorney Monte Akers stated his wife is the current City Attorney for Marble Falls and has been a partner with Bickerstaff, Heath, Delgado, Acosta law firm for several years; however effective Monday she will be joining his firm. The City of Marble Falls is planning on retaining her as

