

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING

October 21, 2008

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, October 21, 2008, 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
Richard Rantzow, Alderman
Jeff Robinson, 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: Pete Christy, senior pastor of the Church at Horseshoe Bay led the invocation.
3. Pledges to the Flags: Mayor Lambert then 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. Changes in Agenda Related to Recent Attorney General's Opinion: Mayor Lambert said the Attorney General recently issued an opinion that said the mayor, aldermen or alderwomen cannot make general comments during a council meeting. Everything must be on the agenda. The City Manager's report must also be more specific about what the City Manager might discuss. The Mayor's comments and Aldermen comments items have been deleted from this agenda and the City Manager's report item has more detail. Any of the Council members may speak by requesting an item be added to the agenda prior to the 72 hour deadline of posting the agenda.
5. Public Comments: There were no public comments
6. Recognition of Alderman Rantzow: Mayor Lambert said this was Alderman Rantzow's last regular meeting. He then presented Alderman Rantzow with a plaque recognizing his service to the citizens of Horseshoe Bay. Alderman Rantzow stated he felt he was leaving his place on the council in good hands with Steve Spence taking over.

7. Staff Recognition:

- a. Royce Graeter – 5 years
- b. Juan Aguilera – 5 years
- c. Fire Department – Promotion Ceremony
Stephanie Black to Assistant Fire Chief
Brad Casey to Lieutenant

Mayor Lambert thanked Royce Graeter for five years service and presented him with a plaque recognizing his service to the City of Horseshoe Bay. Mayor Lambert then presented Juan Aguilera with a plaque recognizing his five years service to the City as Recycle Monitor. Fire Chief Jim Fiero then led a promotional ceremony. Stephanie Black was promoted to Assistant Fire Chief and Brad Casey to Lieutenant. Mayor Lambert presented each with their badges.

- d. Police Chief Bill Lane introduced two new members of the Horseshoe Bay Police, Billy Jividen and Chip Leake.

8. Update by Dennis Hill, Superintendent of Llano Independent School District: Mayor Lambert stated Dennis Hill has been the LISD Superintendent for the past five years. He serves 1900 students and has been in education administration for 24 years. Mr. Hill was recently honored as Superintendent of the Year for Region 19 and then named as one of the five finalists for Superintendent of the Year for the State of Texas. Mayor Lambert then read a Proclamation of the City of Horseshoe Bay honoring Dennis Hill. Mr. Hill gave an update on the state of the school district.

9. Items to be Removed from Consent Agenda: Mayor Lambert asked if there were any items the Council wanted to remove from the Consent Agenda. There were none.

10. Consent Agenda Items:

- a. Minutes of the September 16, 2008 Special Public Meeting and the September 16, 2008 Public Meeting
- b. Final Plats:
 - i. Replat Lot Nos. K2036 and K2037, Horseshoe Bay South, Plat No. K2.1 to be known as Horseshoe Bay South Plat No. K2.36, Horseshoe Bay, Burnet County, Texas (2202 3rd Street)
 - ii. Replat Lot No. 121, The Trails of Lake LBJ, Phase 3, Horseshoe Bay, Llano County, Texas (Overlook Parkway)
 - iii. Replat Lot Nos. K11008 and K11009, Horseshoe Bay South, Plat No. K11.1 to be known as Horseshoe Bay South Plat No. K11.20, Horseshoe Bay, Burnet County, Texas (Mountain Dew and Chisom Trail)
 - iv. Replat of Lot Nos. 47-A Thru 56-A of Escondido Plat No. 1.2, to be Known as Escondido Plat No. 1.16, Including Zero Foot Side Yard Setbacks Between Each Set of Two Lots, Horseshoe Bay, Llano County, Texas (122 Encantada)
- c. Agreement Regarding Firefighting Services Between the City of Horseshoe Bay and Oak Ridge POA, Llano County MUD #1, The Hill Sections I & II POA, and The Hills Section III POA
- d. Resolution to Establish an Account at American Bank of Texas for Escondido Public Improvement District Assessments

- e. Resolution to Establish an Account at American Bank of Texas for Skywater Public Improvement District Assessments
- f. Resolution Authorizing Participation in Texpool and Designating Authorized Representatives for Escondido Public Improvement District
- g. Engagement Letter with Neffendorf, Knopp, Doss and Company, P.C. to Conduct the FY2008 Audit
- h. Interlocal Agreement with Llano County for Emergency Management
- i. Development Policy
- j. Ordinance Regarding Identity Theft Program

Alderman Rantzow made the motion to approve the Consent Agenda as presented. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).

11. Departmental Reports:

- a. Administration Department Monthly Statistical Data and Report on City Council Reimbursements and Use of City Assets
- b. Community Services Department Monthly Statistical Data
- c. Development Services Department Monthly Statistical Data
- d. Fire Department Monthly Statistical Data
- e. Police Department Monthly Statistical Data

City Manager Stan Farmer stated these are the last reports for the fiscal year. Also, under the compensation policy the City Manager is required to annually review the reimbursements to the Council members. He stated there was no personal use of City assets or services by any members of the City Council. He also pointed out a new section in the Development Services report showing code enforcement. There were no Council comments.

12. Zoning Ordinance Amendment to Provide for Regulations for Accessory Uses, Including Swimming Pools, Fences, Retaining Walls, Decks, Pool Enclosures, Private Sidewalks and Bulkheads: Mayor Lambert stated this item has been on the agenda several times for review. Alderman Robinson made the motion to approve the amendment to the zoning ordinance as written. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

13. Public Hearing and Consideration Regarding Zoning Ordinance Amendment to Require Public Hearing Notices for Variances to be Placed in the Llano News and the Horseshoe Bay Beacon, and Requiring at Least 16 Days Notice for Published and Mailed Notices: Mayor Lambert convened the public hearing at 3:27 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Alderman Rantzow made the motion to approve the amendment to the zoning ordinance as written. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

14. Continuation of Action to Adopt Ordinance Annexing the 5.44 acre Horseshoe Bay Center Tract (Space Center Property on Hwy. 2147): Mayor Lambert said this is a continuation of the action to annex the 5.44 acre Horseshoe Bay Center tract. City Manager Stan Farmer verified he had spoke to TxDOT representative Howard Lyons and Mr. Lyons said has signed the approval allowing two curb cuts off 2147 to this property. Alderman Robinson

made the motion to approve the annexation. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).

15. Public Hearing and Consideration Regarding an Amendment to the Zoning Ordinance Adding a New Planned Development District for Horseshoe Bay Center: Mayor Lambert convened the public hearing at 3:30 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Alderwoman Haydon made motion to approve the amendment to the zoning ordinance. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).
16. Public Hearing Regarding an Amendment to the Zoning Ordinance Adding a New Planned Development District for The Shoppes at Hi Circle (Discussion Only): Mayor Lambert convened the public hearing at 3:30 p.m. Jerry Gray spoke on behalf of several of the immediate neighbors around this particular proposed development. They have worked with the developer, his representative Marley Porter, TxDOT, the Resort, the Architectural Review Committee. They have reached an agreement with the developer regarding their concerns. They would like to support this development. They would also like to express their appreciation to the developer and to Marley Porter for their cooperation in working with them as a neighborhood unit on the issues they felt needed to be resolved. Bill Gaylord spoke about his concern regarding the safety along 2147 where the entrance to this development will be located. He suggested additional warning signs and lighting at the entrance at night. Marley Porter with Living Architecture said this was a long process starting about a year ago. He said what they have now is a simple one story building meeting all the concerns of the neighborhood and the City. Mayor Lambert adjourned the public hearing. He said this item is posted for discussion only and will be on the November agenda for consideration. Alderman Babcock stated he feels the Council consider adding a requirement to this development agreement as well as future agreements that states if development has not been started within a year, then the agreement would come back for review.
17. Public Hearing Regarding an Amendment to the Zoning Ordinance Adding a New Classification AM-1 Airport Mixed Use to Zone 15 Airport and Expanding the Area of Zone 15 Airport (Discussion Only): Mayor Lambert convened the public hearing at 3:42 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Notice of this amendment was mailed to effected owners. When this area was originally zoned, the ordinance inadvertently did not allow hangars to be built. Mayor Lambert stated this information will be put on the City's website and will be on the November agenda for consideration.
18. Extension of the Main Utility Line Ordinance: City Manager Stan Farmer explained this ordinance clarifies the obligation of the City to new customers, both developers and individuals for extension of water and sewer lines with written policies. Alderman Rantzow made the motion to approve the ordinance. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

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

- a. Request for Variance to Section 3.2.1 (e) of the Zoning Ordinance to Allow a 13.1 foot Encroachment into the 20' Front Yard Setback for an Existing 5 Foot High Rock Wall, to Allow a 9.5' Encroachment into the 20' Front Yard Setback for an Existing 18 Inch High Rock Wall, to Allow a 21.3' to 30.0' Encroachment into the 35' Front Yard Setback for an Existing 18 Inch High Rock Wall, and to Allow a 6.8' Encroachment into the Private Street Right-of-Way for an Existing 18 Inch High Rock Wall on Lot No. 86-A, Escondido, Plat No. 1.11 (177 Encantada)
- b. Request for Variance from Section 3.2.1 (e) of the Zoning Ordinance to Allow a Maximum 15 Foot Encroachment into the 25 Foot Front Yard Setback for a 4 Foot High Rock Wall on Lot 25054, Horseshoe Bay Plat No. 25.1 (100 Anchor Point)

Mayor Lambert convened a public hearing at 4:01 p.m. regarding these two variances from the zoning ordinance. He asked if there were any comments, there were none and he adjourned the public hearing. Alderman Bird expressed concern regarding the number of variances the City Council is being asked to approve. The zoning ordinance was structured like the deed restrictions and now the citizens go to the Architectural Control Committee and often receive a variance. They then come to the City of approval of a variance. Sam Tarbet said there are many different circumstances that call for possible variances and prior to incorporation the Architectural Control Committees could grant variances without having to then come to the City. Mr. Tarbet stated there are instances where the ACC does not grant variances and the City never sees the request. Alderman Bird asked if the City's zoning ordinance should be amended in order to avoid the need to approve these type variances. Alderman Rantzow made the motion to approve the variances. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

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

- a. Replat Lot Nos. 25027, 25028, and 25029, Horseshoe Bay Plat No. 25.1 to be known as Plat No. 25.12, Horseshoe Bay, Llano County, Texas (Red Sails)
- b. Replat Lot Nos. K2012 and K2013, Horseshoe Bay South, Plat No. K2.1 to be known as Horseshoe Bay South Plat No. K2.12, Horseshoe Bay, Burnet County, Texas (2301 Stag)

Mayor Lambert convened a public hearing at 4:15 p.m. He asked if there were any comments. There were none, and he adjourned the public hearing. Alderman Babcock made the motion to approve the preliminary plats. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

21. Discussion Regarding Chipper for Brush Disposal Site: Alderwoman Haydon requested this item be placed on the agenda in order to discuss this as a good alternative to burning the brush pile. City Manager Stan Farmer stated he had priced the equipment some time ago. The City would need a large chipper with a tub grinder. The prices of these were in excess of \$50,000. He added he had spoke with Jeff Koska, Utilities Manager, who had experience with one of these at KMUD and it creates dust and noise concerns as well as maintenance costs. The City would need two personnel present at all times for safety reasons which would possibly increase personnel costs. Also, the piles of chips are actually more combustibile than the brush. With the recent changes in the policy, the amount of yard waste

