

# City Council Meeting Minutes

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A City Council Regular Meeting of the City of Horseshoe Bay was held Tuesday, March 19, 2019, 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 Jerry Gray  
Council Member Cynthia Clinesmith  
Council Member Kent Graham  
Council Member Reagan Lambert  
Council Member Elaine Waddill

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

2. **Invocation** – Senior Pastor Rev. Dr. Malcolm McQueen, 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. **Proclamations**
  - A. Proclamation Declaring April 2019 as "National Child Abuse and Neglect Prevention Month" – Annual kick off to Child Abuse and Neglect Prevention Month presented by Judge Bebe Rocha (Justice of the Peace, Llano County Precinct 1). Mayor Steve Jordan read allowed the proclamation, and he and Judge Rocha presented the proclamation to Alma Lahmon (Executive Director of the Highland Lakes Family Crisis Center). Those in attendance to support the proclamation: District Attorney Sonny McAfee, Llano Co. Judge Ron Cunningham, Austin DPS Lt. Garcia, Austin DPS Captain Richards, Burnet/Llano/Blanco County DPS Sgt Roy, Llano County DPS Troopers Chambers, Nelson, and Henneke, Judge Kirk D. Noaker (CASA board member), Ken Nickel (Hill Country Children Advocacy Center), Melissa Edge (CASA board member), Kerry Trull (CASA Development Coordinator), Burnet Co. Constable Pct. 4 Missy Williamson Bindseil, Burnet Co. Justice of the Peace Pct. 4 Debbie Bindseil, MF Chevy Buick represented by Shaunda McCann, and MF Glass & Mirror represented by Randy Smith.
5. **Announcements and Staff Recognition**
  - A. Helen Smith, The Trails Subdivision Clean Sweep Firewise 15 Year Award – Fire Chief Joe Morris and Kelsey Davis (Texas A&M University Forest Service) presented Ms. Smith with the award and thanked her for her work on this program.
  - B. National Wildlife Federation's Mayors' Monarch Pledge - Mayor Jordan provided an update on the Monarch Butterfly Pledge program.
  - C. Preservation of Life Award - Officer Richard Ciolfi – Police Chief Rocky Wardlow presented Officer Ciolfi with the award and thanked him for his service.
  - D. Recognition of Assistant Fire Chief Stephanie Black for Earning the Executive Fire Officer Certification from the National Fire Academy – Fire Chief Morris recognized Assistant Fire Chief Black and thanked her for her service.
6. **Public Comment** – Local builders Dean Blaine and Scooter Lofton spoke regarding the hours for concrete pours in Horseshoe Bay. In colder weather, concrete doesn't cure as quickly as in

warmer months so it is virtually impossible for contractors to pour and finish a 5,000 square foot slab in the amount of time currently allowed by city ordinance. Mayor Jordan directed staff to follow up on this item to see what changes may need to be made to the ordinance.

## **7. Presentations**

- A. Presentation from Patty Gillean, of Gillean and Associates Realty, Regarding Real Estate in Horseshoe Bay – Patty Gillean provided information and statistics regarding real estate in Horseshoe Bay.
- B. Presentation of the Audited Financial Report for the Year Ended September 30, 2018 – Jon Watson of the auditing firm BrooksWatson presented the report.
- C. Presentation by the Utilities Department Regarding Several Water Quality Issues Including Zebra Mussels – Utilities Director Jeff Koska and Joseph Jenkins (Project Manager from Walker Partners) provided a report, which is on file.

## **8. Consent Agenda**

- A. Approval of Regular Meeting Minutes, February 19, 2019
- B. Approval of Resolution 2019-09: Amending the City Council Rules of Procedures
- C. Approval of Ordinance 2019-18: Amending Chapter 1 General Provisions, Article 1.02 Administration, Section 1.02.040(c) to Allow the Records Management Officer, in Lieu of the Mayor, to Authorize the Destruction of Records Under an Approved Records Control Schedule; Providing for Findings of Fact; Effective Date; Repealer; Severability; and Proper Notice and Meeting
- D. Approval of Resolution 2019-10: 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
- E. Approval of Ordinance 2019-23: Authorizing the Horseshoe Bay Police Department to Enforce Texas State Traffic Laws in Tuscan Village, an Area with Private Streets in Summit Rock; and Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting
- F. Approval of the Public Funds for Public Purposes Subcommittee's Recommendation of Approval Regarding a Funding Request from the Friends of the Fuchs House for Sponsorship of the Fuchs' House Golf Tournament

Mayor Pro Tem Jerry Gray asked that Consent Item C be considered separately. Council Member Kent Graham motioned to approve all consent items except item C. Council Member Cynthia Clinesmith seconded. VOTE: 5-0 in favor, motion passed. Mayor Pro Tem Gray asked for confirmation that removing the requirement for the Mayor's signature on disposition logs will not hinder the city's ability to comply with records management laws. City Secretary Kerri Craig confirmed that removing this step in the process will not affect the city's ability to properly comply with the law, and that requiring the Mayor's signature on this form is not a common practice in other cities. There is still a methodical and multi-level approval process in place to ensure records management laws are followed by the city. Mayor Pro Tem Gray motioned to approve item C. Council Member Graham seconded. VOTE: 5-0 in favor, motion passed.

## **9. 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

## 10. **Business**

- A. Presentation by Mayor Jordan for the Official Song of the City of Horseshoe Bay – Mayor Jordan presented the song “Don’t Let the Old Man In” by Toby Keith as a candidate for the Official Song of the City of Horseshoe Bay. City Attorney Rex Baker confirmed that the city can designate an official song, but will have to pay an annual license fee of approximately \$350 for the song and sign a license agreement. Mayor Pro Tem Gray motioned to approve the song and designate it as the official song of the city. Council Member Waddill seconded. Council Member Clinesmith stated that although she is open to the idea of having an official song, and would recommend the community be engaged to find a song, but she takes exception to this song as it represents a movie in which the main character was not a good husband or father, and was a drug runner. Also, she believes it mis-represents the city as old. Mayor Pro Tem Gray stated the song is appealing because as a population, citizens of Horseshoe Bay don’t let the old man in. The citizens stay involved, energetic, and participate in everything from pickleball to golf, so he thinks the song has merit. VOTE: 2-3 in favor of denial, Council Members Clinesmith, Graham, and Lambert voted No, motion failed.
- B. Ordinance 2019-19: Establish Minimum Standards for Installation and Operation of Irrigation Systems Within the Corporate City Limits of the City and the Extraterritorial Jurisdiction; Addressing Landscaping Requirements Related to Water Conservation; Providing for a Criminal Penalty, Class C Misdemeanor Not to Exceed Five Hundred Dollars (\$500) for Violation of the Code; Findings of Fact; Severability; Repealer; Effective Date; and Public Notice and Meeting – Utilities Director Jeff Koska and Water Conservation Inspector Bill Teeter provided a report, which is on file. Council Member Graham motioned to approve Ordinance 2019-19. Mayor Pro Tem Gray seconded. VOTE: 5-0 in favor, motion passed.
- C. Ordinance 2019-20: Amending Article A3.00 Building and Development Fees, Section (A) Building Permits and Codes of the City Code of Ordinances Consolidating and Establishing New Permit Fees for Building Permits Issued by the City of Horseshoe Bay; and Providing for Findings of Fact; Severability; Repealer; Effective Date; and Proper Notice and Meeting - Development Services Director Eric Winter provided a report, which is on file. Council Member Graham motioned to approve Ordinance 2019-20 with the changes discussed in the meeting. Mayor Pro Tem Gray seconded. VOTE: 5-0 in favor, motion passed.
- D. Ordinance 2019-21: Amending Chapter 14 of the Zoning Ordinance, Article 14.02 Zoning Ordinance Eliminating the Weight of Planes in Zone 15 Airport; Eliminating Guest House in the Definitions Section; Changing Guest House and Guesthouse to Casita in 5 Sections; Deleting Zone 14 HSB Blvd. Corridor in its Entirety and Assigning all of the Planned Development (PD) Authorizations to the Same Individual Lots in Zone 4A Horseshoe Bay; Eliminating References to Less Than ½ Acre and More Than ½ Acre and Providing Standard Regulations for Any Size Lot in the C-2 Classification; Adding a New Section Restricting the Maximum Size for All Buildings in All Zones, Except for Clubhouses and Property Along Highway 71 in Zone 12 Summit Rock, and Requiring a Variance From the Board of Adjustment for Larger Buildings; Adding to the Definition of Casita that No Complete Kitchens are Allowed; Adding a New Section for the R-4 Multi-family Classification in Zone 6 Pecan Creek; Adding a New Section that Requires a Zero Foot Rear

Yard Setback on All Waterfront Lots Where None are Shown on the Plats; and Adding a New Definition for Golf Cart Storage Garage and a New Section Treating it as an Accessory Structure - Development Services Director Eric Winter provided a report, which is on file. Mayor Pro Tem Gray motioned to approve Ordinance 2019-21. Council Member Clinesmith seconded. VOTE: 5-0 in favor, motion passed.

- E. Ordinance 2019-22: Amending Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.405(E)(5) in Zone 2 Applehead, Section 14.02.406(E) in Zone 3 Horseshoe Bay West, Section 14.02.406(H)(5)(A) in Zone 4A Horseshoe Bay Proper, and Section 14.02.407(C)(5) in Zone 5 Bay Country, by Changing the Minimum Size for a Multi-Family Unit in the R-4 Multi-Family Classification From 750 Square Feet To 1,500 Square Feet with an Option for Up To 20 Percent of the Units to be a Minimum of 750 Square Feet and Changing the Minimum Size for a Multi-Family Unit in the R-6 Multi-Family Classification From 750 Square Feet To 1,200 Square Feet with an Option for Up To 20 Percent of the Units to be a Minimum of 750 Square Feet; Eliminating the Reference to Less Than or More Than 20 Living Units in All Multi-Family Classifications; and Providing for Severability; Repealer; Effective Date; and Proper Notice and Meeting - Development Services Director Eric Winter provided a report, which is on file. Council Member Graham motioned to approve Ordinance 2019-22. Mayor Pro Tem Gray seconded. VOTE: 5-0 in favor, motion passed.
- F. Request for Approval of a 6' 2" Sign Variance to Allow an 11' 2" Wide Wall Sign on the Canopy of the Valero Gas Station Located at Texan Mart, 6802 FM 2147, *Valero, Applicant* – Assistant Planner David Aldridge provided a report, which is on file. Council Member Lambert motioned to approve the request. Council Member Graham seconded. VOTE: 4-1 in favor, Mayor Pro Tem Gray voted No, motion passed.
- G. Request for Approval of a 10' 1" Sign Variance to Allow a 15' 1" Wide Wall Sign on the Retail Building Next to Ace Hardware at 9714 FM 2147 and to Allow the Sign to be an LED Lighted Sign, *Mike Walsh, Applicant* - Assistant Planner David Aldridge provided a report, which is on file. Mr. Aldridge stated that the current ordinance does not allow lighting of any kind on signage without a variance. Development Services will be presenting proposed amendments to the city's sign ordinance to address size and lighting issues at the April regular Council meeting. Council Member Lambert motioned to approve the request as presented. Council Member Graham seconded. After further discussion, Council Member Graham suggested the motion be amended to approve the size variance but not the lighting. After Council considers revisions to the Sign ordinance at the April meeting, the applicant can request a variance if lighting is still not allowed. Council Member Graham withdrew his second, and Council Member Lambert withdrew his motion. Council Member Lambert motioned to approve the variance to allow a 15' 1" wide wall sign, but not allowing an LED lighted sign. Council Member Graham seconded. VOTE: 5-0 in favor, motion passed.

## 11. **Executive Session**

- A. Consultation with City Attorney Regarding Terms of Contract (*Consultation with City Attorney 551.071*) - Council Convened to Executive Session at 6:25pm to discuss Executive Session Item A. Present: Mayor Steve Jordan, Mayor Pro Tem Jerry Gray, Council Member Cynthia Clinesmith, Council Member Kent Graham, Council Member Elaine Waddill, Council Member Reagan Lambert, City Manager Stan Farmer, and City Attorney Rex Baker. Reconvened to the regular meeting at 6:45pm. No action was taken.

- 12. **Adjourn** - Mayor Pro Tem Gray motioned to adjourn the meeting. Council Member Lambert seconded. VOTE: 5-0 in favor, motion passed. Meeting adjourned at 6:50pm.