

City Council Meeting Minutes

A Regular City Council Meeting of the City of Horseshoe Bay was held Tuesday, May 21, 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** - Pastor Lanny Tanton from The Bible Church of the Lakes gave the invocation.

3. **Pledges to the Flags** - Mayor Jordan led the pledges of allegiance to the United States flag and the Texas flag.

4. **Announcements and Recognition**

A. Presentation of a Certificate of Appreciation to Neil Andrew, Chair of the Planning and Zoning Commission – Mayor Jordan presented Mr. Andrew with a certificate and thanked him for his service to the city.

5. **Proclamations**

A. Proclamation Declaring May 2019 as "Older Americans Month" – Mayor Jordan read aloud the proclamation.

6. **Public Comment** – Llano County Commissioner Peter Jones spoke regarding the re-opening of the RM 2900 bridge in Kingsland that will be held on May 24, 2019. He also spoke regarding the potential creation of a coalition of the communities around Lake LBJ to deal with issues related to the lake such as the increase in sedimentation after the October 2018 flood, where there is no clear authority present to resolve problems. Burnet County Judge James Oakley spoke regarding the re-opening of the bridge as well, and the award from TXDOT in the amount of \$3 million to do the engineering and prepare for a bridge below Wirtz Dam. He also mentioned the Board of the Pedernales Electric Cooperative are elected, and he is currently running for re-election to that Board and encouraged citizens to vote.

7. **Presentations**

A. JoKarr Tedder, President of the Central Texas Water Coalition – Ms. Tedder provided an overview of the purpose of the Central Texas Water Coalition.

B. Update from the Pedernales Electric Cooperative, Inc. to be Presented by CEO Julie Caruthers Parsley, COO Eddie Dauterive, and Board Member Burnet County Judge James Oakley – Ms. Caruthers, Mr. Dauterive, Nathan Burns (District Director), and Judge Oakley provided an overview of PEC and the services they provide, and an update on their activities in the hill country area.

8. **Consent Agenda**

A. Approval of Regular Meeting Minutes, April 16, 2019

B. Approval of Special Meeting Minutes, April 23, 2019

- C. Approval of Ordinance 2019-30: Amending Chapter 3 Building Regulations, Article 3.02 Building Code, Section 3.02.014(A) to Amend Section R108.6 of the 2015 International Residential Code and Amending Section 3.02.015(A) Amending Section 109.4 of the 2015 International Building Code to Authorize the City to Charge a Double Permit Fee When Construction Work Was Begun Without a Building Permit; Providing for Findings of Fact; Severability; Repealer; Effective Date and Proper Notice and Meeting
- D. Approval of Ordinance 2019-32: Amending Chapter 3 Building Regulations, Article 3.02 Building Code, Adding a New Section 3.02.021 Adopting the International Code Council's 2015 Edition of the International Fuel Gas Code, and Providing for Findings of Fact, Fees and Penalties, Severability, Repealer, Effective Date, and Proper Notice and Meeting
- E. Approval of Ordinance 2019-33: Amending Chapter 3 Building Regulations, Article 3.02 Building Code, Section 3.02.019 Energy Conservation Code by Adopting the 2015 Edition of This Code; Providing for Findings of Fact, Fees and Penalties, Severability, Effective Date, Repealer, and Proper Notice and Meeting

Council Member Graham motioned to approve all consent items. Council Member Clinesmith seconded. VOTE: 5-0 in favor, motion passed.

9. Public Hearing Items

- A. Request for Approval of Horseshoe Bay Plat No. 9.18, a Replat of Lot No. 9101 of Horseshoe Bay Plat No. 9.1, Also Known As 416 Hi Circle W. The Purpose of the Replat is to Divide the Lot Into Two (2) Lots with the Dividing Line Following the Shared Wall of the Duplex, *John and Brenda Brown, Applicants* – Assistant Planner David Aldridge provided a report, which is on file. Mayor Jordan opened the public hearing at 3:55pm. No one spoke. Mayor Jordan closed the public hearing at 3:56pm. Mayor Pro Tem Gray motioned to approve the replat. Council Member Graham seconded. VOTE: 5-0 in favor, motion passed.
- B. Request for Approval of Horseshoe Bay Plat No. 9.19, a Replat of Lot No. 9110 of Horseshoe Bay Plat No. 9.1, Also Known As 308 Hi Circle W. The Purpose of the Replat is to Divide the Lot Into Two (2) Lots with the Dividing Line Following the Shared Wall of the Duplex, *Neiman Homes and Construction LLC, Applicant* - Assistant Planner David Aldridge provided a report, which is on file. Mayor Jordan opened the public hearing at 3:57pm. No one spoke. Mayor Jordan closed the public hearing at 3:58pm. Mayor Pro Tem Gray motioned to approve the replat. Council Member Clinesmith seconded. VOTE: 5-0 in favor, motion passed.
- C. Request for Approval of Horseshoe Bay North Plat No. N1.1001-E, a Replat of Lot No. N1001-D of Horseshoe Bay North Plat No. N1.1001-D, 100-300 Block of Horseshoe Bay N. Blvd. The Purpose of the Replat is to Divide a Single Parcel Into Twelve (12) Individual Lots to Accommodate Six (6) Duplexes in Addition to a Large Common Area, *Kenneth G. Martin, Applicant* - Mayor Jordan announced that the applicant has requested that the public hearing be continued until the June 18th City Council meeting. Therefore, no action will be taken today but the public hearing will be opened. Mayor Jordan opened the public hearing at 4:01pm. Sharon Kunz, 311 D N Horseshoe Bay Blvd., spoke regarding issues at the entrance to the area and she requested more information regarding this development. No action was taken.

10. 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

11. **Business**

- A. The Workforce Needs in Highland Lakes - Cross County Collaborative (Workforce Network) – Gail Davalos provided a presentation and a request on behalf of the Workforce Network for funding in the amount of \$10,000 per year for three years. Mayor Pro Tem Gray motioned to approve the funding request of \$10,000 from the FY19 budget year, and to consider funding \$10,000 in the budget years FY20 and FY21. Council Member Graham seconded. VOTE: 4-0-1 in favor, Council Member Clinesmith abstained due to her close involvement with and support of the Workforce Network, motion passed.
- B. Donation of a Turquoise Picnic Table to the City from the Women of the Word (WOW) Committee at the Church at Horseshoe Bay, *Kristi Lofton* – Council Member Reagan Lambert introduced Kristi Lofton and Wendy Christesson, members of the WOW Committee. Ms. Lofton and Ms. Christesson provided an overview of the donation. Council Member Lambert motioned to accept the donation of the table for Martin Park and encouraged its use by the community. Council Member Waddill seconded. VOTE: 5-0 in favor, motion passed.
- C. Ordinance 2019-28: Approving and Adopting an Amendment to the General Fund Budget and the Capital Projects Fund Budget for the Fiscal Year Beginning October 1, 2018 and Ending on September 30, 2019 – Finance Director Kristen Woolley provided a report, which is on file. Council Member Graham motioned to approve Ordinance 2019-28 as presented. Council Member Clinesmith seconded. VOTE: 5-0 in favor, motion passed.
- D. Award Contract for an Enterprise Software Solution between Caselle and the City of Horseshoe Bay – IT Administrator Jules Martin provided a report, which is on file. Council Member Clinesmith motioned to award the contract to Caselle. Mayor Pro Tem Gray seconded. VOTE: 5-0 in favor, motion passed.
- E. Ordinance 2019-31: Granting a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc. for a Ten Year Term Commencing on the Effective Date; Containing Various Terms and Conditions with Regard to the Grant of Such Franchise; Providing for Severability, Repealer, Effective Date, and Proper Notice and Meeting - Finance Director Kristen Woolley provided a report, which is on file. Council Member Clinesmith motioned to approve Ordinance 2019-31 for a ten (10) year franchise agreement at a rate of 2%, upon final approval by the City Attorney of the ordinance and agreement. Mayor Pro Tem Gray seconded. VOTE: 5-0 in favor, motion passed.
- F. Ordinance 2019-29: Amending Chapter 3 Building Regulations, Article 3.03 Building Permits, Section 3.03.014(b) Construction Conduct and Deposit, Subsection (3) Deductions and Penalties, Adding New Subsection (K) Clean Up of Construction Dirt on Streets; 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 2019-29 with the amendment that a penalty will occur with every occurrence when clean up is not completed within 48 hours. Council Member Clinesmith seconded. VOTE: 3-2 in favor, Mayor Pro Tem Gray and Council Member Lambert voted No, motion passed.

- G. Resolution 2019-13: Directing the City Attorney/Prosecutor to Initiate a Petition in the Municipal Court of Horseshoe Bay Regarding a Substandard Building at 104 Los Lagos - Development Services Director Eric Winter provided a report, which is on file. Mayor Pro Tem Gray motioned to approve Resolution 2019-13. Council Member Waddill seconded. VOTE: 5-0 in favor, motion passed.
- H. Request from Neiman Foster Homes and Construction, LLC for Variance from City Building Code Section 3.03.010(c) to Allow Up to Ten Speculative Homes at One Time, *Terry Neiman, Applicant* - Development Services Director Eric Winter provided a report, which is on file. Council Member Lambert motioned to approve up to eight (8) speculative homes at one time. Council Member Graham seconded. VOTE: 4-1 in favor, Council Member Clinesmith voted No, motion passed.
- I. Report from Tom Classen Regarding Timeline for Completion of House Construction at 106 Diamond Hill - Development Services Director Eric Winter provided a report, which is on file. Mayor Pro Tem Gray motioned to extend the permit through August 31, 2019, and if the house has been issued a Certificate of Occupancy by that date, the City will refund the \$5,000 Mr. Classen already paid. Council Member Lambert seconded. VOTE: 5-0 in favor, motion passed.

12. Executive Session

- A. Consultation with City Attorney Regarding Terms of Contract (*Consultation with City Attorney 551.071*) - Convened to Executive Session at 6:03pm 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 6:24pm. No action was taken.

Council Member Graham motioned to direct the City Attorney to draft an agreement for the Horseshoe Bay POA to transfer ownership of the Lighthouse to the City with the following conditions: 1) the POA will allow the City to conduct an inspection of the Lighthouse; 2) the POA will restore the beacon to full operating status; and 3) the POA will assist the City in getting assignment of the license agreement for the land from the Lower Colorado River Authority (LCRA). Council Member Lambert seconded. Vote: 5-0 in favor, motion passed.

Council Member Clinesmith motioned to authorize the City Attorney to prepare the applicable documents to form a non-profit organization, to which the City will appoint two Board Members and the representatives from Whitney Shelly Properties LLC will appoint one Board Member. The City Attorney will prepare an operating agreement between the City and the non-profit organization for a 20-year no-cost, operating agreement for 12 acres on Golden Nugget for use as a future park area. Council Member Waddill seconded. VOTE: 5-0 in favor, motion passed.

- 13. **Adjourn** - Mayor Pro Tem Gray motioned to adjourn the meeting. Council Member Lambert seconded. VOTE: 5-0 in favor, motion passed. Meeting adjourned at 6:37pm.