



## CITY OF DOUBLE HORN

### Minutes

#### SPECIAL MEETING & PUBLIC HEARING

#### CITY COUNCIL

Wednesday OCTOBER 23, 2019

7:00PM, SPICEWOOD COMMUNITY CENTER

Located at 7901 CR 404

SPICEWOOD, TEXAS 78669

**THE CITY OF DOUBLE HORN COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CATHY SERENO AT 830-693-1508 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.**

Citizens will be given an opportunity to provide comments on any item listed on the regular agenda when the agenda item is called. Comments should be limited to (3) three minutes.

1. **Call Meeting to Order:** Time 7:00pm
2. **Rollcall to Confirm Quorum:** RG Carver, Jim Millard, Gwen Stirling, Glenn Leisey, John Osborne, and Mayor Cathy Sereno were present. A quorum was met.
3. **Invocation:** Glenn Leisey
4. **Pledge of Allegiance – U.S. & Texas**
5. **Approval of Minutes – 10/14/19 Special City Council Meeting**  
**Motion:** Jim Millard moved to approve minutes as presented.  
**Second:** Gwen Stirling seconded the motion.  
**Vote:** The vote was unanimous and the motion carried.
6. **Citizen Comments –** This is an opportunity for the citizens to address the City Council concerning an issue of community interest not on the agenda. Any deliberation of an issue raised during the Citizens Comments is limited to a proposal to place it on the agenda for a later meeting. Each citizen will be allowed 3 minutes to speak and must sign up before the meeting begins and indicate the subject the speaker wishes to address.  
No one signed up.

7. **Regular Agenda** – the Council will individually discuss, consider and possibly take action on any or all of the following items:

**A. Mayor & City Council’s Community Service Recognition**

Mayor thanks the Council for their commitment to the community.

**B. Mayor & City Council’s Updates on:**

**1) Hwy 71 Safety – Speed Monitoring**

The County is loaning the city a Speed Monitoring Board on an occasional basis.

**2) Litigation: State of Texas v. Double Horn et. al.**

The Court of Appeals denied oral arguments and will be looking at submission on 10/29. A ruling will be following later.

**3) Ordinance Process**

Three ordinances were read through last meeting. The city will be adapting ordinances from other cities that have been successfully implemented.

**Public Hearing** opened at 7:09pm

C. Conduct a **Public Hearing**; and consider, discuss and take any action necessary regarding a **Zoning Ordinance, Ordinance No. 2019-ORD018** – of the City of Double Horn, Texas. A revised working draft is available online (Agenda Packet) and copies will be available at the meeting for interested citizens.

- Chris Bradford, the lawyer and representative from Dalrymple/Spicewood Crushed Stone questioned specific items. He will submit his questions and suggestions in writing.
- Glenn Zoerner- He asked what does the Zoning ordinance solve? He commented about ordinance not coming out 72 hours before the meeting.
- Bob Link asked about the ordinances not being posted earlier on website.

**Public Hearing:** Closed at 7:21pm

The Council discussed needed modifications to ordinance.  
Jim Millard walked through ordinance adaptations.

- Additional Public Hearing will be needed
- Council encourages citizens to send in their comments before the next meeting to make it easier to incorporate them in to the next revision.
- Map needs to be developed- Zoning map needs to show the property lines and the zoning in just the city limits: showing utilities, parks and recreation, and the lot lines defined

Next hearing to be on the November 11/20/19

**Action Item:** Karen needs to pull the old version of ORD018 and order a Public Notice in the Newspaper for the Nov. 20<sup>th</sup> Hearing.

**Action Item:** RG Carver working on map information timeline Copeland Surveyor.

- Bob Link questioning the process to approve ordinances. Worried the about the use of the word “HOA” in the documents to refer to the Double Horn Improvement Association (DHIA). Complained about the length of time it is taking to work through the ordinances at the meetings.

D. **Consider, discuss and take action necessary regarding Ordinance No. 2019-ORD015** – an Ordinance of the City of Double Horn, Texas Prohibiting **Blasting** Within City Limits; Providing for Partial Exemption Permits; Establishing Regulations Pertaining to Blasting; Establishing Criminal and Civil Penalties for Violations; Declaring Such Offenses to be Nuisances; Providing for Repealing, Savings and Severability Clauses; and Providing for Publication and Effective Date.

**Motion:** Jim Millard made a motion.

**Second:** Glenn Leisey seconded the motion.

**Discussion:** Chris Bradford, legal representative of Dalrymple and Spicewood Crushed Stone made suggestions that he will include in his written submission referenced above.

**Vote:** The motion was carried with a unanimous vote.

- E. Consider, discuss and take action necessary regarding **Ordinance No. 2019-ORD013** – an Ordinance of the City of Double Horn, Texas Adopting a **Noise Prohibition** Ordinance; Creating Minimum and Maximum Penalties for Noise Violations; Declaring Such Offenses to be Nuisances; Providing a Penalty; Providing for Repealing, Savings and Severability Clauses; and Providing for Publication and Effective Date.

**Motion:** Glenn Leisey moved to approve ordinance 2019-ORD013 as written.

**Second:** Jim Millard seconded motion.

**Discussion:**

- Chris Bradford requests that a formal complaint is accompanying by a monitor reading.
- Glen Zoerner wants to have calibration reports. He doesn't understand Section 4- seeing that anyone could complain about anything. What about fireworks?
- Gwen Stirling, referring to p. 6 item #9, wants to include exemption of fireworks to be exempt on July 4<sup>th</sup> up to 10 pm and New Year's Day 1AM time limit.

**Motion:** Glenn Leisey moved to amend ordinance to include the "fireworks are exempt on July 4<sup>th</sup> up to 10 pm and New Year's Day up to 1 am time limit"

**Second:** Jim Millard seconded the motion

**Vote** The vote was unanimous and the motion carried as amended.

**Short Recess 8:30- 8:35**

- F. **Consider, discuss and take action necessary to approve Messer, Fort & McDonald Payment Schedule for FY2020**

**Motion:** Glenn Leisey moved that the City of Double Horn acknowledgment of claims for amounts owed by city of Double Horn owed to Akers & Akers and Messer, Fort, & McDonald.

**Second:** Gwen Stirling seconded the motion.

**Vote:** The vote was unanimous and the motion carried.

- G. **Discuss and consider other matters for inclusion on the agenda for the next regular meeting of the City Council.**

No items to list for next agenda

8. **Close Regular Meeting:** Not applicable.

9. **Executive Session:** N/A

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney on pending litigation or on a matter in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may require the citizens to vacate the meeting room during the executive session.

- (a) Consultation with Attorney regarding Litigation: State of Texas v. Double Horn et al.

- (b) Consultation with Attorney regarding the petition to dissolve the City of Double Horn and the upcoming election.
- (c) Consultation with Attorney regarding noise and blasting nuisance ordinances, zoning and land use authority inside and outside the city limits.

10. **Close Executive Session:** N/A

11. **Open Regular Meeting:** N/A

12. **Consider action, if any, from Executive Session:** N/A

13. **Adjournment:** Time 8:41pm

**Motion:** John Osborne moved to adjourn the meeting at 8:41pm.

**Second:** Glenn Leisey seconded the motion.

**Vote:** The vote was unanimous and the motion carried. The Council will meet next at the November 14<sup>th</sup>, 2019 Regular Meeting.

**The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.**

I certify that the above notice of meeting was posted at 7901 CR 404, Spicewood, Texas on the 20th day of October 2019 at 7PM.

A handwritten signature in black ink, appearing to read 'Cathy Sereno', written over a horizontal line.

Cathy Sereno, Mayor