

# CITY OF DOUBLE HORN

## Regular City Council Meeting Minutes

THURSDAY MAY 9, 2019

7:00PM, SPICEWOOD COMMUNITY CENTER

Located at 7901 CR 404, Spicewood, Texas 78669

1. **Call Meeting to Order:** Time 7:00pm
2. **Rollcall to Confirm Quorum:** Mayor Cathy Sereno, RG Carver, Bob Link, Larry Trowbridge, Jim Millard, and Glenn Leisey are present. All are present and a quorum has been met.
3. **Invocation:** Glenn Leisey
4. **Pledge of Allegiance**
5. **Approval of Minutes:**  
**Motion:** Larry Trowbridge moved to approve the April 30th, 2019, minutes.  
**Second:** Jim Millard seconded the motion.  
**Discussion:** None  
**Vote:** The motion to approve the minutes carried unanimously.
6. **Citizen Comments –**  
Grant Dean signed up to speak....  
Grant Dean, a non-resident, expressed his pride in the City of Double Horn and wants to support of the City in of Double Horn in its fundraising efforts in defense against the State of Texas petition.
7. **Mayor's Update including:**
  - a. **Texas Department of Transportation (TXDoT) Speed Study (RES003)**  
TXDoT was contacted on April 10<sup>th</sup> to check on the Speed Study's compilation. The Mayor was informed by Kathy Kratz that the data has been gathered but is not ready for distribution to the City.

**ACTION ITEM:** Mayor Cathy Sereno will follow up with TXDoT to acquire results of the study.

- b. **Tax Collection Agreement with Burnet County Appraisal District (RES002)**  
The County Commissioner's Board approved the contract included in 2019 RES002 and it is now a matter of record. The City received a letter from Stan Hemphill's office, Burnet Central Appraisal District, with estimated adjusted taxable value of \$64 million. This figure is subject to potential decreases due to protests, late exemptions and agricultural applications. A final evaluation should be in by July 25<sup>th</sup>. If all protests have not been completed by that date, the county will indicate the amount in question for adjust the City's budget.
- c. **Status on Interlocal Agreement with Sheriff's Department**  
A response was received from the Burnet County Attorney, Eddie Arredondo, confirmed the City will continue to be covered by the Sheriff's Department and the Constable with the same law enforcement services the citizens have had before the City's incorporation. The letter documenting that will be filed in the City's records. A Code Enforcement Officer can be contracted through the Burnet County Sheriff's department when the City needs those services. It is not needed at this time.
- d. **Meeting with Spicewood Crushed Stone (SCS) management**

Mayor Cathy Sereno and Alderman Jim Millard met with the management team at Spicewood Crushed Stone. The goal of the meeting was to build a working relationship between SCS and the City. Mr. Dalrymple, the owner of Spicewood Crushed Stone (SCS), and Phelan Hill, the manager of SCS, expressed a desire to work directly with the city and not through lawyers. SCS's discussed their short-term plan is to show that they want to be a good neighbor. They want to create berms to block the highway or subdivisions', including Spicewood Trails, view of the quarry. The SCS quarry has plans to have a masonry and gated entrance. They are currently working with Texas Department of Transportation (TXDoT) for a center turn lane west of the Vista View Gate and acceleration lane heading towards Marble Falls. This is a \$1.3 M project to be completed by the summer of 2020 and funded by the quarry through TXDoT.

The acceleration lane to be created will start from SCS property line west bound to Gate 4's deceleration lane. The center turn lane will be added from Spicewood Trails Subdivision thru gate 4 for another 500 ft.

SCS will not be selling commercially but will be producing material for their own projects.

**Action Item:** The Mayor will call into SCS to check on roadway debris needing to be cleaned up. Some of the residents of Double Horn Creek have experienced cracked windshields.

**Action Item:** The Mayor will take up SCS on their offer to have the engineering company designing the Highway 71's lane adjustments come to a Council meeting and make a presentation.

**Action Item:** The Mayor will check to see if the County Commissioner, Joe Don Dockery, had any success in reaching out to other commercial entities in pitching in for road improvements for everyone's safety due to increased commercial traffic. Potentially some of the money previously committed by TXDoT for Highway 71's center lanes could now be used for more center lanes further along within the city limits, since the commercial entities are donating money.

SCS indicated their long-term future plans for the property, to be implemented at completion, would be a high-end, lake community with larger estate lots similar to Double Horn Creek, comparable to the San Antonio's *Quarry*.

John Osborne pointed out that SCS does not own the trucks or trucking firms. The trucking firms are being contracted by the Quarry and may not feel responsible to holding truck firms responsible for safe trucks. Cathy Sereno checked a reference that the Quarry provided, a town in the Corning area in New York. The town manager explained that their quarry, owned by Dalrymple, has been responsive to complaints: gravel on the road, dust on the road, third party driver issues.

**e. Appointment of Emergency Management Coordinator (EMC) and Assistant**

Mayor Cathy Sereno appointed Harry Brunner as the EMC and Jim Millard as his assistant. A minimum of 4 classes of training must be completed for audit purposes.

**Future Action Item:** The City Secretary will bundle and send certificates to Jim Barho in the Burnet County's Emergency Management Office.

**8. Treasurer's Report including:**

**a. Review of City Financials – outstanding expenses and revenues**

**Revenue-**

SEPATX donated \$1,000 to the City of Double Horn to increase the City account to \$2,000.

**Outstanding Expenses-**

Current outstanding debt \$16,622.50 most of which is from legal fees in defending the City from the State of Texas' petition.

Texas Municipal League (TML) invoice rec'd

- Automobile insurance \$38 – covers city official in any vehicle while conducting city business
- Errors and Omissions
- General Liability
- Law Enforcement
- 10% Prepay discount

TML invoice will be paid out of checking account. Funds will need to be raised thru several fundraising means to pay for the current legal bills and future bills in fighting the State's Appeal.

Any money coming into the City will be considered a donation and will be tax deductible. To be clear, it will not apply to next year's tax payment. A receipt will be provided indicating the donation amount. The City is not a 501 (c) (3) non-profit entity, but a governmental 170 (c) (1) non-profit entity.

**b. Interim Budget & Budget Calendar**

**Interim Budget:**

There were expected expenses of \$50,000 for the city's year. There is a need for at least \$30,000 for the City's current expenses to finish out the year. Fundraising will need to be done to come up with the needed money to cover the city expenses and legal fees.

An appeal to the residents for a donation to the City equaling 50% of next year's estimated tax bill is being worked up. Any money coming into the City will be considered a donation and will be tax deductible. To be clear, it will not apply to next year's tax payment. A receipt will be provided indicating the donation amount. The City is not a 501 (c) (3) non-profit entity, but a governmental 170 (c) (1) non-profit entity. Online banking has been activated for the Treasurer's use.

Glenn Leisey has been researching accounting software looking for many capabilities: income, expenditures, check writing, receipts, and a low cost. He found one with the needed attributes and it is free. He will first try this free software, *Waves*, before looking at the cost of purchasing a different package.

The Mayor pointed out there have been many additional expenditures that have been covered by individuals on the council and in this room.

**Motion:** RG Carver moved for the City to try the free software, *Waves*, for the City's accounting needs.

**Seconded:** Bob Link seconded the motion.

**Discussion:** None

**Voted:** The motion carried with a unanimous vote.

**Budget Calendar**

Larry Trowbridge shared that it takes 90-100 days to get a new budget approved. Someone needs to create the calendar and present it to the Council for approval by August.

The City needs to enter the new fiscal year with the budget in place. Larry Trowbridge has set up a timeline with the order of events, identifying the budget categories and line items. Larry Trowbridge will provide one with dates plugged in.

**Action Item:** Larry Trowbridge will provide one with dates plugged in.

**Action Item:** The Mayor volunteered to work with Jim Millard or Glenn Leisey in setting up the initial budget calendar.

c. **First United Bank Services – approval for an additional account to manage the automatic deposit of tax revenues**

**Motion:** Glenn Leisey moved to approach First United Bank to create an interest-bearing account for the deposit of property tax payments from the County.

**Seconded:** Jim Millard seconded the motion.

**Discussion:** None

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

d. **Status of City of Double Horn donation receipt**

Glenn Leisey is still working on the receipt for the donations. It will be available soon.

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

a. **Discuss and consider adoption of Comprehensive Plan which includes a Land Use Map for the City of Double Horn:**

**ORDINANCE 2019-ORD006 An Ordinance of the City of Double Horn, Texas, Establishing a Comprehensive Plan for the City of Double Horn**

**Motion:** Jim Millard moved to accept the Comprehensive Plan as written with the map.

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

**Discussion:** Glenn Leisey expressed that he liked it as it is written and would like to approve it. Mayor Cathy Sereno shared from a letter written by SCS's owner, Mr. Dalrymple, expressing how he would like to continue discussions with the City as the quarry wants to have the same coding as the Vulcan quarry, located outside of the city limits but within the Extra Territorial Jurisdiction, as "non-residential."

**Vote:** There was no vote on the motion, but it was amended.

**Amended Motion:** Jim Millard amended his motion from "accept the Comprehensive Plan as written with the map" to "continue the discussion on the Comprehensive Plan to include the Dalrymple people with a resolution identified by the next meeting."

**Seconded:** Glenn Leisey seconded the amended motion.

**Discussion:**

*RG Carver* had an issue with continuing the discussion, once again, as this item needs to move forward.

*Larry Trowbridge* asked the Dalrymple's lawyer, in attendance at the meeting, what was the SCS's concern.

SCS's lawyer stated SCS wants to work with the City. They want the zoning and ordinances to reflect "boots on the ground."

*Jim Millard* expressed the need to work with Dalrymple but he also doesn't want the "can kicked down the road." He stated the Comprehensive Plan was based on previous conversations with Dalrymple. He also said Phelan Hill hasn't responded to the request for dates to meet.

*Bob Link* thinks that getting Dalrymple's support and blessing would be better.

*Jim Millard* agreed and the City should be able to approve the Comprehensive Plan by the next Council meeting set for June 13<sup>th</sup>.

*Grant Dean*, a non-resident, emphasizes that agreements with the SCS need to be in writing.

*The Mayor* spoke about developing an operating agreement between the City and SCS.

**Action Item:** The Mayor will be discussing an operating agreement between the City and SCS.

**Vote:** The amended motion carried with one dissenting vote from RG Carver.

- b. Discuss and consider action on establishing an Emergency Plan for the City of Double Horn including:**
- i. Resolution requesting City of Double Horn participate under the Burnet County Emergency Management Plan**

**Motion:** Jim Millard moved to approve the resolution 2019 RES005 establishing an Interjurisdictional Emergency Management Program with the county and getting the Commissioner's Court to approve it.

**Second:** Bob Link seconded the motion

**Discussion:**

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

**Motion:** Larry Trowbridge moved to approve 2019 ORD007 which establishes the Emergency Management Plan.

**Seconded:** Bob Link seconded the motion

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

- ii. Resolution adopting National Incident Management System (NIMS)**

**Motion:** Glenn Leisey moved to create resolution 2019 RES006 adopting the National Incident Management System (NIMS).

**Second:** RG Carver seconded the motion

**Discussion:** This resolution requires training in communication with first responders and other emergency services. If a city doesn't follow the rules laid out in the training, the city pays the bill.

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

**Future Action Item:** An Emergency Management Response Team will need to be established at a later date.

- c. Fund Raising Committee Update**

The committee consists of several residents: Susan Carver, Wendy Wright, Sheila Safarzadeh, Karen Maxwell, Laura and Glenn Leisey.

The committee has come up with several ideas to raise money such as City logo-stamped t-shirts & cozies for the short term raising of funds. A large ticket item raffle has been talked about, also.

September 26<sup>th</sup>, 2019, has been set aside for a Silent Auction/Live Auction Event at Spicewood Vineyards. It will be a Thursday night, so the venue will be had at no cost. There is a planned entrance fee which would include an opportunity to win a door prize. There is a need to collect items for the silent and live auction. The residents will be requested to donate products or services (ex. art work, children's group art class, stained glass art, hand tied flies, quilts, dinner, cabin nights or Gift Certificates), hopefully pulling from their work access or personal gifts and skills. Outside companies will be approached for donations and sponsorships.

Bob Link reminded the Council that the information will need to get out to the public at large to rouse support. People will be more apt to give if they are informed of rental costs, and other expenses.

Harry Brunner stated there is some confusion of who to give the money to: SEPATX or the City. Jim Millard clarified that SEPATX and the City of Double Horn are two completely different organizations.

Larry Trowbridge stated his frustration at having the City's large legal bill needing this fundraising and the cause of the legal fees are due to the very entity, SCS, that claims they want to work together. The owner of Spicewood Crushed Stone (SCS) will be asked for a contribution.

- d. Discuss and consider action on implementing a program to monitor and report air quality within corporate limits and provide results to residents and property owners**

The Mayor asked for clarification on what data can be acquired and where the monitors are. Larry Trowbridge has an air monitor and also John Gary. The units do not record so they have to be hooked up to a dedicated computer. They read in real time. Hassan Safarzadeh has agreed to have a monitor on his property as it is close to the quarry in the ETJ.

Grant Dean, a nonresident and representative of Texas Environmental Coalition, recommended getting a specific firm at a nominal fee to record air quality and seismic information. The Mayor asked for Grant to provide the names and contact information for those company.

**Motion:** Jim Millard moved to continue the discussion on the air quality monitoring to the June 13th meeting.

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

**Discussion:** None.

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

e. **Discuss and consider action on implementing a program to monitor and report seismic activity within the corporate limits and provide results to residents and property owners**

**Motion:** Glenn Leisey moved to continue the discussion on the air quality monitoring to the June 13th

**Second:** Bob Link seconded the motion.

**Discussion:** The seismic monitor is up and running. The laptops record 28 days of information.

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

f. **Discuss and consider action on establishing a City Hall and/or Location for record storage**

**Motion:** Glenn Leisey moved to discuss and consider establishing a City Hall and a location for record storage.

**Second:** Larry Trowbridge seconded the motion.

**Discussion:** Bob Link is concerned about approving something without research. Jim Millard brought up the specifics for the office space at Professional Civil Processors.

Bob Link expressed concerns on how the City would pay for it.

Susan Carver pointed out that the donations will be paying for the expenses the City has.

Glenn suggested that the Council request residents make a donation this year equaling 50% of next year's estimated city taxes.

**Vote:** No vote

**New Motion:** Bob Link moved that the discussion should be continued to the next meeting.

**New Seconded:** Larry Trowbridge seconded the new motion.

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

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

Mayor Update:

- will follow up with TXDoT to acquire results of the study.
- will call into SCS to check on roadway debris needing to be cleaned up. Some of the residents of Double Horn Creek have experienced cracked windshields.
- will take up SCS on their offer to have the engineering company designing the Highway 71's lane adjustments come to a Council meeting and make a presentation.
- will check to see if the County Commissioner, Joe Don Dockery, had any success in reaching out to other commercial entities in pitching in for road improvements for everyone's safety due to increased commercial traffic. Potentially some of the money previously committed by TXDoT for Highway 71's center lanes could now be

used for more center lanes further along within the city limits, since the commercial entities are donating money.

Discuss and consider adoption of Comprehensive Plan which includes a Land Use Map for the City of Double Horn: ORDINANCE 2019-ORD006 An Ordinance of the City of Double Horn, Texas, Establishing a Comprehensive Plan for the City of Double Horn

Discuss and consider action on establishing a City Hall and/or Location for record storage. Bob Link will report back on his research for storage of files

Discuss and consider action on implementing a program to monitor and report seismic activity within the corporate limits and provide results to residents and property owners

Discuss and consider action on implementing a program to monitor and report air quality within corporate limits and provide results to residents and property owners

Discuss and consider establishing an election cycle and term limits

Discuss replacement of Council member and the process to do that- Larry Trowbridge is resigning.

Larry Trowbridge provided to Jim Millard the contact information of 76 parcels within the city limits and ETJ, but not including the Spicewood Trails property owners.

Bob Link expressed a request to the SCS lawyer, acting as representative for the Dalrymple people, for the quarry to be highly motivated to work with the City on the Comprehensive Plan.

**10. & 11. Close Regular Meeting & Open Executive Session: Time 8:46pm**

**12. & 13. Close Executive Session & Re-open Regular Meeting: Time 9:25**

**14. Consider action, if any, from Executive Session**

**Motion:** Jim Millard moved to pay to retain the firms of Akers & Akers and Messer, Rockefeller & Ford represent the City in the appeal of the State of Texas vs. the City of Double Horn.

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

**Discussion:** None.

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

**15. Adjournment: Time 9:29**

**Motion:** Glenn Leisey moved to adjourn the meeting.

**Second:** Bob Link seconded the motion.

**Discussion:** None.

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

The meeting was adjourned at 9:29 pm with June 13<sup>th</sup> being the next 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.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney 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 Status

