



CITY OF DOUBLE HORN

Minutes

REGULAR MEETING
CITY COUNCIL
THURSDAY MAY 14, 2020
7:00PM

TELECONFERENCE CALL: PURSUANT TO SECTION 551.127 OF THE TEXAS GOVERNMENT CODE, AND IN CONJUNCTION WITH THE GUIDANCE AND PROVISIONS PROVIDED BY THE GOVERNOR OF TEXAS IN THE DECLARATION OF DISASTER ENACTED MARCH 16, 2020, MEMBERS OF THE CITY COUNCIL SHALL BE PARTICIPATING REMOTELY IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, AS TEMPORARILY MODIFIED BY THE GOVERNOR, AND COUNCIL RULES OF PROCEDURE. THERE WILL BE NO PHYSICAL LOCATION FOR THE MEETING. MEMBERS OF THE PUBLIC MAY PARTICIPATE BY JOINING AT: **866-607-3969** (NO PIN REQUIRED)

Members of the public will be allowed to speak on any agenda item during citizen comments, however, enforcement to the time limit (3 MINUTES) on comments will be enforced. **Citizens wishing to speak during citizen comments or on a particular agenda item need to notify the City Secretary at: CITYSECRETARY@DOUBLEHORNTX.ORG by 6:00 p.m. on MAY 13TH (WEDNESDAY).**

1. **Call Meeting to Order** 7:00pm
2. **Rollcall to Confirm Quorum**

RG Carver, Glenn Leisey, Jim Millard, and John Osborne were present. A quorum was met. Gwen Stirling was not present. Patty Akers and Karen Maxwell were also present.
3. **Invocation:** Glenn Leisey
4. **Pledge of Allegiance** – U.S. & Texas
5. **Approval of Minutes** – 4/9/2020 Regular City Council Meeting

Motion: Glenn Leisey moved to approve the minutes from the April 9th, 2020 Regular City Council Meeting the as distributed.

Second: Jim Millard seconded the motion.

Vote: The motion passed unanimously and the minutes were approved.

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 Citizen Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda 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 citizens signed up to speak.

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

- A. **Treasurer’s Report- see attached Treasurer’s Report**

- 1) Monthly Financial Reports (March & April)
- 2) Installation of QuickBooks – Status Update

Action Item: Karen Maxwell will track down where we are with Texas Workforce Commission in getting an employer number established to start paying a salary.

Motion: Glenn Leisey moved that a \$5,000 payment be made to the attorneys to go towards the city’s outstanding debt.

Second: Jim Millard seconded motion.

Discussion: RG Carver agreed it was a good idea.

Vote: The vote was unanimous and the motion carried.

- B. **Emergency Management Team: Harry Brunner**

- 1) COVID-19 Virus Communication Plan Update

No Action Taken

- C. **Discuss and consider action on Spicewood Crushed Stone’s Partial Exemption Application to Conduct Blasting for Calendar Year 2020**

Quarry’s team: Matt Dalrymple owner of *Spicewood Crushed Stone (SCS)*, Joe Crownover from *Integrated Geotechnical Solutions (IGS)* Monitoring, Taylor Willis & Jason Mims from *Buckley Powder* and Chris Bradford legal counsel.

First Waiver Request: Reduce setback from 500’ to 300’ along northern/northeast border

Property owner, Gene Carrington, brought up his concerns about the exemption to reduce the set back from 500’ to 300’.

Owner Matt Dalrymple stated, in order to keep the permit moving forward, he withdraws the waiver of the request to reduce the setback from 500ft. to 300ft. along the Carrington property line with the right to resubmit at a later date with more information.

SCS’s legal counsel Chris Bradford states that the Quarry is *not* withdrawing their request.

Mayor Cathy Sereno pointed out the ordinance requires an action plan as to what can be done to mitigate the effects on Mr. Carrington’s property if the blasting is to take place closer to the property line than the understood 500ft set back.

City Attorney Patty Akers cautioned that something is needed in writing to withdraw the waiver as Alderman Jim Millard had pointed out it was written within the permit.

Owner Matt Dalrymple and SCS’s Legal Counsel Chris Bradford stated that nothing was needed in writing as it is being documented within the minutes.

Alderman Jim Millard restated for clarification: Matt Dalrymple has stated that the variance request of moving the blasting from 500ft to 200ft closer to the Carrington property line will be removed from the permit.

Owner Matt Dalrymple agreed with this statement with the right to resubmit the waiver at a later date.

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Second waiver request: Matt Dalrymple requested to pay the third-party monitoring company directly.

Mayor Cathy Sereno stated regardless of the billing process there must be a fiduciary relationship between the 3rd party monitoring company and the City of Double Horn therefore a contract.

Action Item: Jim Millard will work with Patty Akers and Joe Crownover at IGS Monitoring to create a contract between the monitoring company and the City of Double Horn.

Action Item: Matt Dalrymple will provide photos of berm on northern border to provide to the Council. He offered up a tour of the SCS Quarry to the Council.

SCS's Legal Counsel Chris Bradford wanted to have on record that SCS felt the ADR was non-binding and unfair.

Mayor Cathy Sereno reinforced that it isn't the city's position to hamper SCS to do business. The city can approve the permit with the condition qualifying the monitoring company will contract directly with the city to keep the permit process moving forward.

Motion: Jim Millard moved to approve the blasting permit for SCS based on the with-drawl of the 300ft. waiver contingent on the implementation of a contract with the monitoring company, IGS.

Second: Glenn Leisey seconded the motion.

Vote: Motion was voted on and approved unanimously.

Motion: RG Carver moved to approve an amendment to the blasting permit that would require berms to be installed as sound barriers where needed to the surrounding areas.

Second: Glenn Leisey seconded the motion.

Vote: The vote was unanimous with the amended motion approved.

Mayor Cathy Sereno requested additional notice before the next blast than previously given.

D. Discuss and consider action to fill open position on City Council created by the resignation of Ms. Gwen Stirling.

Mayor Cathy Sereno announced the receipt of Gwen Stirling's resignation letter effective May 14th, 2020.

Action Item: Patty Akers will research whether the Council can appoint someone to fill Gwen's position of the uncompleted 2-year term.

Action Item: Karen Maxwell will research council job description, post it on website and create a handout for council members.

E. Zoning & Ordinance Committee:

1) Discuss and consider action to develop a code enforcement role for the City of Double Horn

Jim Millard shared that an individual has come forward with the credentials to provide this service to the city.

Action Item: Glenn Leisey will work with Zoning committee and input from the Council to research and create what expectations and role of a Code Enforcement Official, potentially named an Ordinance Enforcement Officer, to include the preparation of a resolution.

2) **Discuss and consider action on Ordinance 2020 – ORD016 Municipal Court**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS, ESTABLISHING A MUNICIPAL COURT IN THE CITY OF DOUBLE HORN; PROVIDING FOR JURISDICTION; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL JUDGE AND ALTERNATE JUDGES; PROVIDING FOR THE APPOINTMENT OF A COURT CLERK, ESTABLISHING POWERS AND DUTIES OF THE COURT AND ITS PERSONNEL; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Glenn Leisey moved to adopt 2020-ORD016 that establishes a Municipal Court.

Second: RG Carver seconded the motion.

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

Action Item: Jim Millard will forward a printable final copy to Karen Maxwell for her to print on archival paper and get required signatures.

F. **Discuss and consider action on the installation of Air Monitor #4**

No Action Taken

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

Discuss and consider Resolution for Code Enforcement Official

Discuss and consider action on the installation of Air Monitor #4

Start working on budget items and get on calendars

Check on getting election dates on council calendar

Discuss and consider the contract with the third-party monitoring company

Discuss and consider recycling contracts

8. **Close Regular Meeting:** 9:24pm

Motion: RG Carver made a motion to adjourn the meeting until the next Regular Council Meeting on June 11th, 2020.

Second: Glenn Leisey seconded the motion.

Vote: The vote was unanimous and the motion carried. The Council will reconvene on June 11th, 2020, for its next Regular Meeting.

9. **Adjournment:** Time 9:25pm

I certify that the above notice of meeting was posted at 7901 CR 404, Spicewood, Texas on the 11th day of May 2020 by 7PM.

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

Cathy Sereno, Mayor