



CITY OF DOUBLE HORN

Minutes

REGULAR MEETING
CITY COUNCIL
THURSDAY JUNE 11, 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 13, 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 JUNE 10TH (WEDNESDAY).**

1. **Call Meeting to Order:** Time 7pm
2. **Rollcall to Confirm Quorum**
Mayor Cathy Sereno, Alderman Jim Millard, RG Carver, Glenn Leisey, and John Osborne. City Attorney Patty Akers and City Secretary Karen Maxwell.
3. **Invocation:** Glenn Leisey
4. **Pledge of Allegiance** – U.S. & Texas
5. **Approval of Minutes** – 5/14/2020 Regular City Council Meeting
Motion: Glenn Leisey moved to approve the minutes as submitted.
Second: John Osborne seconded the motion.
Vote: The vote was unanimous 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 one signed up to speak at the meeting.

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 Financial Statement

- 1) Monthly Financial Reports
- 2) Installation of QuickBooks – Status Update

Motion: Glenn Leisey moved to make a second June payment of \$5,002 to go towards our legal debt.

Second: RG Carver seconded the motion.

Vote: The vote was unanimous and the motion passed.

Action Item: Glenn Leisey will write a check for \$5,002 to the Legal firm.

Action Item: Glenn Leisey will get with Jim Millard to work on QuickBooks for set up and Texas Workforce Commission to get employer number and get employee and provide an update in 2 weeks.

B. Emergency Management Team Update

Action Item: City Secretary update the website with the latest Governor’s Executive Orders regarding CoVid-19.

C. Discuss and consider action on the placement of water storage tanks for fire suppression to protect commercial and residential property and the safety of all

Curtis Raetz presented Double Horn Creek Water Supply Corporation’s Fire Protection Water Storage Tank and its likely location. The water would be available to whomever needed it for fire-fighting purposes.

D. Zoning & Ordinance Committee Update:

- 1) **Discuss and consider action on proposed amendments to Double Horn Zoning Ordinance requested by attorney representing Spicewood Crushed Stone**

Chris Bradford, legal counsel for Spicewood Crushed Stone (SCS) was surprised by legal review costs and suggested having a cap of \$800.

It was explained the intent of the letter he received outlining fees was to have \$800 as a not-to-exceed amount for this process. The fees are required to cover attorney’s review fees and the expenses incurred for the required Public Hearing(s).

The zoning committee gave permission to the City Attorney and SCS legal counsel to put together a draft of the suggested changes to be presented at the next regular meeting.

Motion: Jim Millard moved to continue the discussion of the proposed amendments to the zoning ordinance to the next Regular Council meeting to allow for further discussion within the zoning committee, to include the City attorney and Chris Bradford, to come up with a final draft of the language.

Second: RG Carver seconded the motion

Vote: The vote was unanimous and the motion passed.

- 2) **Discuss and consider action on a resolution creating a code enforcement official for the City of Double Horn, and establishing job responsibilities, requirements, and title**

After samples from another city's guidelines were provided, it was agreed that this topic would be continued to the next meeting for further discussion.

Action Item: Glenn Leisey and Jim Millard will get together and iron out the details specific to the city's needs utilizing the example provided, making sure the requirements are tailored to the State of Texas, with a resolution ready for the next Regular Meeting.

E. Review, discuss and consider action on the permit (document) approved (May 14th Council Meeting action) for Spicewood Crushed Stone's Partial Exemption Application to Conduct Blasting for Calendar Year 2020.

The permit form is almost complete and was waiting on tonight's meeting and decisions. The Mayor will sign with the City Secretary attesting to her signature.

Action Item: Patty Akers, city attorney, will get with Jim Millard and Cathy Sereno to verify that the developed 6-month permit for SCS has the language intent of the Council's vote in the 5/14/20 meeting.

Chris Bradford asked to review it and Patty Akers agreed.

F. Discuss and consider action on the waiver request submitted by Spicewood Crushed Stone to reduce blasting setback to 300 feet along the Northern and a portion of the Northeastern border

Tom Becker, a resident of Double Horn Creek, spoke to the current nuisance noise he is experiencing at his house with the Quarry's truck backup beepers. He is not in favor of the setback being reduced from 500ft. to 300ft. as the noise will just come closer to his property. He stated that the northern berm will affect him more than the western berm due to his lot location.

Jim Millard recommended potentially provide Mr. Carrington, whose property is adjacent to the area asking for exemption, more notice so that livestock could be moved from that pasture prior to time of blast.

Mr. Bradford welcomed suggestions for mitigation. He explained that the rock crusher must be 1,440 feet from any residence.

Cathy Sereno asked what can be done to the existing northern berm that will help with to mitigate the sound. It was requested for Mr. Bradford to take the needs and suggestions back to Matt Dalrymple.

Tom Becker stated that he and Matt Dalrymple were discussing ways to cancel out the sound from the trucks. He acknowledges the noise isn't exceeding the sound decibel restrictions, but the backing up truck alarm is extremely annoying.

Jim Millard requested to continue this to the next meeting to work with Matt Dalrymple and have further investigation into this issue for further mitigation solutions. He suggested curving the end of the northern berm to help block the sound.

Chris Bradford will take suggestions back to SCS.

Action Item: Cathy Sereno and Jim Millard will gather further information in investigating exemption.

G. Discuss and consider action to approve contract between City of Double Horn and Integrated Geotechnical Solutions, Inc. (IGS) for 3rd party monitoring services.

It was pointed out that the proposal and statement of work document provided by IGS, that would be imbedded within the required contract with the city, isn't clear what costs SCS is absorbing and what would be the responsibility of the City. There needs to be clarification with in the contract regarding the term "continuous" (see section 6A of the blasting ordinance.)

A definition of the “development” of active pit and “production” of the pit needs to be clearly stated.

Action Item: Jim Millard will finalize the draft after the approval of the city attorney and third-party monitoring company and approved by the mayor.

Motion: Glenn Leisey moves to give the mayor to execute the contract between the third-party monitoring and the city with the City attorney.

Second: Jim Millard seconded the motion.

Vote: The vote was unanimous and the motion carried.

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

This topic will be continued to the next meeting as CoVid restrictions have made this more challenging.

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

John Gary reported the 4th Air monitor has been installed and is working. New guidelines will be provided to City Secretary for updating the Website.

J. Discuss and consider action required in preparation for 2020-2021 Budget Planning Cycle

Action Item: Cathy Sereno and Glenn Leisey and begin the process of gathering information for budget preparation.

K. Discuss and consider action required in preparation for November 2020 Election Cycle

There are 3 two-year term positions that will be open on the November 2020 ballot.

Important Dates to be Aware of:

DATE	ACTION	WHO'S DUTY
June 18 th	June 18 th - Last day to post the office hours and location for submitting applications for ballot	City Secretary
June 26 th	Applications Available	City Secretary
July 17 th - Aug 17 th	Recommend dates to Call Election & the posting the Notice of Election	Mayor
July 18 th	1 st Day for filing Application	City Secretary
Aug. 14 th -20 th	72-hour Notice of Name Order Drawing	City Secretary
Aug. 17 th @ 5pm	Last Day for filing Application for place on the Ballot.	City Secretary
Aug.20 th -24 th	Names Drawn for Ballot order	City Secretary
Sept. 14 th - Dec. 11 th	Date of mandatory Office Hours (Manual ref 2.15, Column 5-50 th)	City Secretary
Oct. 4 th - 13 th	Notices containing times and places for early voting posted on Website	City Secretary
Oct. 4 th - 26 th	Period for Publishing Notice of Election	Mayor
Oct. 5 th	Due Date for reporting Campaign contributions	City Secretary
Oct. 5 th	Last day to submit Voter registration	County Registrar
Oct. 19 th - Oct. 30 th	Early Voting	City Secretary
Oct. 20 th	Recommended day to post notice of weekend early voting opportunity	City Secretary

Oct. 26 th	Due date for filing second report of campaign contributions	City Secretary
Nov. 1 st	Deadline to post requirements and deadline for filing for requirements and deadline for filing Nov. 2021 election	City Secretary
Nov. 3 rd	Election Day: Polls open 7am -7pm.	City Secretary
Nov. 6 th -17 th	Period for Official Canvass- City Council sets exact day and hour.	City Council/City Secretary
Nov. 6 th -17 th	After Canvass- Issue Certificates of Election	Mayor

Action Item: The city secretary will set up her set office hours at the pavilion for receiving applications and have them posted by June 18th, on the website and at the pool/pavilion.

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

- Discuss and consider Recycling Services from companies applied to for a proposal
- Discuss and consider action on a resolution creating a code enforcement official for the City of Double Horn, and establishing job responsibilities, requirements, and title
- Confirmation that the City’s Payroll has been setup with the Texas Workforce Commission
- Discuss and consider action on proposed amendments to Double Horn Zoning Ordinance requested by attorney representing Spicewood Crushed Stone
- Discuss and consider action on the waiver request submitted by Spicewood Crushed Stone to reduce blasting setback to 300 feet along the Northern and a portion of the Northeastern border
- Discuss and consider action to fill open position on City Council
- Mayor needs resolution to “Call the Election” and decide date to post the “Notice of Election”

8. **Close Regular Meeting: Time 9:13pm**

9. **Open Executive Session: Time 9:13pm**

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.

i) Consultation with Attorney regarding City’s role and responsibility related to Petition for Consent to the Creation of South Burnet County Municipal Utility Districts (3) located in City’s ETJ

10. **Close Executive Session: Time 9:54pm**

11. **Open Regular Meeting: Time 9:56pm**

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

Motion: Jim Millard moved to call a Special Meeting on June 24th at 7pm teleconference to discuss the request for the MUD’s for the South Burnet District on the development on the south side of HWY 71.

Second: John Osborne seconded the motion.

Vote: The vote was unanimous and the motion carried.

Motion: Glenn Leisey moved to adjourn the meeting and reconvene at the Special Meeting on June 24th, 2020.

Second: RG Carver seconded the motion.

Vote: The vote was unanimous and the motion carried.

13. **Adjournment:** Time 9:58pm

The Council may go into closed session at any time to discuss an item on the agenda 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 8th day of June 2020 by 7PM.

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

Cathy Sereno, Mayor