



# City of Horseshoe Bay

## City Council

May 16, 2023  
at 3:00 PM

Council Chambers  
1 Community Drive  
Horseshoe Bay, TX 78657

### MINUTES

#### 1. Call the Meeting to Order and Establish a Quorum

Mayor Cynthia Clinesmith  
Mayor Pro Tem Elsie Thurman  
Council Member Frank Hosea  
Council Member Jeff Jones  
Council Member Dwight King  
Council Member Elaine Waddill

Mayor Clinesmith called the meeting to order at 3:00pm. All present except Council Member King.

2. **Invocation** - Senior Pastor Rev. Dr. Malcolm McQueen, Church at Horseshoe Bay, gave the invocation.

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

#### 4. Announcements and Staff Recognition

A. Recognition of the Legislative Services Department for Winning the Texas Achievement of Excellence Award – Mayor Clinesmith recognized Kerri Craig and Janet Stehling and congratulated them on the award.

5. **Public Comment** – No one spoke.

#### 6. Presentations

*Informational only; no action to be taken.*

A. Hill Country Humane Society – Paighton Corley provided a presentation regarding the needs of the Society. No action taken.

B. Real Estate in HSB Update to City Council – Brad Goebel provided an update on real estate in HSB. No action taken.

C. Demonstration of the WaterSmart and Water Use Software – Utilities Director Rick Williams and Utilities Technical Administrator Samantha Sosa provided a presentation. No action taken.

#### 7. Public Hearing Items

*Public Hearing and possible action regarding:*

A. Resolution 2023-11: (Shared Use Paths) Supporting the City of Horseshoe Bay's Application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects – City Manager Jeff Koska provided a report, which is on file. Mayor Clinesmith opened a public hearing at 3:36pm. No one spoke. Mayor Clinesmith closed the public hearing at 3:40pm. Council Member Hosea motioned to approve Resolution 2023-11 as presented by staff. Council Member Jones seconded. VOTE: 4-0 in favor, motion passed.

- B. Ordinance 2023-27: Rezoning 0.373 Acres Platted as Lot No. 1 Out of The Overlook At Summit Rock Pod 11.1 (819 Summit Rock Blvd.) From A-1 Recreational To R-1 Single Family Estate Residential; Amending the Zoning Map for Zone 12 Summit Rock; and Providing for Findings of Fact, Repealer, Severability, Effective Date, and Public Notice and Meeting – Senior Planner Sandra Nash provided a report, which is on file. Mayor Clinesmith opened a public hearing at 3:41pm. Craig Fecel, Greg Spence, and two citizens who were not identified spoke in opposition to Ordinance 2023-27. Rick Town, applicant, spoke in support of the Ordinance. Mayor Clinesmith closed the public hearing at 4:09pm. No motion was made and no action was taken.

## **8. Business**

### ***Discuss, Consider, and Possibly Take Action Regarding:***

- A. Ordinance 2023-28: Awarding the Sale and Authorizing the Issuance of City of Horseshoe Bay, Texas General Obligation Bonds, Series 2023; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement; Approving the Official Statement; Finding and Determining that the Meeting at which this Ordinance is Passed is Open to the Public as Required by Law; and Enacting Other Provisions Relating Thereto – Finance Director Chris Thomas and Financial Advisor Jennifer Ritter provided a report, which is on file. Council Member Waddill motioned to approve Ordinance 2023-28 Awarding the Sale and Authorizing the Issuance of City of Horseshoe Bay, Texas General Obligation Bonds, Series 2023; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement; Approving the Official Statement; Finding and Determining that the Meeting at which this Ordinance is Passed is Open to the Public as Required by Law; and Enacting Other Provisions Relating Thereto, as presented by staff. Mayor Pro Tem Thurman seconded. VOTE: 4-0 in favor, motion passed.
- B. Ordinance 2023-23: Approving and Adopting an Amendment to the General Fund and Utilities Fund Budgets for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 – Finance Director Thomas provided a report, which is on file. Mayor Pro Tem Thurman motioned to approve Ordinance 2023-23 as presented by staff. Council Member Hosea seconded. VOTE: 4-0 in favor, motion passed.
- C. Award Contract for Upgrades to 1.3 Miles of Existing Streets – Public Works Director Tim Foran provided a report, which is on file. Council Member Jones motioned to award the street upgrades contract to Aaron Concrete in the amount of \$2,804,066.00 as presented by staff. Council Member Hosea seconded. VOTE: 4-0 in favor, motion passed.
- D. Award Contract for Design Services for the City Center Complex and Fire Station 2 – City Manager Koska provided a report, which is on file. Council Member Waddill motioned to award Brown Reynolds Watford Architects the Architectural Services Contract for the City Center and Fire Station #2 as recommended by staff. Mayor Pro Tem Thurman seconded. VOTE: 4-0 in favor, motion passed.
- E. Award Contract for Construction Manager at Risk - City Manager Koska provided a report, which is on file. Mayor Pro Tem Thurman motioned to authorize the Mayor to sign an awarded contract for Construction Manager At Risk Services for the City Center and Fire Station #2 to Braun and Butler Construction once the City Attorney and City Manager agree the contract meets expectations. Council Member Jones seconded. VOTE: 4-0 in favor, motion passed.
- F. Resolution 2023-12: Releasing an Area From the City of Horseshoe Bay's Extraterritorial Jurisdiction (ETJ): 67.18 Acres of Flatrock Texas II, LP – City Manager Koska provided a report, which is on file. Council Member Hosea motioned to approve Resolution 2023-12

and the agreement as presented by staff. Council Member Waddill seconded. VOTE: 4-0 in favor, motion passed.

- G. Request for a Fifth Building Permit Extension for the Property Located at 100 Lucia Court, *Legends Communities, Inc. Applicant* – Development Plans Examiner Christina Reinhardt provided a report, which is on file. Ms. Reinhardt stated this request is no longer needed. No action was taken.
- H. Request for a Third Building Permit Extension for the Property Located at 136-140 Rivalto (3 Plex), *Legends Communities, Inc. Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Ms. Reinhardt stated this request is no longer needed. No action was taken.

Council Member Frank Hosea left the meeting at 4:47pm.

- I. Request for a Fourth Building Permit Extension for the Property Located at 118 Lucia Court, *Legends Communities, Inc. Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Mayor Pro Tem Thurman motioned to approve Legends Communities, Inc.'s requested 4th Re-permit for 118 Lucia Court for 60 days at a fee of \$10,000.00. Council Member Jones seconded. VOTE: 3-0 in favor, motion passed.
- J. Request for a Third Building Permit Extension for the Property Located at 129 Azalea Loop, *Legends Communities, Inc. Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Council Member Jones motioned to approve Legends Communities, Inc.'s requested 3rd Re-permit for 129 Azalea Loop for 60 days at a fee of \$5,000.00. Council Member Waddill seconded. VOTE: 3-0 in favor, motion passed.
- K. Request for a Third Building Permit Extension for the Property Located at 112 Rock N Robyn, *Turrentine Properties Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Council Member Jones motioned to approve Turrentine Properties' requested 3rd Re-permit for 112 Rock N Robyn for 60 days at a fee of \$5,000.00. Mayor Pro Tem Thurman seconded. VOTE: 3-0 in favor, motion passed.
- L. Request for a Third Building Permit Extension for the Property Located at 200 Blazing Star, *Casa Domaine, Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Council Member Waddill motioned to approve Casa Domaine's requested 3rd Re-permit for 200 Blazing Star for 60 days at a fee of \$5,000.00. Council Member Jones seconded. VOTE: 3-0 in favor, motion passed.
- M. Request for a Third Building Permit Extension for the Property Located at 1329 Apache Tears, *Westway Custom Builders, Inc., Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Mayor Pro Tem Thurman motioned to approve Westway Custom Builder's requested 3rd Re-permit for 1329 Apache Tears for 360 days at a fee of \$50,000.00. Council Member Waddill seconded. VOTE: 3-0 in favor, motion passed.
- N. Request for a Fourth Building Permit Extension for the Property Located at 110 Bunny Run, *Westway Custom Builders, Inc., Applicant* - Development Plans Examiner Reinhardt provided a report, which is on file. Council Member Jones motioned to approve Westway Custom Builder's requested 4th Re-permit for 110 Bunny Run for 90 days at a fee of \$15,000.00. Mayor Pro Tem Thurman seconded. VOTE: 3-0 in favor, motion passed.

## 9. Consent Agenda

*All consent items are considered to be routine and will be enacted by one motion and vote.*

- A. Approval of City Council Meeting Minutes: April 4, 2023
- B. Approval of City Council Meeting Minutes: April 12, 2023
- C. Approval of City Council Meeting Minutes: April 18, 2023
- D. Approval of the Public Funds for Public Purposes City Council Subcommittee Recommendation of Approval for a Funding Request from the Horseshoe Bay POA

Council Member Waddill motioned to approve all consent items as presented by staff. Council Member Jones seconded. VOTE: 3-0 in favor, motion passed.

## 10. Monthly Reports

*Informational reports only; no action to be taken.*

- A. Finance, Legislative Services, Communications, IT, Human Resources, Development Services, Fire, Police, Public Works, Utilities
- B. Planning and Zoning Commission, Board of Adjustment, Capital Improvements Advisory Committee, Historic Preservation Advisory Committee, Transportation Advisory Committee

## 11. Executive Session

- A. Consultation with City Attorney Regarding Pending Litigation: *Civil Action No. 1-21-cv-1156-RP, Legacy Housing Corporation v. the City of Horseshoe Bay, Texas, the Horseshoe Bay Property Owners Association, Inc. and Jaffe Interests, LP f/k/a Horseshoe Bay Resort, LTD f/k/a Horseshoe Bay Resort, Inc. (551.071)*

Convened to Executive Session at 5:12pm to discuss Executive Session Item A. Present: Mayor Clinesmith, Mayor Pro Tem Thurman, Council Member Jones, Council Member Waddill, City Manager Jeff Koska, and City Attorney Rex Baker. Reconvened to the regular meeting at 5:24pm. No action was taken.

- 12. **Adjourn** - Mayor Pro Tem Thurman motioned to adjourn the meeting. Council Member Waddill seconded. VOTE: 3-0 in favor, motion passed. Meeting adjourned at 5:26pm.