

**Minutes  
City of Mountain City  
City Council Meeting  
10 April, 2017  
City Hall**

**1. CALL REGULAR COUNCIL MEETING TO ORDER & ROLL CALL**

The regular monthly City Council meeting was called to order at 7:00 pm by Mayor Phillip Taylor. There was a quorum, with all Council members present. This also included Mayor pro tem Ralph McClendon and Council members Suzanne Hallam, Cynthia Holmes, Ray Patterson, and Lee Taylor. City Secretary Ellis Craig and City Treasurer Vicki Senefeld were also present.

**2. PUBLIC COMMENT & COMMUNICATION ON NON-AGENDA ITEMS**

There were 5 other attendees. These included City residents Ron Tom, Pauline Tom, Mary Ann Gamble, Zachary Gamble, and Jerry Borcharding. Only one request for public comment was submitted. This was from Mr. Borcharding, but he agreed to wait until the discussion on follow-up of ordinance violations.

**3. CONSENT ITEMS**

**a. Approve minutes from March 13, 2017 monthly Council meeting**

The minutes of the March 13, 2017 regular Council meeting were approved by a vote of 5-0 (motion by P. Taylor, seconded by Patterson), with no corrections.

**b. Approve Financial report from City Treasurer**

The March 2017 Financial Report was reviewed. As of the March report the checking account balance was \$55,649.99. The Savings Account balance was \$201,898.61. Income for the month was \$12,153.92 (\$1,779.19 in Ad Valorem taxes, \$9,480.21 in franchise fees from Pedernales Electric Co., \$889.38 in Sales tax, & \$5.14 in Savings interest). Expenses for March were \$9,626.97. Non-routine expenses included \$5,685 to the Jansen & Gregorczyk firm for the financial audit related to the water system purchase, \$1,967 to DNRBHZ (the City's contract law firm), \$395.64 to Blue Host for City website support, \$124.20 to Modern Propane for propane for City Hall, and \$50 to Ellis Craig to cover notary expenses.

A question was raised at the March meeting about the deposit from El Paso TX Charter Pay. Treasurer Senefeld subsequently discovered that

this was franchise fee payment from Spectrum Communications. A question was raised as to whether the City has an exclusive arrangement with Spectrum. The answer is that residents are free to choose whatever provider they desire. There was also discussion regarding what line item account in the Budget to post the financial audit expense. There was consensus that the City Services line item would be the most appropriate. Finally, Treasurer Senefeld reported that the \$1,967 payment to the City's law firm had already been paid. The City will receive a credit for this amount. The March 2017 Financial report was approved by a vote of 5-0 (motion by P. Taylor, seconded by Hallam).

#### 4. **REPORTS**

##### a. **Mountain City Events update (P. Taylor)**

Mayor Taylor reported that the next upcoming special event would be the Easter egg hunt this weekend. Treasurer Senefeld noted that the contract lawn maintenance company recently treated the ant hills in the field where the event is held.

##### b. **Status report on purchase of Mountain City Oaks Water System (McClendon)**

Mayor pro tem McClendon gave an update on the purchase. The required financial audit has been completed, with the report sent to the PUC (Public Utility Commission). The required Sales Transfer Merger document has been submitted to the PUC as well. Notice of these submissions will be reported in the **Texas Register** in either the April 14<sup>th</sup> or April 21<sup>st</sup> publications. The PUC will provide any comments regarding these documents by the end of the month. Work is continuing on securing the Certificate of Obligation. Ordinances related to the water system will need to be in place when PUC approval of the purchase is granted.

##### c. **Update on Hays County Hazard Mitigation planning and Mountain City's role (P. Taylor)**

Council member Holmes has taken the lead on this project. She reported that work on the Plan is continuing. She recommended a special workshop on implications of the Plan when the final version is approved.

## 5. COMMITTEES AND BOARDS

### RECESS FOR BOARD OF ADJUSTMENT MEETING

The City Council meeting was recessed at 7:11 pm for the Board of Adjustment meeting. The regular City Council meeting re-convened at 7:20pm.

## 6. UNFINISHED BUSINESS

### a. Follow-up on possible ordinance violations (Craig)

City Secretary Craig reported generally positive results from the 5 certified letters regarding possible ordinance violations sent last month. It was reported that the trailers at 119 Poplar and 213 Live Oak have been moved in compliance. Also, the trailer in the backyard at 114 Pin Oak has been moved. A replacement window for 102 Pecan has been ordered. Mr. Borcharding was present at the meeting to discuss the concerns regarding the tractor in his driveway. He argued that he is in compliance with the Land Use ordinance because his tractor is parked 10+ feet behind the front façade of the house. A review of the ordinance verified his position.

## 7. NEW BUSINESS

### a. Identify, discuss and take possible action on new City Ordinance violations

Jerry Borcharding had earlier sent an email containing eleven addresses in the City where he observed possible ordinance violations. He emphasized that he was not upset about the particular violations but believed that all should be treated the same. Eight of the 11 involved trailers, boats, or RVs possibly not in compliance with set-back rule. Two of these locations were discussed earlier and have since been corrected. Although the exact number is not clear, a number of other addresses on this list may be corner lots. The Council has allowed some variance in such cases because of the unique physical arrangements (e.g., driveway flush to the front façade). One of the other cited addresses involves a trailer in the backyard that possibly had people living in it. This situation has also been addressed. The other cited locations will be reviewed.

City Secretary Craig also reported that there had been a mix-up on the location to which one of the certified letters was sent. A letter was sent subsequently to the correct address, and the problem has been corrected.

It was reported that a large gas BBQ grill is in the driveway at 300 Juniper. It was recommended that a letter be sent, urging the owner to

move the grill to the backyard until it can be disposed of during Dumpster Days.

There was also discussion of the large trailers that are being worked on and parked in the yard at 316 Live Oak. No immediate action was recommended.

**b. Discuss and take possible action on new water utility ordinance (McClendon)**

Mayor pro-tem McClendon has developed a draft water utility ordinance, based on review of such ordinances in other cities. He did note that the existing water rate chart will be added as an appendix to the document. He also recommended that a special workshop be held on the ordinance just prior to the next Council meeting (at 6 pm).

**c. Discuss and take possible action regarding poultry variance at 315 Juniper Drive (P. Taylor)**

Mayor P. Taylor made a motion that discussion on this item be opened (seconded by Hallam). Mary Ann Gamble and her son, Zachary Gamble, were present to describe the proposal. Mrs. Gamble is an adult leader for both a Webelos Scout group and Girl Scouts. This project is Zachary's Webelos project and will involve his raising 4 chickens. Although their initial plans called for the coop to be placed in their backyard adjacent to the next door neighbors' large garage, the Council recommended moving it to the recommended 10 foot space from the property line. The Gambles agreed to this. The coop will be enclosed, and no rooster will be kept. There was unanimous approval (5-0) of the proposal.

**d. Discuss and take possible action on ESD 9 for EMS service for the City (P. Taylor)**

This item was tabled.

**8. EXECUTIVE SESSION**

The Council went into an Executive Session at 7:45 pm to discuss City staff positions. The Council re-convened the regular Council meeting at 8:13 pm. No action was taken in the Executive Session, but it was reported that an amended job description for the City Administrator would be developed and the position re-posted.

**9. INFORMATIONAL ITEMS**

**a. Website/Communications updates (P. Taylor)**

No updates.

**b. CAPCOG update (P. Taylor)**

No updates

**c. Other information updates from Council members**

No other updates.

**10. ADJOURN**

The meeting was adjourned at 8:16 pm.

These minutes approved on the 8th day of May 2017.

**APPROVED**

/s/Phillip Taylor, MAYOR

**ATTEST**

/s/Ellis Craig, CITY SECRETARY