



MINUTES OF THE
CITY COUNCIL

OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, MAY 19, 2015 at 6:30 P.M.

16100 Wharf Cove, Volente, Texas 78641

Present

Mayor Ken Beck
Council Member David Springer
Council Member Babs Yarbrough
Council Member Bill Connors
Council Member Kristi Belote

Absent

Mayor Pro Tem Mark Scott

Also in Attendance

City Attorney Tom Buckle

A. Items Opening the Meeting

1. Call to Order.
Mayor Ken Beck called the meeting to order at 6:30 p.m.
2. Call Roll.
City Secretary Julia Vicars called roll and a quorum was established.
3. Pledge of Allegiance.
All stood for the Pledge of Allegiance.
4. Approval of the Meeting Minutes from April 21, 2015.
Council Member Connors makes a motion to approve the minutes as written. Seconded by Council Member Belote. The motion carries unanimously.

B. Citizen Communications.

Kit Hopkins, 15943 Booth Circle, thanks the Mayor for spurring work on the septic project at the end of Booth Circle stating the project is improving and she appreciates the hard work.

Jan Yenawine, 15600 FM 2769, spoke to the hard work that Robert Nelson and Carey Witt have put into Friendship Park adding that both men have gone above and beyond and the park is looking outstanding.

Bob Steichen, 15807 FM 2769, asks that the City possibly spray for mosquitos.

C. General Business and Action Items.

1. Mayor's Report.
Mayor Ken Beck states that Council is continuing to work hard on the prioritized goals from their January retreat, including intense review of the Zoning Ordinance. Mayor Beck spoke to the bill in legislature regarding ESD 14 stating it would directly impact the City and the ESD participation in the Capital Metro grant program. The November election will include the removal from the CapMetro program on the ballot.

2. Village Reports.

a. Financial Reports.

Mayor Beck states that in the absence of Mayor Pro Tem Scott, he will briefly review the Financial Reports. The balance sheet is up 60k from last year and though expenses were a little higher than planned for April the Village's finances are still in a strong position. He adds that some accounting issues being addressed in office would help clarify how much of the development costs the City is incurring and what amount is billed out to development projects.

Kit Hopkins, 15943 Booth Circle, states that there is a procedure in place for anything related to development expenses that should be followed to increase transparency.

b. Construction Update.

Barbara Wilson, City Administrator, states there are currently thirty seven ongoing construction projects in the Village, with nine of those on the old fee schedule. This means that 28 new projects have come up in the last eight months.

Council Member Connors states that out of those projects, 63% require variances, which is evidence that our Ordinances are not clear or are too restrictive.

Council Member Belote comments that the upcoming work session will include a plan that is tailored to our unique lots and a lot of variances will no longer be necessary.

c. City Administrator Report.

City Administrator Barbara Wilson summarizes her work in the last month in her position. CapMetro should be providing us with another 30k in grant revenue, and Travis County Appraisal District has sent an update on the appraisal rolls.

Council Member Belote asks about the corrected list of properties within the Village that our taxes were not being collected from.

Barbara Wilson answers that seventeen properties have never paid property tax to the Village of Volente and that Council Members Connors and Springer are working on an updated list with more properties to possibly be added.

d. City Secretary Report.

City Secretary Julia Vicars summarizes her work from the last month.

Council Member Belote asks about the Village Facebook Page.

Julia Vicars answers that she has set up a Facebook page for the Village of Volente, not to be used as a primary source of information but as a secondary way to direct residents to our official site. The main reason it was set up now was to guarantee our use of the name.

e. Crime & Complaints Report.

City Secretary Julia Vicars summarizes the report. Council Member Springer adds that there were gunshots fired on Lakeview which has caused an increase in Sherriff presence over the last few days.

f. Committee Reports.

None were given.

3. Resolution 2015-R-2 Bank Signatory Authorization allowing for an authorized signer in the absence of the Mayor or Mayor Pro Tem.
Mayor Beck summarizes the need for this Resolution, allowing Council Member Connors to sign checks in the absence of either the Mayor or Mayor Pro Tem.
Council Member Babs Yarbrough makes a motion to approve Resolution 2015-R-2. Seconded by Council Member Springer. The motion carries unanimously.

4. Recommendation from the Public Safety Committee regarding law enforcement scheduling for the remainder of the fiscal year. (Council Member Babs Yarbrough)
Council Member Babs Yarbrough states that enforcement is requested for Memorial Day, July 4th, and Labor Day to include off-duty Travis County Sherriff's Office patrol. Part of the recommendation from Public Safety would include directing traffic on July 4th after the fireworks show. The estimated costs are within the budget of 5k.
Council Member Springer asks if this is a reduction from last year.
Council Member Yarbrough answers that yes, it is.
Council Member Belote asks for explanation.
Council Member Yarbrough states that some of the issues from last season have since calmed down and while patrol is needed for holidays it is proving not necessary for other times.
Council Member Connors makes a motion to approve the recommendation for law enforcement scheduling as described in discussion and notes. Seconded by Council Member Belote. The motion carries unanimously.

5. Recommendations from the Public Safety Committee regarding the Emergency Management Plan for the Village of Volente. (Council Member Babs Yarbrough)
Council Member Connors moves to postpone this item to the next meeting with Council receiving a draft of the Emergency Management Plan. Seconded by Council Member Belote. The motion carries unanimously.

6. Recommendations from the Public Safety Committee in regards to the Village of Volente becoming a Fire Wise Community. (Council Member Babs Yarbrough)
Council Member Babs Yarbrough states that a representative from the Texas A&M Forestry Department, who gave a presentation at the last Public Safety Committee meeting, would go door to door and give free recommendations on how to become Fire Wise. The insurance industry could give a credit for homeowners insurance. A presentation to Council on this topic will be presented at the next Council meeting.
Barbara Wilson, City Administrator, states that there is a Proclamation in front of each Council Member allowing Volente to become Fire Wise community. She adds that this doesn't commit to Village to anything but for the representative to come out, free of charge, and present the program to residents. The report is confidential between Council and the Fire Wise Expert and identifies hardened area for evacuations.
Council Member Springer makes a motion to approve the Proclamation. Seconded by Connors. The motion carries unanimously.

Walt Thompson, 7500 Reed Dr, states that the existing tree ordinance directly contradicts the Village becoming Fire Wise. He adds that Council will have to decide between becoming a Firewise Community or protecting junipers.

Mayor Ken Beck states that the Tree Ordinance is already on the radar for Council to rewrite.

Nancy Carufel, 8138 Joy, states that this does not call for a proclamation. It would be interesting to hear from the Fire Wise expert before deciding.

Kit Hopkins, 15943 Booth Circle, states that gasoline pillars [cedars] should be cut. She comments that the proposed five foot setbacks might be an issue for the Fire Wise representative, adding that ten feet between each house is not very fire wise in her opinion.

Council Member Belote states that five foot setbacks are no longer being considered.

Jan Yenawine, 15600 FM 2769, states that Fire Wise is through the forestry service so it would not be addressing building codes. But the representative would address issues on each house that could be of concern for each homeowner in the event of a fire. He adds the advice is free, and it does not bind the Village to any commitment and supports the proclamation.

7. Updates from the Board of Adjustments on their response to an opinion about Water Tanks within the Village of Volente. (Chair Mike Gold)

Barbara Wilson reads aloud a portion of the minutes, prepared by the City Secretary, regarding the BOAs opinions on Water Tanks. (The following excerpt is from minutes of the Board of Adjustments)

“After discussion among the Board of Adjustments, they come to agreement that the restrictions on water tanks should be loose – less restrictive than a structure but not unrestricted. Water tanks possibly need a special definition.”

8. Updates from the Planning and Zoning Commission on their response to an opinion about Water Tanks within the Village of Volente. (Chair Jeff Browning)

Jeff Browning, Chair of the Planning and Zoning Commission, gives their recommendations on the issue of Water Tanks. (The following excerpt is from minutes of the Planning and Zoning Commission)

“Alternate Nancy Carufel makes a motion to recommend to Council that water tanks are a portable structure that can be placed in the setbacks, excluding the front setback, and allowing for Council to decide on size, height, width, and screening. Seconded by Commissioner Rett Scudder. Carries unanimously.”

Nancy Carufel, 8138 Joy Rd, states that she had faced opposition when she first installed her water tanks. She feels that property owners own their lot and should be allowed to place a tank where it is the most feasible with Council being flexible when it comes to height and color.

Judy Barrick, 15907 Booth Circle, agrees with Nancy Carufel’s statement adding that this issue is critical given our current drought.

Council Member Connors makes a motion to direct staff to start the process to create an amending ordinance that clarifies in the definitions that water tanks are a portable structure, allowed in the setbacks, with a draft to come before Council at the next Council Meeting. Seconded by Council Member Belote. Carries unanimously.

9. Updates from the Planning and Zoning Commission regarding the possible re-routing of variances. (Chair Jeff Browning)

Jeff Browning, Chair of the Planning and Zoning Commission, states that the commission unanimously voted for this topic to be postponed six months to allow time for Council to review and revise ordinances and re-evaluate if changing the routing process is necessary.

10. Discussion and Possible Action on the variances for 8132 Joy Rd, Applicant David Robinson, that were heard at the last Planning and Zoning Commission meeting.

Chair of the Planning and Zoning Commission, Jeff Browning, summarizes the variances heard by the commission at their last meeting. The Planning and Zoning Commission unanimously voted to grant all of the variances because of topography, impervious cover, uniqueness of the lot, the need to place the septic in only one spot on the lot, and the slope of the property. Council Members Connors and Yarbrough state this is a good case study for the Council. The six variances heard by the Planning and Zoning Commission were an Increase in Impervious Cover, Cut and Fill, Slopes over 25 degrees, an extra driveway, walls in the front setback, and vacation of the Public Utility Easements.

Council Member Connors states that a couple of the variances required are based on interpretations or definitions in the Zoning ordinance of height and impervious cover. The Applicant uses vegetative berms for water quality and is using a rain water collection system for a credit towards impervious cover.

Chair Jeff Browning states that this is essentially a major remodel, and the footprint of the existing structure is not changed much.

Council thanks the Applicant.

Council Member Bill Connors makes a motion to approve all variances requested as recommended by the Planning and Zoning Commission. Seconded by Council Member Babs Yarbrough. Carries unanimously.

11. The International Fire Code 2009. (Council Members Springer, Connors, and Yarbrough)

Council Member Springer states that it is against State law for the municipality to require sprinkler systems in residential houses.

Council Member Connors states that the calculations relating to this seem to come from areas with an established fire hydrant system. The IFC official could increase, decrease, or take other measures according to NFTA 1142 or according to Urban Wildland Interface Code.

Walter Groman, Chief of Volente Fire Department, states that state law does not allow municipalities to require sprinkler systems for residential houses but still allows for sprinkler systems to be installed for substitution of other fire protective measures. He adds that Westlake Hills allows a credit for residences that install a sprinkler to get a home bigger than the water supply allows. Volente brings water in to allow the Village to have easy access to water to fight fires. Travel time for tender operations is time and distance both ways and fill time and dump time. Residential sprinklers are designed to get you and your loved ones out of the house. The Village of Volente entered a contract with the Volente Fire Department who inspects plans, makes recommendations to applicants based on the analysis for water flow, and

recommends fire protective measures where necessary. Home over 3600 sq. ft. might be too large for the VFD to successfully put out the fire.

Council Member David Springer states that it is a little over \$2 a square foot to put a sprinkler system in. Adding that the VFD cannot deliver to every home in this community the gallons per minute required by IFC 2009.

After being asked by Council, Mr. Robinson (applicant for 8132 Joy) states that he was told that sprinklers were required in order to obtain a building permit.

Mayor Ken Beck states that it in the development process it makes sense to use a Fire Inspector, but their feedback can only be a recommendation and not a requirement, with the City Administrator clearly articulating that permits cannot be withheld because of this recommendation.

Council Member Yarbrough asks of Barbara Wilson, City Administrator, if there were other houses that were told it was a requirement to put in sprinklers before obtaining a permit.

Barbara Wilson answers yes, she knows of two others.

Jan Yenawine, 15600 FM 2769, says that Council passed an ordinance and adopted the Fire Code, then asked the Fire Department to conduct inspections, which they agreed to. He says inflammatory messages from Council, with their word considered credible, make this situation more contentious than it needs to be. He suggests Council act more professionally.

Council Member Yarbrough answers that the Council did not defame or make false claims against the Fire Department and that this seems to be an issue of miscommunication. Council is working diligently to simplify this process.

Jan Yenawine, 15600 FM 2769, states that Council does not slow down and do homework but instead pushes things through. This would be easier if you slow down and do research.

Chief Walter Groman states that the Fire Department gives its feedback after reviewing plans, and that the communication form could be worded better, so as to not add to confusion.

Council Member Springer makes a motion for the Public Safety Committee to review Chapter 71 Travis Fire Code which exempts 1, 2 and 3 family residential structures from IFC 2009 permitting. Seconded by Council Member Connors. The motion carries unanimously.

12. Clarification on the definition of a Minor Addition to an Existing Residence or Structure.

(Discussion Only)

Mayor Ken Beck introduces this item, stating that input is desired from Council and Citizens to assist in defining a “minor addition”.

City Attorney Tom Buckle states that most cities calculate height from the lowest point of the foundation to the top of the roof.

Council Member Connors states he recommends the Village of Volente adopt Travis County’s definition which says if the addition increases the square footage by less than 50% or the value of the addition does not exceed 50% of the value of the home, then it is a minor addition. (Chapter 80 Travis County Residential Code). Council Member Connors adds that the lack of requirement of a building permit would not remove the necessity of inspections or the law of building codes – this just merely limits the government involvement in minor additions.

Council Member Yarbrough states that assessing the value of the addition depends on the finishes, and would be hard to calculate.

Council Member Springer asks if other cities calculate by value or square footage.

City Attorney Tom Buckle states that other cities use square footage.

Mayor Beck states that 50% seems high and that cities around us look at each property individually to determine if it is a minor addition or not.

Council Member Connors states that he would like to see an interlocal with Travis County in which they oversee our building permit process and inspections using MyPermitNow.

City Attorney Tom Buckle states that Counties do not have building permit authority and that authority is with the municipality.

Carl Phinney, from ATS, says that Travis County does not complete inspections and if they do, it is not the way that municipalities complete inspections. MyPermitNow is simply a scheduling software and cities use it to schedule their personnel's time. Carl states that the codes adopted by the City would not allow for a 50% definition of minor addition. He adds that other cities around us all determine if it is a minor addition based on each property and a set of guidelines. Electrical and Plumbing need inspections and a permit.

Mayor Ken Beck states that this item was listed as discussion only and we will look and work on this item within our review of ordinances.

13. Sixty Day Extension of the Contract for Barbara Wilson, City Administrator, to allow time for the scheduling of a meeting when all Council Members, Mayor Pro Tem, and Mayor can be present.

Mayor Ken Beck states that Mayor Pro Tem Mark Scott and the Budget, Finance, and Administration Committee are responsible for reworking of the contract and his committee has met and made a recommendation.

Council Member Babs Yarbrough states that we had this conversation when we hired the City Secretary, and we should have had review of this contract completed by now. As of June 6 unless we act tonight, the City Administrator no longer has a job. Council has not taken this task seriously and the contract should have been reviewed.

Council Member Connors states there is a quorum present and we are the elected body of the government. Mayor Pro Tem Mark Scott called him and stated he wanted to be here tonight but this contract was negotiated in the Fall with terms of the contract stating the City Administrator was to receive a review every six months.

Council Member Kristi Belote states that her only comment is that the public, if speaking on this topic, should be tactful.

City Attorney Tom Buckle says this is an extension of the contract for sixty days. The Mayor would be authorized to sign an extension of the current contract.

Council Member Babs Yarbrough states this is a Village issue not a Committee issue and that she does not feel comfortable issuing an extension without having seen the contract.

Citizen Comments:

Joan Jackson, Leander TX, states that she has been asked to be here by several people, some of which who are not here, but she does feel the need to speak. She prefaces her statement by stating she has no axe to grind and wishing no harm to the Village. She adds that she experienced two great years of employment at the Village and one difficult year when Barbara

Wilson was added to the staff. She says she found out quick that Administration and Secretary were not a team adding that some people may be incapable of being team players. She states she does not think an extension of the contract would be best for the Village.

Bob Steichen, 15807 FM 2769, states that he is not sure that citizen comments should be indulged in front of an individual being discussed. Comments held against a lot of people who want to express themselves but feels Barbara Wilson should not be present. He adds that the fact that he is unwilling to speak in front of Barbara should illustrate his stance on the matter. Nancy Carufel, 8138 Joy Rd, says she is not in favor of renewing the contract for Barbara Wilson due to the population of 500 or less. Our Community Survey states limited government and we seem to be adding more. Hiring additional city workers, 79% said no. Committees have been formed and are doing great jobs that are getting things done. Since the Village has hired Barbara Wilson, our Attorney fees have increased, Engineering fees increased, rent and other expenses have all gone up. There is a lot of discord with people getting wrong information. Some people have not had good experiences. The money currently allocated to Barbara Wilson's salary could be used for engineering studies, drainage, roads, better expenses for the Village.

Carl Phinney, ATS, states that he has dealt with City Administrators and employees in cities and enemies are unavoidable. Employees are highly thought of. Possibly the Village overshot by hiring a City Administrator with only 500 population, but the City will get bigger.

Council Member Babs Yarbrough makes a motion to have a special called meeting next week with copy of existing contract, the new contract and the job description with the City Attorney present and with possible provisions for an at-will contract. Seconded by Council Member Belote. The motion carries unanimously.

14. Travis County Department of Health Interlocal Agreement for Environmental Investigation Services. (Mayor Ken Beck)

Council Member Connors makes a motion to postpone item 13. Seconded by Council Member Babs Yarbrough. The motion carries unanimously.

15. Close Public Meeting, Open Executive Session. *The Village Council will announce that it will go into Executive Session, if necessary, pursuant to **Chapter 551.072 of the Texas Government Code "Deliberations about Real Property"** for discussion and consultation on matters of a road vacate project.*

The Mayor closes the public meeting at 9:45 p.m.

Mayor, Council, and the City Administrator enter into executive session.

16. Close Executive Session and Re-Open Public Meeting.

The executive session closes and the Public Meeting is re-opened by Mayor Beck at 10:15 p.m.

17. Discussion and Possible Action resulting from Executive Session, if any.

Council Member Springer makes a motion to move forward with negotiations on the deliberations about real property but is not authorized to spend any Village monies without authorization from Council. Seconded by Council Member Bill Connors. The motion carries unanimously.

18. Adjourn.

The meeting adjourned at 10:16 p.m.

Passed and Approved this 16 day of June, 2015.

Signed:

KB

Ken Beck, Mayor of Volente

Attest:

JV

Julia Vicars, City Secretary