



MINUTES OF THE
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, AUGUST 18, 2015 at 6:30 P.M.
16100 Wharf Cove, Volente, Texas 78641

Present

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

Absent

Also in Attendance

Tom Buckle, City Attorney

A. Items Opening the Meeting

1. Call to Order.
Mayor Ken Beck calls the meeting to order at 6:32 p.m.
2. Call Roll.
Julia Vicars, City Secretary, calls roll. A quorum is established.
3. Pledge of Allegiance.
All stood for the pledge of allegiance.
4. Approval of the Meeting Minutes from July 15, July 21, July 29, August 5, and August 12, 2015.
Edits of the minutes include the following:
July 21st – Line 240 Council Member Yarbrough instead of Babs and Kristi
July 29th – Belote and Connors – edit to full titles.

Mayor Pro Tem Connors moves to accept the minutes from July 15, July 21, July 29, August 5, and August 12, 2015 as amended by Council Member Kristi Belote. Seconded by Council Member Babs Yarbrough. The motion carries unanimously.

5. Village Reports.
 - a. Financial Reports.
Council Member Robinson and Mayor Ken Beck present the financial reports, noting that the Compensation and Benefits number is higher due to the settlement and severance agreement with the previous City Administrator.
Mayor Pro Tem Connors asks if we need to make any budget line item transfers.
Council Member Robinson answers that the Budget, Finance, and Administration committee will look at line item transfers before the 31st.
City Secretary Julia Vicars gives the Job Profitability Summary.
 - b. Construction Update.
The City Secretary summarizes the ongoing Construction projects in the Village.

- c. City Secretary Report.
Julia Vicars, City Secretary, orally presents a summary of the City Secretary Report.
- d. Crime & Complaints Report.
Mayor Ken Beck and City Secretary Julia Vicars present the Crime & Complaints Reports.
- e. Committee Reports.
Council Member Springer states that City Attorney Tom Buckle should look into the Highland Lakes Enabling Act and see if we are required to keep Wharf Cove open continuously. More details are available on the Council Message Board.
Council Member Belote asks if we can limit the message board can only be open to residents of Volente. General consensus is no, that the nature of the message board must be open to all of the public in order to comply with TOMA.
Council Member Springer states that his Committee recommends the placement of No Parking Signs and Tow Away signs by Wharf Cove. Council Member Springer states that when he visited Wharf Cove, those that were parked on the sides were overflow from VIP Marina.
The Committee wants read into the record “The Environmental Committee maintains that Mollberg Park is an asset to the Village of Volente.”

Council Member Yarbrough states that the Public Safety Committee, after the accident on 2769, ordered a Select Traffic Request through the West Command to come out for the next few weekends and observe standard traffic flow in the Village and prepare a report. The committee also looked into putting up more signs both on 2769 and Lime Creek with “Dangerous Curves Ahead”.

Mayor Ken Beck says the Public Works committee has been working on drainage issues on Lime Creek Road, the next project will be West and Lime Creek Road to provide drainage. The committee also prepared a budget proposal for next year.

B. Citizen Communications. *At this time, any person with business before the Council **NOT** scheduled on the agenda may speak to the Council. In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them that are not on the agenda. There is a four (4) minute time limit on any communication.*

Judy Graci, 15775 Booth Circle, states her opposition to the Nuisance ordinance being possibly repealed and is unhappy with its placement on the agenda.

Mayor Pro Tem Connors responds it is last on the Agenda because of the low priority and possible deferral to the next meeting.

Judy Graci states that it shouldn't be low priority if it is repealing an ordinance.

Kit Hopkins, 15943 Booth Circle, states she lives close to the Shore Club and VIP Marina and this summer hasn't been bad. Maybe the enactment of the Nuisance Ordinance discourages poor behavior. She asks that Council remember they are public servants.

Jack Hirrschorn, 7316 Reed Dr, states that he spent some time on Planning and Zoning and he wants to remind Council that this is a residential community. He states that 60% of the projects requiring a variance are not necessarily a bad thing – exceptions to the ordinance should be approved.

Scott Spurlin, 15715 Booth Circle, he states that the Fire Department has had a visit from Council Member Springer, Mayor Beck and Council Member Yarbrough. The Fire Department has open arms and will be happy to

entertain a proposal from the Village. He also states that Will Boettner spoke to Council about becoming a Fire Wise Community and now the Chief has reached out and there will be a training day at the Fire Department where the personnel will be trained by Will to assist with the inspections.

C. General Business and Action Items.

1. Presentation from Franklin Legal Publishing regarding codification of our Ordinances.
Kirk Franklin of Franklin Legal Publishing presents their proposal for codification of the Village's ordinances.
Mayor Pro Tem Connors states that the Village is in the process of reviewing and revising the ordinances so his concern is the timing of beginning codification now.
Mr. Franklin answers that he suggests they get started and we receive the preliminary draft and use it for the review process as a tool and allow the legal review to begin.
Mayor Beck asks if we were to give them all of our Ordinances, then how long would the process be.
Mr. Franklin states that if it is all given to us up front then in 2-3 months there will be a draft ready. He answers that the pricing is a one price deal. The initial codification is \$5,950 with an editorial and legal review of \$2,000. The online cost is an annual cost of \$375.00.
Mayor Pro Tem Connors states he is hesitant to begin while we are amending the Ordinances.
Mr. Franklin answers that the Ordinances that are not planning on being amended could go to Franklin Publishing immediately.

David Gordon asks about the credentials about the people who do the work of codification.
Mr. Franklin answers that he and his partner are attorneys, they staff editors, indexers and support staff and a full IT staff.

Scott Spurlin, 15715 Booth Circle, asks if Franklin Publishing looks for cohesiveness with our master plan or vision statement.
Mr. Franklin answers that he looks mostly for inconsistencies and enforceability.

Council Member Springer makes a motion to authorize the Mayor to begin negotiations with Franklin Publishing for codification. Seconded by Council Member Belote. The motion carries unanimously.

2. Presentation from Linda Hambrick regarding records inventory and records management.
Linda Hambrick presents her past experience and proposal for records inventory and management for the Village.
Mayor Beck states that the former City Manager was responsible for records management and the Mayor does not feel comfortable with what was left with us.
City Attorney Tom Buckle recommends that in addition to this initial review, an annual review should be performed.
Council Member Springer makes a motion to authorize the Mayor to negotiate with Linda Hambrick. Council Member Belote seconds. The motion carries unanimously.

3. Discussion and Possible Action on Appointing Council Member Robinson as the Chair of the Budget, Finance, and Administration Committee.
Council Member Yarbrough makes a motion to appoint David Robinson as the chair of the Budget, Finance, and Administration Committee. Seconded by Mayor Pro Tem Connors. The motion carries unanimously.

4. Public Hearing regarding the revisions and review of the Zoning Ordinance, Ordinance No. 2004-O-32. Richard Roucloux, Chair of the Planning and Zoning Commission states that he has been approached by some citizens concerned with the P&Z involvement in the workings of the re-planning of these ordinances. He asks that Council involve the Planning and Zoning Commission more in both their work sessions and review of the ordinances.

David Gordon, Booth Circle, states that historically in the Village all of these things have flowed from Planning and Zoning to Council. He is not sure why it got changed. He states that Council has so much on their plate, ordinances should have a first blush review by the Planning and Zoning Commission.

Judy Graci comments on Richard's statement and says that five Council Members doing this in a morning meeting does not give public input. She states that Council is basing their review on their own personal experiences and situations.

Linda Limeux, 8205 West Dr, she is curious about Linda Hambrick's clean-up of files and wants to make sure that development files will not be destroyed. She also asks about a replacement to the Nuisance Ordinance.

Kit Hopkins, 15943 Booth Circle, states that Council should really feel the importance of the community survey and its impact on the comprehensive plan and the zoning ordinance. Not to vary or detour or find your own way, but to instead listen to the citizens.

Allison Thrash, 15100 FM 2769, and states that the Zoning Ordinance draft does not seem to simplify the process of building a home or remodeling, etc. She asks that Council notify the public of substantive changes to the Zoning ordinance.

Lori Ratcliffe, 15757 Booth, states that the "Vision of Volente" is repeated over and over. She says that on her morning runs she notices many properties that are nonconforming, Booth Circle, the homes next door to her --- they're all non-conforming and all different. She doesn't understand the notion that City Council is ruining Volente with this ordinance. She would like a comparison of nonconforming vs conforming properties within the Village.

5. Public Hearing on Variance Request from GeoSolutions (Authorized Agent) and Scott and Lori Ratcliffe (Applicant) for the property at 15757 Booth Circle for variances from the Site Development Ordinance Sections 33.340(A), Slope Limits for Building on Slopes greater than 25% and Section 33.340(D)(9) Drainage, for Building in the Floodplain.
 - a. Staff Presentation
Marc Dickey, City Engineer presents the variance request from the applicant.
 - b. Applicant Presentation
Carey Witt, authorized agent for the Applicant, presents their request.
 - c. Citizen Comments.
None.
6. Recommendation from the Planning and Zoning Commission regarding the variance requests for 15757 Booth Circle. (Chair Richard Roucloux)
Richard Roucloux states that the Planning and Zoning Commission approved the requests and he recommends that Council approve as well.

7. Discussion and Possible Action on Variance Request from GeoSolutions (Authorized Agent) and Scott and Lori Ratcliffe (Applicant) for the property at 15757 Booth Circle for variances from the Site Development Ordinance Sections 33.340(A), Slope Limits for Building on Slopes greater than 25% and Section 33.340(D)(9) Drainage, for Building in the Floodplain.
Council Member Yarbrough makes a motion to approve the variance requests for 15757 Booth Circle as written in the Agenda item. Seconded by Council Member Springer. The motion carries unanimously.

8. Resolution ordering a General Election for November 3, 2015.
Mayor Pro Tem Connors makes a motion to approve 2015-R-3 to order the election. Seconded by Council Member Belote. The motion carries unanimously.

9. Discussion and Review of the draft budget.
Council Member Robinson states the Budget Committee heard from Public Safety, Public Works, and Public Relations. The Committee will meet again on August 31st to finish up the budget changes.
Mayor Ken Beck presents his budget requests for Public Works.
Mayor Pro Tem Connors proposes a reduction of property tax rate. He recommends Park Maintenance be provided by volunteers and easements would be at the responsibility of the property owner. He wants to spend amounts reserved for roads until there is a 20-30 year plan for necessary maintenance. He asks Public Works to create a long term plan for what is needed for the roads.

Allison Thrash, 15100 FM 2769, asks about bid for an updated existing land use map and zoning map.

Richard Roucloux, 8140 Joy Rd, states he appreciates a reduction in tax rate but he would not appreciate a tax cut. He adds he would rather see money allocated to betterment of the community on things such as drainage, roads, and public facilities.

10. Close Public Meeting, Enter Executive Session. *The Village Council will announce that it will go into Executive Session, if necessary, pursuant to **Section 551.072 of the Texas Government Code "Deliberations about Real Property"**.*
The Mayor closes the public meeting at 9:43 p.m. Mayor, Council, and City Attorney Tom Buckle enter executive session.

11. Re-Open Public Meeting.
Mayor Ken Beck re-opens the public meeting at 10:52 p.m.

12. Discussion and Action resulting from Executive Session, if any.
Council Member Yarbrough makes a motion to authorize the Mayor to pay part of surveying costs necessary to get the Right-of-Ways granted on Lime Creek Road not to exceed \$3,400.00. Seconded by Council Member Belote. All vote aye except for Council Member Springer, who votes nay. The motion passes.

13. Discussion and Possible Action on the hiring of a part-time receptionist.
Council Member Yarbrough makes a motion to hire Sara Kelly as the receptionist. Seconded by Council Member Robinson. The motion carries unanimously.

14. Discussion and Possible Action on the parking, trash, safety and activity on Wharf Cove.

Council Member Belote makes a motion to postpone this item to the next agenda. Seconded by Mayor Pro Tem Connors. The motion carries unanimously.

15. Discussion and Possible Action on Repealing the Nuisance Ordinance; Ordinance No. 2014-O-17.

Mayor Pro Tem Connors states he will present his concerns on Nextdoor and the Message Board and give it to Tom Buckle, City Attorney and the next meeting it would be fleshed out completely.

Mayor Pro Tem Connors makes a motion to postpone to the next Council Meeting. Seconded by Council Member Springer. The motion carries with Council Member Springer, Council Member Yarbrough, Mayor Pro Tem Connors, and Council Member Robinson voting aye and Council Member Belote voting nay.

16. Presentation and Vote on proposed Agenda Items.

17. Adjourn.

Meeting adjourns at 10:57 p.m.

Passed and Approved this _____ day of _____, 20____.

Signed:

Mayor Ken Beck

Attest:

Julia Vicars, City Secretary