

Minutes
City Council
Village of Volente, TX
Tuesday, February 18, 2014
7 pm.

Council Members Present

Frederick Graber, Mayor
Mark Scott, Mayor Pro Tem
Judy Graci, Council Member
Chris Wilder, Council Member
Jan Yenawine, Council Member
Ken Beck, Council Member

Others Present

Tom Buckle, City Atty.

1. Call to Order of the City Council.

Meeting was called to order by Mayor Graber at 7:00 p.m.

2. Roll Call.

City Secretary, Joan Jackson, called roll. A quorum was established.

3. Pledge of Allegiance/Reading of the Village Vision Statement.

Mayor Graber led the Pledge of Allegiance and read the Vision Statement.

4. Citizens Comments

Roe Fleenor, Volente, TX, spoke against the Village using public funds for the Olive Feast.

Allison Thrash, Volente, TX asked where the backup material for agenda items 19, 26, 27, and 28 was.

Nancy Carufel, Volente, TX suggested placing the city attorney on a retainer.

Mickey Reynolds, Texas Colorado Water Floodplain Coalition, introduced himself and explained what the Coalition does for the community in time of need.

5. Mayor's Report.

Mayor Graber asked all Council Members to be sure and have their training certificates on file in the Village Office. He is excited about a community event this Spring on April 12 which will be a Spring Community Celebration with picnic and games. He said the water surface annexation is in process with public hearings and Council Member Beck will speak during this meeting on it. Necessary contracts have been completed for law enforcement for the Village. This Sunday, Feb. 23, there will be early voting at City Hall for the March Primary. A ramp for City Hall is in process for the March Primary so The Primary can be held here. He asked for newsletter articles to be submitted by March 15th by Council Members for the upcoming Village newsletter.

6. Finance Committee Report. (Mayor Pro Tem Scott)

Mayor Pro Tem Scott gave the financial report for January, 2014. He believes we may be coming in over the budget on income. Law enforcement is budgeted for the spring and summer months. The matching contribution the City contributes has gone up for the Texas Municipal Retirement System that the Village participates in.

Comments:

Nancy Carufel, Volente, TX, suggested bigger print on the financial reports.

Chris Wilder, Council Member, asked why was Sunset Valley contacted instead of Travis County for law enforcement.

Ken Beck, Council Member, asked Mayor Pro Tem Scott about setting up a meeting with him to consolidate the financial reports.

Barbara Wilson, City Administrator, explained there is a savings to the Village in contracting with Sunset Valley instead of Travis County.

7. Staff reports/Financial reports/Construction report

Council Member Wilder told the public about an energy monitor that he installed in City Hall. It will track when energy is being used and the data will be available soon.

City Manager Barbara Wilson told Council and the public that the Cap Metro projects for 2013 have all been submitted and approved by Cap Metro. They have also been invoiced and we are waiting on the check to come in. City Secretary, Joan Jackson, attained the hours and training required and passed the testing for Court Certification 1. All the advisory committees have been set up and are starting to meet. She thanked Council Member Wilder for his help with the server in the Village Office. She is gathering information on the Master Water Plan and funds that are available for it.

City Secretary, Joan Jackson, updated the Council with the construction report.

8. Consent items: Minutes from January 17, 2014, minutes from January 21, 2014, appointment of Public Safety Committee nominee Nancy Carufel, appointment of Public Relations Committee nominee Linda Attwood, appointment of Public Works nominee Chris Wilder.

Council Member Beck made a motion to approve the consent items with the exception of the January 17, 2014 minutes. Council Member Yenawine seconded the motion.

The motion passed unanimously. The January 17, 2014 minutes will be moved to the end of the agenda for discussion.

9. Public hearing for annexation of a portion of Lake Travis, being approximately 637 acres, more or less, in Travis County.

The public hearing began at 7:41 p.m.

Staff presentation by City Administrator informing the Council in regards the history of annexation. Council Member Beck read a statement stating that ownership of all property stays with the property owners. Docks and marinas

regulations are still governed by LCRA. The annexation process would provide a uniform coverage of rules and expectations for all. Jim Richardson, LCRA Manager, also spoke and answered questions from the public.

Comments:

Michael Long, Volente, TX stated he felt the site development ordinance is already implacable in the ETJ with full coverage.

Jan Yenawine, Council Member, asked Jim Richardson if we annex the water surface would the management of the docks stay the same. Mr. Richardson said all marina enforcement is with the LCRA. He explained how marinas had improved through the years. Mr. Richardson said LCRA has regulations governing residential docks especially abandoned and dilapidated docks. City Administrator Barbara Wilson showed and offered To the public pamphlets from the LCRA on residential docks.

Judy Barrick, Volente, TX stated she had spoken to Texas Municipal League legal dept. and wanted to know why would the city annex. The Mayor informed Judy that Volente is wanting to annex the surface water not the land and there was legal precedence for General B municipalities to annex surface waters in their ETJ.

Nancy Carufel, Volente, TX has real problems with the annexation. She does not think it will be beneficial to the Village or the residents.

Rett Scudder, Volente, TX wanted to know if the Village will be wanting to enforce past the 671 line and if so will this be over any individual marina owner's rules. This could cause confusion.

Mattie Adams, Volente, TX is in favor of the annexation process. She stated the LCRA regulates anything on water past the 671 but not on land. She asked Mr. Richardson to address this. He stated the regulations past the 671 are on water, not on land or parking. Mike Nitz, Volente, TX, says the Village cannot annex a larger area than 10%. He does not feel there will be any benefits to annexing with law service, animal control, or inspection services.

Gary Gross, Volente, TX wondered if taxes will be applicable on property that is included by the annexation. Annexation is adding more complications to the City Government. He stated if it isn't broke, then don't fix it.

The public hearing closed at 8:34 p.m.

Council Member Yenawine made a motion to have the 2nd public hearing on March 11, 2014. Council Member Graci seconded the motion. The motion passed unanimously.

10. Discussion and possible approval to negotiate a contract with Texas Disposal Systems for trash and recycling services for the Village of Volente.

Comments:

Kit Hopkins, Volente, TX asked if this item was not an item for the finance committee to consider. Mayor Pro Tem Scott made a motion to authorize staff, Mayor, and a financial Committee member to negotiate a contract before bringing options back to the Council table. Council Member Yenawine seconded the motion. The motion passed unanimously.

11. Discussion and possible action on the interpretation and procedural Requirements of the

Texas Open Meetings Act, Texas Open Records Act and Local Governmental Records Keeping Act.

This item is being combined with discussion and possible action on an Electronic Bulletin Board.

Council Member Beck explained he was interested in a way council members could communicate without violating Senate Bill 1297. He would like authorization from Council to research a way to provide communication between Council Members with the public having access to observe the communication in a form such as an electronic bulletin board. He wanted to know if Council was interested in this. Mayor Pro Tem Scott commented the Texas Open Meetings Act is present and he felt this could be construed as deliberations between Council members. He agreed communication is important. City Attorney Tom Buckle suggested work sessions for the Council. He also said the City Administrator can send out communication to council members if it is transmitted to her first.

Comments:

Allison Thrash, Volente, TX felt SB 1297 was outdated and flawed. She was not in favor of using Next Door Volente or Facebook. If elected officials act on the advisement of their City Attorney, they are protected from prosecution for non-compliance to these Acts. Council Members are required to conduct themselves under the requirements of these Acts, not under their interpretation of their interpretation of the meaning or intent of These Acts.

Ann Steichen, Volente, TX is a fan of Next Door Volente. She would like to see the Council use video conferences with Next Door Volente.

Mark Scott, Mayor Pro Tem, said we must own the site if we post on it and Next Door Volente does not meet the criteria. It must also be open to everyone.

Judy Graci, Council Member, said Next Door Volente allows private messaging and it could not be archived.

Council Member Yenawine stated the training he attended there was a high level of frustration by Council Members but he and Council Member Beck differed on SB 1297 definitions.

Joyce Beck, Volente, TX, said she had attended the meetings at the TML Conference held in San Antonio. Communication isn't so black and white and there are many different opinions. She asked for the Council to be open to questions and research.

Tom Buckle, City Attorney, stated there is a lot of confusion regarding this but once again workshops are a way to communicate. No action was taken on either agenda item and more research is needed.

12. Discussion and action on Amendment to Administrative Ordinance 2013-O-4 to remove Committee Meetings from the requirements of the TX Open Meetings Act.

Mayor Graber was not in favor of amending the ordinance that was just passed. Council Member Beck suggested posting meetings and having committees take their own minutes. Mayor Graber said staff attendance is not required and committees should be able to take their own minutes. There was discussion between Council Members that the advisory committee members should abide by the Texas Open Meetings Act.

The minutes must be taken by the committee and provided in a timely manner. Council Member Yenawine said the meetings could be held anywhere as long as it was posted according to Texas Open Meetings Act. No action was taken on amending the Administrative Ordinance and it was agreed that all requirements of the TX Open Meetings Act would be followed with staff not required to be present. Committee will provide their minutes to staff.

Comments:

Allison Thrash, Volente, TX, said minutes needed to be provided to Staff in a timely manner and the request to remove committee meetings is not only disingenuous, but likely illegal.

Nancy Carufel, Volente, TX said she preferred the meetings to be held at City Hall. No further action was taken.

13. Executive Session

Public meeting was closed at 9:32p.m. and executive session began at 9:34 p.m. Executive session closed at 9:58 p.m.. Public session was reopened at 9:59 p.m.

14. Discussion and possible action on items from executive session.

Beaches, LTD: Mayor Graber explained this suit has been dismissed in the Village Of Volente's favor.

Village of Volente Home Owners Association: Mayor Graber explained that Staff and the Mayor will meet with Michael Long and Mark Metro, representatives of VVHOA to try and reach a settlement.

15. Discussion and possible approval of engineering design proposal for repairs on Booth Circle culvert and partial survey of Booth Circle roadway.

Council Member Yenawine explained engineering design proposals for the repairs needed. There are two proposals, one from TRE & Assoc. and the other one from Jay Engineering. Mayor Pro Tem Scott made a motion to approve up to \$5000.00 maximum for Jay Engineering's proposal on the head wall and survey on Booth circle. Council Member Wilder seconded the motion. The motion passed unanimously.

16. Discussion and possible action on assigning Planning and zoning the task of the review of The Comprehensive Plan in anticipation of new residential survey and keeping the Comprehensive Plan updated and current.

Council Member Beck made a motion to direct Planning and Zoning to take the responsibility of the comprehensive plan and review it and make recommendations to Council and the frequency that they are going to do it. Council Member Yenawine seconded the motion. The motion passed unanimously.

17. Discussion and possible action for Village of Volente to support the 2nd Annual Volente Olive Festival on Saturday, April 19, 2014 at 2:30 p.m. to 8 p.m.

Council Member Beck asked the Council to consider donating \$500.00 to the Olive Feast to promote the community and Volente. The Council entered into discussion of the

event and except for Council Member Wilder, was not in favor of donating public money to the Festival that they had not been involved in the beginning or planning stages. They also expressed concern that this event is essentially for a profit event of a private entity rather than a Volente community event. Council Member Wilder felt like it was a good thing for the community and the City should be involved in it.

Comments:

Joyce Beck, Volente, TX asked what happens in other communities and cities. She wanted to know what other communities do. Staff Barbara Wilson explained that other communities enter into a contractual agreement usually at the beginning planning stages of an event or function with delegated responsibilities of each party.

Nancy Carufel, Volente, TX has no problem with supporting the event. She would like to know what other cities do.

Kip Hopkins: Questioned if the Olive Festival really needs our money and if so they should come to Council ahead of time and ask for a donation.

Council Member Beck did not make a motion. He stated he understood there was not sufficient support for the donation to the event and asked that it be recorded in the minutes this way. Agenda item died for a lack of a motion.

18. Discussion and possible action on usage and availability of the back room at City Hall.

The Council discussed options for the back room including leasing it out, keeping it for extra storage, or having a room for residents to meet for coffee.. Mayor Pro Tem Scott made a motion to authorize Council Member Beck to move ahead and explore the option of the coffee meeting room and to develop a set of rules for its operation and report back to Council. Council Member Yenawine seconded the motion. The motion passed unanimously.

19. Discussion and possible action on the process of timetable for distribution of Council Agenda and Agenda packets.

Council Members Wilder and Beck would like to have more time to study the packets and see the material before the Council meeting. They would like to have more time to talk to residents about the agenda items. The Council discussed the time involved in each agenda item and the required 72 hrs. posting of the completed agenda.

Comments:

Allison Thrash, Volente, TX brought up the administrative ordinance that was passed recently and that the Council needs to give it time to work before changing anything. She said the necessity for this agenda item has not proven itself.

Nancy Carufel, Volente, TX suggested talking to Staff to see what they think and she is understanding of the time needed to visit with residents.

Ann Steichen, Volente, TX likes to see the agenda ahead of time and feels communication is important.

Mattie Adams, Volente, TX said agendas always get changed but timelines do not.

Barbara Wilson, City Administrator, said it is all right to develop a schedule but the law says 72 hrs. and we have to abide by what the law says.

Judy Graci, Council Member, does not have a problem with the packet and how it being

prepared. Council Member Beck made a motion to postpone this item until the next meeting. Mayor Pro Tem Scott seconded the motion. The motion passed unanimously.

20. Discussion and possible action for the approval of expenditure of funds to build an Access ramp for Volente City Hall.

Barbara Wilson, City Administrator, explained the contractor will build a ramp for \$2500.00 but to complete the project there will probably be a minor change order that will be brought back to council for tying in of the walking paths on both sides of the ramp. The ramp will be as close to ADA requirements as an historic building built in 1920 can allow. Council asked the Mayor to have staff research a possible ramp for the front room drop off to allow more access for the restroom and the rest of the facility.

Comments:

Nancy Carufel, Volente, TX asked if the ramp would be in the road ROW.

Kit Hopkins, Volente, TX asked if the lease holder of the building is responsible for expenses of the ramp.

Council Member Yenawine made a motion to allow the ramp for the outside at the City Hall at the approximate cost of \$2500.00. Council Member Beck seconded the motion. The motion passed unanimously.

21. Discussion and approval of the January 17, 2014 minutes of the Council Retreat.

There was discussion in the retreat of possible goals for the Village. Council Member Beck would like to request that the Council prioritize these goals at the next Council meeting. Councilmember Beck asked the Mayor to bring back a prioritized list from the Council at the next regularly scheduled council meeting. Councilmembers Scott, Graci, and Yenawine discussed how prioritizing the goals at the next meeting would be a good idea. Councilmember Beck made a motion to approve the minutes from the retreat. Mayor Pro Tem Scott seconded the motion. Councilmember Yenawine asked for an amendment to correct Rivebend to Riverplace and present to presented. The friendly amendment was accepted. Motion passed unanimously.

22. Adjourn

Council Member Yenawine made a motion to adjourn. Council Member Beck seconded the motion. The motion passed unanimously.

Approved this 18th day of March, 2014.

Frederick Graber,
Mayor

Attest:

Joan Jackson,
City Secretary