

**Village of Volente City Council Regular Meeting Minutes
6:30 PM Tuesday, February 19, 2019
City Hall**

Meeting Opening: 6:31 PM
Meeting Close: 8:50 PM
Motion To Adjourn: Councilmember Conners – 1st and Councilmember Nace – 2nd

Roll Call

Present – Councilmember Thost, Councilmember Ryan, Councilmember Nace, Mayor Pro Tem Wilder, and City Attorney Erin Selvera.

Arrived at 6:33 PM – Councilmember Conners arrived at 6:33 PM

Not present – Mayor Springer

Acting City Secretary: Kristi Belote

General Citizen’s Comments

- Judy B – Booth Circle – requesting checks and balances for agenda items tabled from each meeting, as well as action items to ensure they are followed through on
- Ken B – Booth Circle – Thanked council for stepping in to handle the duties of the city while we do not have a Mayor and Secretary.
- Steve B – West Dr – Thanked the council as well. Asked Mayor Pro-Tem for status on Mayor withholding information needed such as passwords. Mayor Pro-Tem responded they had worked through that. Asked for status on Councilmember Conners providing needed assistance to complete our financial audit. Councilmember Ryan stated he had not asked Councilmember Conners for assistance and Councilmember Conners had not reached out.
- Kristi B – Buddy Ln – Zoning Ordinance will be coming before council at the next meeting. Determined a clerical error in approving the incorrect copy at last August 2018 council meeting. City Attorney has reviewed the audio tape and is comfortable all of the changes were discussed and this is a clerical or administrative update only needed.
- Brent M – Reed Dr – received a jury duty summons and needs to postpone as he will not be here on that date. Councilmember Nace advised he complete the summons form received and submit to city hall

Motion: Mayor Pro Tem Wilder – 1st and Councilmember Ryan- 2nd

Motion made: Move agenda item B ahead of item A

Affirmative votes - Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. **Opposed** – None. The motion carries.

B. Discussion and possible action for the variance request for the Village of Volente code or ordinances article 4.03, and sections 9.08.118 (d) (9) and (10) regarding site development in the floodplain for residential improvements below the current base flood elevation at 7303 Reed Drive.

Motion: Councilmember Conners 1st Councilmember Ryan 2nd

Motion made: To approve the variance request as stated above for 7303 Reed Drive.

Affirmative votes – Councilmember Conners, Councilmember Thost, Councilmember Ryan, Mayor Pro Tem Chris and Councilmember Nace. **Opposed** – None. The motion carries.

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Council discussion:

- Staff presentation – P&Z Chair, Kristi Belote
- No questions of clarity needed after staff presentation.

Public hearing citizen's comments

Open – 6:57 Close – 7:00

- Mattie A – Booth Circle
 - Asked City attorney if the meeting/variance request was in line with the open meetings act. City Attorney advised it did.
 - Asked given the number of variance requests to the Village for floodplain, should the Village create a system to handle them administratively to expedite the process for the customer?

A – Discussion and possible action on Bojorquez Law Firm, PC legal bill

Motion: Councilmember Nace – 1st and Councilmember Ryan – 2nd

Motion Made: To approve the expenses with a request to amend the budget at the next council meeting to account for this increased amount.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Mayor Pro Tem Wilder and Councilmember Nace.
Opposed - Councilmember Conners. The motion carries.

Council discussion:

- Councilmember Nace advised of two invoices, one at \$20,796.20 and another at \$7726.51.
- Councilmember Nace advised approximately 75% of those bills are due to legal counsel regarding Mayor Springer's right to vote and approximately 10% were due to Graber/Adams litigation expense.
- Mayor Prop-Tem Wilder stated these were very high
- Councilmember Ryan expressed concern with the charges incurred due to Mayor Springer voting due to the resolution in place, prior precedence and new council's supermajority vote to continue to operate under a weak mayor/strong council structure.
- Councilmember Conners advised his analysis showed \$4790 litigation, \$12,332 Mayor's right to vote, \$3,375 for independent investigation into City Secretary allegations and \$8,957 due to councilmembers reaching out directly to the city attorney in regards to Mayor's right to vote.
- Councilmember Conners requested there be a gatekeeper, the Mayor, to reach out to the attorney on behalf of council to better manage expenses.
- Councilmember Nace expresses concerns with this approach as the Mayor was the concern and should not be the gatekeeper. It was also expressed that the attorney represents all of council and not just the Mayor. Councilmember Nace also advised the bills in question were mainly from after the December council meeting wherein a supermajority vote was made to keep the strong council/weak mayor system. As Mayor Springer continued to vote after that motion and stated that "we could sue him" to keep him from doing so that the additional attorney fees incurred were as a result of that.
- Discussion of allocated budget – discussion with city attorney and agreement that the bills could be approved tonight and then a budget adjustment could be done retroactively to account for this additional expenditure.

Citizen comments

- Ken B- Booth Circle – can spend beyond the individual category limits, just need to do adjustments between the categories afterwards to account for the expenditure.
- Steve B – West Dr – a) reiterated that at the December council meeting the attorney advised after determining the Village had an existing resolution for a strong council/weak mayor system that would take precedence.

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The TML review on the matter of Mayor voting was also discussed at the December meeting. The attorney bills were incurred after that point due to the Mayor continuing to vote. b) Asked if the city secretary investigation was complete. c) Stated this was a different situation than what prior Mayor Ken Beck had presented in 2015

- Councilmember Ryan stated the Mayor challenging the supermajority vote is what led to the increased attorney expense.
- Kristi B – Buddy Ln – Expressed disappoint toward Councilmember Conners for expressing interest in the Mayor being a gatekeeper for the use of the attorney due to his and Mayor Springer’s strong disagreement to put the same system in place in 2015 when then Mayor Ken Beck presented it
- Judy B – Booth Circle – directed comment to Councilmember Conners advising he could have been more available, as the finance committee chair, and addressed the expenses as they were being incurred
- Mattie A – Booth Circle – concerns with the disrespect being shown to fellow councilmembers. States the expenses could have been lessened had councilmembers coordinated with one another.

C. Discussion and possible action on making changes regarding the City Council Committee Chairs.

Motion: Councilmember Ryan – 1st and Councilmember Nace – 2nd

Motion Made: To approve committee chair assignments as recommended by Mayor Pro Tem Wilder

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

Council discussion

- Kristi Belote (acting secretary) reviewed over what was voted for at the January council meeting
 - PR/Communications– Councilmember Nace
 - Government Affairs – Mayor Pro Tem Wilder
 - Public Safety – Councilmember Thost
 - Public Works – Mayor Springer
 - Admin/Finance – Councilmember Ryan
 - Parks/Environmental – Councilmember Conners
- Mayor Pro Tem Wilder advised some councilmembers and the mayor had expressed concern in the assignments above. Based on that discussion he made the following recommendations:
 - PR/Communications– Councilmember Nace
 - Government Affairs – Councilmember Conners
 - Public Safety – Councilmember Thost
 - Public Works – Mayor Pro Tem Wilder
 - Admin/Finance – Councilmember Ryan
 - Parks/Environmental – Mayor Springer (Councilmember Nace in interim while Mayor Springer is out)

Citizen comments

- Nancy C – Joy – request to include citizens, to hold the required four meetings per year and to report out on discussions had

D. Discussion and possible action on appointment of a city administrator.

Motion: Mayor Pro Tem Wilder – 1st and no 2nd

Motion made: To appoint Councilmember Nace as city administrator per the ordinance. No 2nd, the motion fails.

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Council discussion

- Councilmember Thost asked is that a paid employee or would that be the Mayor Pro Tem
- Discussion ensued regarding paid versus elected person.

Motion: Councilmember Ryan – 1st and Councilmember Nace – 2nd

Motion made: To table this agenda item until City Attorney and Council could determine if it is necessary, and if so, who should it be.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

E. Update on hiring temporary position from Kelley Services

Mayor Pro Tem Wilder advised several interviews had taken place with him and Councilmember Nace. They had invited candidate Nanette to tonight's meeting (she was in the audience) so she could meet the other council members.

F. Update on compliance and audit process

- Councilmember Ryan thanked Councilmember Thost for her assistance in preparing for the audit. The accounting firm has done their initial review for FY2016. After that, Councilmember Thost and Councilmember Nace have submitted the needed materials.
- Councilmember Ryan stated all credit memos will be documented moving forward and we will have better organization and filing of Village records. He further stated his concern with being 3 years out of compliance with the audits. The implications is this could impact our ability w/lender's approval if needed.
- Councilmember Thost further stated having two projects submitted on one bill from our providers was an issue as well.

G. Updated on BCRUA meeting

Motion: None. Just an action item to set a joint P&Z and Council meeting tentatively in March to go over the ILA.

Council discussion

- Mayor Pro Tem Wilder advised him, Councilmember Nace and City Attorney meet with BCRUA today. They are set for final design phase in 2021, then construction. By March 2018 will be doing additional boring on both the land and in the lake. Within 60-90 days will have water quality samples by the treatment plant on Lime Creek Rd. Specifically looking at zebra mussels, and ways to reduce them.
- In regards to creating an Inter-local Agreement (ILA), BCRUA still wants to put in monitoring wells. This was presented to the prior council by BCRUA and at the time was not approved. Since then BCRUA has been in contact with private land owners close to the pipeline to place wells on their property. Current council discussed reconsidering the monitoring wells in the right of way as the wells could be used by the Village for above ground water storage to be used for fire mitigation.
- Councilmember Conners reminded council that you need a permit to drill a well.
- City Attorney – will be setting up a meeting with Council/P&Z to work out what all is needed and where it applies in our codes/ordinances. BCRUA have said they are okay with getting the necessary permits.
- Councilmember Conners asked City Attorney if we approve one permit does it imply we are approving the project as a whole. City Attorney advised it does not, it's a step-by-step approval. It sets the date and the rules/regulations in place at that time would apply for the project

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- City Attorney advised for this reason Council may want to revise/amend ordinances related to project before the first approval. Need a comprehensive approach/review to have all of the proper things in place prior to approval of the first permit.
- Councilmember Conners advised we get the private landowner's input
- Councilmember Thost asked for clarity as to whether the wells were in the right-of-way or on private property. City Attorney replied that has not been determined yet. Since Council denied the prior permit request, BCRUA had reached out to private land owners but that could be renegotiated if council felt having them in the right-of-way would provide a benefit to the Village. She further stated an additional benefit would be continued monitoring after completion of the project for water quality.
- Councilmember Conners asked if BCRUA had obtained easements yet. Mayor Pro Tem Wilder advised they had obtained from two landowners. Councilmember Conners asked what is the precedence of another municipality (BCRUA) having an easement in the Village. What does that then give them legally?
- Mayor Pro Tem Wilder advised BCRUA will be conducting surveys and traffic studies (with the road strips).

Citizen Comments

- Steve B – West Dr – reiterated that the permit request was denied by the prior council he was a part of. Mayor Pro Tem Wilder advised that had not changed, just recommending it be looked at again if it can provide a longer term benefit to the Village.
- Kristi B – Buddy Ln – might be time to have another Town Hall to update citizens since it has been over a year
- Steve B – West Dr – reminder to have in the ILA that Village fees incurred for independent engineer should be reimbursed by BCRUA.

H. Discussion and possible action regarding copier/scanner service providers

Motion: Councilmember Conners – 1st and Councilmember Ryan – 2nd

Motion Made: To accept the new copier contract and a new copier.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

Council discussion

- Councilmember Nace advised we are paying \$500 a month for our copier and approximately \$300 a year for overage.
- She was able to negotiate a government price (we had been on a business account and paying taxes) for \$257 per month flat rate with no tax and no maintenance fee.

I. Discussion and possible action regarding Village of Volente's request for an estimate from Travis County Transportation and Natural Resources Department regarding inter-local agreement/maintenance cost for mowing the roads listed in estimate.

Motion: Councilmember Ryan – 1st and Councilmember Nace – 2nd

Motion made: To approve the estimate but negotiate on the timing due to the wildflowers.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

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Council discussion

- Mayor Pro Tem Wilder presented estimate received from Travis County is \$1,196.71 for performance in the next 30 days
- Concerns with this timing due to the wildflowers

J. Discussion and possible action regarding Ordinance No. 0-2019-0219 for the City Council to hold meetings in the fire hall, 15406 FM 2769, Volente TX 78641, as needed or deem appropriate due to City Hall chamber having limited seating capacity total of (24) including councilmembers.

Motion: Councilmember Nace – 1st and Councilmember Ryan – 2nd

Motion made: To amend the ordinance as stated above.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

Council discussion

- Mayor Pro Tem Wilder advised both the VFD Fire Chief and Fire Inspector met him and City Hall recently. The chambers and second waiting area have capacity for 20, which includes the council. Made a request to amend the 2014 Ordinance which states can only use City Hall. This will allow the use of the VFD Fire Hall when needed.

K. Discussion and possible action to retain consultant Chris Holtkamp to facilitate public hearing/town hall meeting to introduce update/overlay to the Comprehensive Plan.

Motion: Mayor Pro Tem Wilder – 1st and Councilmember Nace – 2nd

Motion made: To accept the budget request and to retroactively make any necessary budget adjustments.

Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

Council discussion

- Kristi Belote, acting city secretary and prior P&Z Chair made a request for up to \$2,000 to bring consultant Chris Holtkamp back when the Town Hall for Comprehensive Plan update/overlay occurs. Chris has provided a tremendous amount of expertise and support of the Comp Plan overlay work and would assist in facilitating citizen input during the Town Hall and final draft of the overlay based on that feedback. She reminded council that the original budget for a consultant on the Comp Plan was \$25,000 and she had stated that amount would not be needed. Prior amount spent was approximately \$2800 last fall. That coupled with this new amount would be right at \$5,000 to complete the updated.
- Councilmember Conners asked what the 2018-2019 budgeted amount was. All agreed that if it was less than the \$5,000, a budget amendment would be made.

L. Discussion and possible action regarding reimbursement of Barrick's Land Fund Fee of \$2500.00

Motion: Mayor Pro Tem Wilder – 1st and Councilmember Conners – 2nd

Motion made: To postpone until Councilmember Ryan can research why there have been different amounts reimbursed to the different residents to ensure consistency in reimbursing the Barricks.

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Affirmative votes – Councilmember Thost, Councilmember Ryan, Councilmember Conners, Mayor Pro Tem Wilder and Councilmember Nace. Opposed - None. The motion carries.

Citizen comments

- Mattie A – Booth Circle – be careful on reimbursing fees from the past due to the precedence it sets.

Council discussion

- Mayor Pro Tem Wilder reminded council that in 2006 the Barricks were charged \$1,250.00 per acre to split 2.65 acres into two parcels for the parkland fund/fee. He also reminded council of the discussion last year regarding the The Gold's subdivision request and review with the City Attorney that the parkland fund/fee was for properties greater than 4 acres and aimed at the creation of new subdivisions and ensuring developers were setting aside parkland in those developed areas. Mayor Pro Tem Wilder further advised several prior residents had already been refunded the parkland funds collected from them in years past based on that discussion. He stated per the community survey, citizens were against spending tax dollars on parks and the intent of charging this "impact fee" was not meant for individual land owners.
- Councilmember Thost asked why some were reimbursed different amounts.

Respectfully submitted by Kristi Belote

March 7, 2019