



**VILLAGE OF VOLENTE, TEXAS  
MINUTES**

Regular Called City Council Meeting  
May 18, 2021 at 6:30 P.M.

**1. CALL TO ORDER**

A. Call to Order: Mayor Dan Thost called the meeting to order at 6:32 P.M.

Roll Call: Councilmembers Present: Councilmembers Isabelle Evans, Kit Hopkins, Kristin Ruff and Claudia Wilson. Councilmembers Absent: Ed Racht (joined at 9:37 P.M.). Quorum established.

Also Present: Mayor Dan Thost, City Attorney Cristian Rosas-Grillet, and City Secretary Sonja De La Fuente.

**2. CITIZEN COMMUNICATIONS**

Citizen comments on items not on the agenda:

Sean Ryan asked about the accounts receivable list posted with full names and advised he did not owe anything to the Village.

**3. PUBLIC HEARING**

A. Consideration of and possible approval of an application from Thistle Dew Ranch, LLC for a Variance from the Village of Volente Code of Ordinances Section 9.05.356, Site Development Regulations, Improvements Required Prior to Approval of Constructed Site Development, Street and Alley Improvements. Specifically, the requirement to build out the unfinished portion of Mary Street Right-of-Way. (Applicant: Thistle Dew Ranch, LLC)

Councilmember Wilson recused herself and provided an Affidavit doing same.

Ken Beck provided a presentation regarding this item.

City Engineer Marc Dickey provided input regarding the matter. He explained that Mary Street was constructed and never finalized and is currently a non-compliant roadway. Extending this roadway is up to the Village.

The Mayor and City Secretary read letters received in support (23) or against (2) or asking questions (1) regarding granting the requested variance.

Adjacent Property Owner, Patrick McGettigan, spoke on behalf of Denota Investments. He explained that the application is from an LLC and that Ken and Joyce Beck will not be residing at the property. He advised the original plan has changed and a pond has been added. He explained that they do not express opposition. He asked if the barns and arenas been approved as single family. Finally, he questioned whether there was a quorum.

Councilmember Hopkins advised she had internet issues and missed a lot of the applicant's presentation and therefore won't be able to vote on the item.

The City Attorney explained that there is a quorum present. Councilmember Wilson is abstaining from the vote due to potential conflict of interest. Councilmember Hopkins is abstaining from the vote due to intermittent internet connectivity issues preventing her from hearing full presentation from the applicant and letters submitted. The Mayor may vote in a tie.

The City Attorney further explained the variance requirements as explained in Section 9.05.007(f).

Mr. Beck requested a formal report from the Planning & Zoning Commission with their vote at this meeting. He also addressed comments made by Denota Investments.

#### Public Hearing

Sean Ryan spoke in support of granting the variance request.

Allison Thrash reminded Council of Section 9.05/007(b) of the Code and requested the finding of fact be included and made part of the minutes. She requested a report from Planning & Zoning Commission be made part of the record. If the variance is granted, she spoke in support of installing a gate at the end of Mary Street.

Frank Wolfe spoke in support of granting the variance request.

The Mayor advised that Councilmember Wilson has recused herself regarding this property and any variance requests related to the development.

Mary Scherer, Planning & Zoning Commissioner, reported that the Planning & Zoning Commission held a Public Hearing and unanimously approved recommending the variance request from Thistle Dew Ranch to Council for approval. She advised that the variance request met the statement of fact of providing zero benefit to Thistle Dew Ranch and would be excessive in cost, posing undue hardship.

Judy Graci provided history regarding the project and spoke against granting the variance request. She pointed out that the applicant has indicated they have no use for Mary Street and requested that be tied to the variance approval.

Judy Barrick spoke in support of granting the variance.

Nancy Carufel spoke in support of granting the variance.

Jana Nace spoke in support of granting the variance.

Planning & Zoning Commission Chairman Phil Mitchell reported that the Planning & Zoning Commission approved the recommendation to Council to approve the variance request unanimously.

Kenton Johnson explained that Thistle Dew Ranch, LLC is owned by Ken Beck, Joyce Beck, their daughter, and granddaughters and that the five elements have been met in the variance request.

David Gordon spoke in support of granting the variance request and adding a gate at the end of the finished portion of Mary Street.

Patrick McGettigan expressed concern with the site plan for the project not being a single-family residential project.

Applicant Joyce Beck advised that Brian George owns land on the other side of their property and that he supports granting the variance. Applicant Ken Beck stated this is a family project that includes their children and grandchildren. He thanked everyone for their time.

The Mayor closed the Public Hearing.

Councilmember Evans asked about the site plan differences now from when it started.

City Engineer Marc Dickey explained that the site plan originally had multiple single-family residences. It was revised to be a house with a barn with a guest house. The water quality pond was added – detention and water quality (engineering requirement). Originally had three access points and now only one access point.

Councilmember Evans asked if the variance is approved, could the road be gated.

City Attorney Cristian Rosas-Grillet advised that there is a process required to close and vacate the street. A petition by adjoining property owners would be the first step.

Ken Beck volunteered to build the gate.

The Mayor asked the City Attorney what the situation would be for the adjoining properties if the variance is approved.

The City Attorney advised that design and construction of a reasonable portion of the roadway would be required and that the other property owners would be required to seek a variance from that requirement if needed.

Councilmember Ruff advised that the Village has a very capable Planning & Zoning Commission who evaluated everything and voted unanimously to approve the variance and that the presentation provided by the applicant explained the hardship this would cause very well.

**Motion by Councilmember Ruff to approve the application from Thistle Dew Ranch, LLC for a variance from the Village of Volente Code of Ordinances Section 9.05.356, specifically to build out the unfinished portion of the Mary Street right-of-way. Second by Councilmember Evans. Motion passed 2-0. Councilmember Hopkins abstained due to not being able to hear most of the presentation and hearing. Councilmember Wilson abstained due to a potential conflict of interest. Councilmember Racht was absent.**

The Mayor recessed the meeting at 9:25 P.M. and reconvened the meeting at 9:31 P.M.

Councilmember Racht joined the meeting at 9:37 P.M.

#### **4. PRESENTATIONS**

##### **A. Mayor's Update**

The Mayor advised the lease with Dodd Street has been completed. The moving will occur on June 9, 2021. He thanked Linda Carter for her service and support of the Village over the years. He advised that in person meetings will resume live meetings at the fire hall after restrictions are lifted. The Wharf Cove conference room furniture will be moved to the fire hall. He reported that discussions continue with the Fire Department. Data Net has begun the onboarding process to provide IT services to the Village. Will assist in internet set-up at the new office location. Confirmed the Village Office is covered by TML for cybersecurity insurance. PII (personally identifiable information) DataNet is providing that service. In regard to BCRUA, confidential negotiations continue and there is a meeting scheduled with BCRUA on May 26, 2021.

##### **B. Standing Committee Reports**

###### **i. Budget & Finance Committee – Councilmember Hopkins**

Councilmember Hopkins reported that no audit adjustments had been booked to the Village financials for Fiscal Years 16, 17 and 18. This has now been updated. Income statements and Balance Sheets have now been reconciled to the audited financials for those years. She explained that development activity was the weakest link in the financials and provided some examples. The audits for Fiscal Years 19 and 20 have begun and should be completed by the end of summer.

###### **ii. Government Relations Committee – Councilmember Racht**

Councilmember Racht had nothing to report.

###### **iii. Parks & Environmental Committee – None**

###### **iv. Public Relations Committee – Councilmember Evans**

Councilmember Evans reported that a newsletter is forthcoming.

###### **v. Public Safety Committee – Councilmember Ruff**

Councilmember Ruff reported that the Public Safety Committee met on May 4, 2021 and discussed the concern with racing and speeding on the

streets. The Committee recommends maintaining a police presence and implementing additional speed and racing deterrents such as speed humps, cushions, and slow down signage. Eric Peeters shared additional detailed information.

vi. Public Works Committee – Councilmember Wilson

Councilmember Wilson reported that Ben Peterson joined the Committee, and all met on May 14, 2021. The minutes and recordings have been posted. The approximate cost to install street signs on Beauregard is \$375. She recommended contacting the Village office if missing street signs and to indicate if the pole is round or square. The item will be on the June agenda.

Citizen Comment

Frank Wolfe advised that he was unable to hear Councilmember Hopkins report.

Jana Nace expressed concern with the herbicide treatment in her neighborhood. She also shared her disagreement with finances that were posted and thanked the various Committees for their work.

The Mayor addressed the roadside spraying and advised that perhaps herbicide was applied and then it rained. He recommended community outreach in the future to ask property owners to prepare their properties first, then only treat areas that were not already cared for. He advised that there have been discussions with the Fire Chief regarding speed humps, and it is recommended to avoid them.

Councilmember Evans shared that has been trying to post on the Village sign to help slow traffic and will accept any recommendations.

Councilmember Ruff advised the Committee is only looking into things and there are no formal proposals at this point.

Councilmember Wilson apologized for some of the over spraying of herbicide experienced by some residents. She reported that she will be meeting with the Owner and Vice President on May 26, 2021 to drive through Volente and look at everything that was done and not done.

## 5. APPOINTMENTS

- A. Appoint Chair and Vice Chair of the Board of Adjustment.

Councilmember Evans reported that a Chair and Vice Chair must be appointed to the Board of Adjustment.

Citizen Comment: None

**Motion by Councilmember Evans to appoint Mike Gold as Chair and Gary Murphy as Vice Chair of the Board of Adjustment for a one-year term. Second by Councilmember Ruff. Motion passed 5-0.**

## 6. CONSENT ITEMS

- A. Approve the Minutes from the April 20, 2021, Regular Called City Council Meeting.
- B. Approve the Minutes from the May 5, 2021, Special Called City Council Meeting.

Citizen Comment: None

**Motion by Councilmember Wilson to approve the Consent Items. Second by Councilmember Evans. Motion passed 5-0.**

## 7. DISCUSSION AND POSSIBLE ACTION ITEMS

- A. Approve Amendments to Fiscal Year 2018-2019 Budget.

Councilmember Hopkins provided the report for this item.

Citizen Comment: None

**Motion by Councilmember Hopkins to approve the Amendment to Fiscal Year 2018-2019 Budget. Second by Councilmember Wilson. Motion passed 5-0.**

- B. Approve Amendment to Fiscal Year 2019-2020 Budget.

Councilmember Hopkins provided the report for this item.

Citizen Comment: None

**Motion by Councilmember Wilson to approve the Amendment to Fiscal Year 2019-2020 Budget. Second by Councilmember Ruff. Motion passed 5-0.**

- C. Approve the purchase of two (2) City Limit Signs.

Councilmember Wilson provided the report for this item.

The City Attorney advised the sign color and size should follow the Texas Manual of Uniform Traffic Devices.

Citizen Comments:

Eric Peters asked if volunteers could install the signs.

Nancy Carufel recommended checking with the Highway Department.

**Motion by Councilmember Evans to table until Councilmember Wilson can gather the needed information. Second by Councilmember Ruff. Motion passed 5-0.**

- D. Approve the Striping bid from Travis County.

Councilmember Wilson provided the report for this item.

Citizen Comments:

Nancy Carufel asked about doing striping before resurfacing.

Councilmember Wilson advised that, since the resurfacing was not approved in either 2018 or 2019 and now, due to COVID-19, it cannot be scheduled until the next fiscal year, restriping must be done because of health and safety reasons. Of course, restriping is usually done at the same time as resurfacing but, in this case, safety overrides the way things are usually done.

**Motion by Councilmember Ruff to approve the striping bid from Travis County in the amount of \$7,697.54, which will restripe Lime Creek Road from Jackson Street to the city limits as well as the pedestrian cross walk at Wharf Cove. Second by Councilmember Evans. Motion passed 5-0.**

- E. Approve Sheriff Employment Rate Increase and Use of Vehicle Agreement.

Mayor Thost provided the report for this item.



There was discussion among the Council regarding previous years, issues, and cost.

Citizen Comments:

Allison Thrash provided some information regarding traffic duties versus security duties. She encouraged Council to look at the application to see the cost and differences in services (security and traffic). She recommended Volente businesses paying for security services. She advised that off-duty officers can enforce state and federal law, but not Volente's ordinances. She suggested the City Attorney weigh in on that.

Nancy Carufel expressed her support of the information provided by Allison Thrash.

**Motion by Councilmember Hopkins to approve the Sheriff Employment Rate Increase, Use of Vehicle Agreement, and Liability Agreement. Second by Councilmember Ruff. Motion passed 5-0.**

City Council convened to Executive Session at 11:08 P.M.

## **8. EXECUTIVE SESSION**

Roll Call: Councilmembers Present: Councilmembers Isabelle Evans, Kit Hopkins, Ed Racht, Kristin Ruff and Claudia Wilson. Councilmembers Absent: None. Quorum established.

Also Present: Mayor Dan Thost, City Attorney Cristian Rosas-Grillet, and City Secretary Sonja De La Fuente.

- A. Consultation with Attorney Pursuant to Texas Government Code Section 551.071 relating to the BCRUA Interlocal Agreement.

**Motion by Councilmember Ruff to adjourn Executive Session at 11:58 A.M. Second by Councilmember Racht. Motion passed 5-0.**

**Motion by Councilmember Evans to reconvene Open Session at 12:00 A.M. Second by Councilmember Hopkins. Motion passed 5-0.**

The Mayor advised there was no final or reportable action from Executive Session.

**9. ADJOURNMENT**

**Motion by Councilmember Ruff to adjourn the regular called meeting of the City Council at 12:01 A.M. Second by Councilmember Evans. Motion passed 5-0.**

Exhibits to Minutes: <https://www.villageofvolente-tx.gov/index.asp?SEC=83467F4D-9C6F-4377-A255-773544F1E1FD&DE=806E2581-6A4A-4F05-AD90-9A142A15652D>

Minutes prepared by Sonja De La Fuente, City Secretary