

**Village of Point Venture
Village Council Meeting
Monday, March 5, 2001, 7:30 P.M.
Venture Room at Point Venture
555 Venture Boulevard S.
Point Venture, Texas**

MINUTES

- A. Call to Order** – Mayor Hickman called the meeting to order at 7:30 P.M.
- B. Roll Call** – Mayor Hickman acknowledged that Alderman Edwards was absent from the meeting. Those present were Aldermen Hestand, Nesheim, Strong and Stuart.
- C. Consent Agenda**
- 1. Approval of Minutes – February 5, 2001 Village Council Meeting**
 - 2. Approval of Minutes – February 5, 2001 Public Hearing**
Nesheim requested a change in the Village Council Meeting minutes for item E.1.e. He wanted to add the following as the last sentence for that item: The Council informed Nesheim that he should proceed with his recommendation. A motion was made by Strong and seconded by Hestand to approve the items listed in the Consent Agenda with the change to the Village Council Meeting minutes as mentioned: 1. Approval of the minutes from the February 5, 2001 Village Council meeting; and 2. Approval of the minutes from the February 5, 2001 Public Hearing. A vote was taken and the motion passed, 4-0, with one council member absent.
- D. Citizen Inquiry** – Mayor Hickman explained that any citizen wishing to bring an item before the Council that was not on the agenda could do so at this time but that the Council would not be able to act on or discuss that item at this meeting. Nancy Leathers requested that the Council consider establishing a teen curfew for the Village. Tom Gardner requested that the Council consider establishing a noise ordinance for the Village. Mary Banbury requested that the Council attempt to do something about the dogs barking in the community.
- E. General Business and Action Items:**
- 1. Old Business**
 - a. Discussion and Possible Action Regarding Right of Way Ordinance** – Mayor Hickman explained that this ordinance would give the Village control of the roads. A motion was made by Hestand and seconded by Strong to approve an ordinance governing the uniform use, occupancy and construction in the Village's public rights-of-way; providing for the following: definitions; franchise required; registration of rights-of-way occupants; construction standards; conditions of grant; enforcement, including fine not to exceed \$500 or civil penalty not to exceed \$500; repealer; severability; effective date; and proper notice and meeting. A vote was taken and the motion passed, 4-0, with one council member absent. (Ordinance number 2001-03-02)

- b. Report from Animal Control Committee with Discussion and Possible Action** – Nesheim gave an update of what the Animal Control Committee has been working on. The Committee decided that their first order of business would be dogs. They are in process of drafting an ordinance that would cover issues such as possible registration of the dogs, vaccine for rabies requirement, leash requirement, etc.
- c. Report on Pedernales Electric Cooperative Franchise Ordinance with Discussion and Possible Action** – Strong made a motion, seconded by Stuart, to pass an ordinance granting an electric distribution franchise to Pedernales Electric Cooperative, Inc., its successors and assigns, to construct, operate and maintain an electric distribution system in the Village of Point Venture, Texas; providing definitions; providing for the following: Grant of authority; compliance with applicable laws and ordinances; territorial area involved; franchise term; franchise non-exclusive; written notice; construction in right-of-way; legal obligations; customer service standards; performance standards; transfer or assignment of franchise; liability insurance; franchise renewal; the right to revoke; revocation procedures; removal upon revocation; force majeure; franchise fee payment; consent approvals; reservation of regulatory powers and legal rights; governmental function; acceptance; a repealer; severability; proper notice and meeting. A vote was taken and the motion passed, 4-0, with one council member absent. (Ordinance number 2001-03-03)
- d. Report on Waste Collection Franchise Ordinance with Discussion and Possible Action** – Nesheim gave an update on the status of the waste collection franchise ordinance and what would be included in the ordinance. The draft ordinance is now in review before the Village Council. Strong informed Nesheim that he gave a copy of the draft ordinance to the Village Attorney this morning for his review. A citizen expressed concern that the ordinance might take away the competitive nature of the two companies servicing the Village but the Mayor assured him that the Council was only establishing a franchise fee and that these companies would be setting their own charges for service.
- e. Report on Time Warner Franchise Ordinance with Discussion and Possible Action** – Mayor Hickman informed the Council that the Time Warner franchise ordinance was still in the negotiating stage. He also stated that Time Warner would not be providing any phone service in our community. The company is working on rehabbing the cable within the Village and providing us with their Roadrunner service.
- f. Report on Adopt-A-Street Program** – Carole Thomas held a kickoff for the Adopt-A-Street Program at her house on February 18, 2001. There was a good turnout. She is planning a community wide pickup program on March 31st starting at 9 A.M. to be followed by a hot dog cookoff. Ms. Thomas read a list of streets still available for adoption.
- g. Report from Village Marshal** – This agenda item was deferred to the next meeting.

- h. Report from Village Treasurer** – Hestand informed the Council that the Village bank account balance at the beginning of the month was \$720. We received a \$20 donation at last month's Council meeting, paid one quarter of the Village Attorney invoice in the amount of \$155, and paid \$45 for the public hearing notice in the LOG, leaving the Village account with a balance of \$540.

2. New Business

- a. Report on Agreement with Point Venture Property Owners Association (PVPOA)**
Regarding the PVPOA Continuing to Rebuild and Maintain the Roads At No Cost to the Village Until Road Project is Completed – Hestand stated that the Council had a draft of the agreement between the Village and the PVPOA regarding the PVPOA continuing to rebuild and maintain the roads at no cost to the Village until the road project is completed. He stated that the Village Attorney had reviewed the agreement. Strong informed the Council that in answer to several issues raised by the Village Attorney regarding the roads agreement, Jack Tyler, the PVPOA General Manager, stated that he was more than willing to appear before the Village Council to give periodic updates on the road construction progress and costs. Mr. Tyler also indicated that in the insurance and bonding requirements for the road contractors the Village would be named as "additionally insured" where needed. These matters will probably be addressed in a letter of transmittal of the agreement to the Village once the PVPOA Board of Directors formally approves the agreement. The PVPOA is partly benefited by this agreement by having the Village enforce the Right-Of-Way Ordinance to regulate the digging and construction in the streets the PVPOA has been rebuilding and in the rights-of-way in the Village, along with other ordinances controlling the use of the streets. They are also benefited by the regulation of traffic laws in the Village. Nesheim requested a change be made in the third paragraph of the agreement to read as follows: WHEREAS, beginning in 1991, the Association began a program of repair of the approximate ten miles of public roads contained within the Subdivision. This program was undertaken based on the deteriorating condition of the roads and the fact that Travis County had never accepted these public roads for maintenance even though they were dedicated and under the control of the public and Travis County. The Association has spent approximately three million dollars (\$3,000,000) since the beginning of the program to repair over eight of the ten miles of Subdivision roads. A motion was made by Hestand, and seconded by Stuart, authorizing Mayor Hickman to sign an agreement between the Point Venture Property Owners Association, Inc. and the Village of Point Venture, Texas, regarding the PVPOA continuing to rebuild and maintain the roads at no cost to the Village until the road project is completed. A vote was taken and the motion passed, 4-0, with one council member absent.
- b. Discussion and Possible Action Regarding May Election** – Mayor Hickman explained that he would be taking an agenda item out of order. (This item was discussed after the Mayor called the meeting to order.) He opened the floor to discussion regarding the proposed election in May regarding sales tax. Extensive discussion followed with citizens voicing their pros and cons. Strong made a motion, seconded by Nesheim, to pass an ordinance of the Village Council of the Village of Point Venture, Texas calling a municipal sales and use tax election to be held within said municipality making provision for the conduct of the election and resolving other

mattes incident and relating to the holding of such election. A vote was taken and the motion passed, 4-0, with one council member absent. (Ordinance number 2001-03-01)

c. Mayor's Report on Village Hall, Village Telephone Number, and Village Hall

Office Hours – Mayor Hickman informed the Council that the Village Hall office was complete. The address for the Village is 549 Venture Boulevard South and the Village phone number is 267-5511. He also provided his home phone number, 267-2237. In addition, the Village Hall office hours will be Mondays from 8:30 A.M. through 12:30 P.M., or by appointment, and additional hours to conform to Texas statute regulations. If Monday is a holiday, the office hours would be on the Tuesday following the holiday.

F. Adjournment – A motion was made by Hestand and seconded by Strong to adjourn the meeting. A vote was taken and the motion passed, 4-0, with one council member absent. Mayor Hickman adjourned the meeting at 9:32 P.M.

PASSED AND APPROVED AT THE VILLAGE COUNCIL MEETING HELD ON April 2, 2001

Terry Hickman, Mayor
Village of Point Venture

ATTEST:

Charlotte Banasik, Village Secretary