

**Village of Point Venture
Village Council Meeting
Monday, June 4, 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 7:35 P.M.

Mayor Hickman introduced three people that were in attendance: Alan Bojorquez, Village Attorney, Christian Brooks, a law clerk at Bickerstaff, Heath, and Kimberly Sandman, a reporter for the LOG.

B. Roll Call – Mayor Hickman acknowledged that all council members and the village marshal were present: Aldermen Edwards, Hestand, Nesheim, Strong and Stuart, and Marshal Solpietro.

C. Consent Agenda

1. Approval of Minutes – May 7, 2001 Village Council Meeting

2. Approval of Minutes – May 9, 2001 Village Council Meeting

A motion was made by Hestand and seconded by Strong to approve the minutes from the May 7, 2001 and May 9, 2001 Village Council Meetings to include a change to the May 7, 2001 minutes as follows: in item E.1.a. Report from Pedernales Electric Cooperative, the date August 15, 2001 should read August 15, 2000. A vote was taken and the motion passed, 5-0.

D. Citizen Inquiry – Mike Leathers (18305 Lakepoint Circle) informed the audience of the Village of Point Venture website at www.vopv.org. He encouraged everyone to register their e-mail with the list server so they could receive timely e-mail updates of what was happening with the Village government.

Zane Carson (731 Deckhouse Dr.) asked when we were going to dismiss the guard at the front gate stating he believed the security service was illegal. Mayor Hickman informed Mr. Carson that the Council could not discuss this item since it was not on the agenda, but he was able to answer factually. He stated that the guard station was a part of security that was handled by the Point Venture Property Owners Association (PVPOA) and they would be the one to address this issue.

E. General Business and Action Items:

1. Old Business

a. Report On Time Warner Franchise Ordinance – Mayor Hickman informed the Council that Time Warner started charging the franchise fee to its customers. In addition, he told the Council that Time Warner made a \$1500 donation to the Village to be used for purchasing a photocopier. We are researching photocopiers to find one that best suits the needs of the Village. He updated the Council on the activities of Time Warner: the upgrade was on schedule and it is anticipated that digital cable and Roadrunner would be available within the Village by June 19, 2001.

- b. Report from Animal Control Committee with Discussion and Possible Action –** Nesheim informed the Council that the Animal Control Committee met on May 2nd, 10th and 29th. The Committee met with the state veterinarian. They are consulting with the state veterinarian to ensure that the animal control ordinance they are drafting will be consistent with the state law regarding rabies protection and dangerous dogs. In addition, the Committee is developing a fine and fee structure. They are still considering the best way to handle the issue of allowing dogs to be unleashed in the PVPOA park. The newest revision of the animal control ordinance will be released soon. Nesheim recommended that no action be taken on this item at this time.
- c. Report on Waste Collection Franchise Ordinance with Discussion and Action –** Nesheim informed the Council that a draft of the waste collection franchise ordinance was sent to Longhorn and Mid Tex on May 4th. Longhorn contacted Nesheim today and they have some concerns about some of the wording and will send Nesheim some examples of preferred language they would like us to use. Mid Tex has not responded to date.
- d. Report on Southwestern Bell Telephone –** Mayor Hickman stated that Southwestern Bell Telephone was doing a major upgrade program within the Village and a scheduled completion date is some time in the third quarter of this year.
- e. Discussion and Possible Action Regarding Intergovernmental Risk Pool –** Mayor Hickman informed the Council that the Intergovernmental Risk Pool insurance became effective as of June 1, 2001.
- f. Discussion and Possible Action Regarding Bond For Treasurer –** Mayor Hickman stated that we have received information on obtaining a bond for the village treasurer. He will talk with Alan Bojorquez, Village Attorney, to get his recommendation on the amount for the bond.
- g. Discussion Regarding Uniform Fire Code Ordinance –** Mayor Hickman told the Council that he and Strong would be meeting with Fire Chief Jesse Cecil on Tuesday afternoon. The fire chief will explain some of the fire code to them and make recommendations on how the Village of Point Venture can conform to the fire code.
- h. Discussion Regarding Building Code Ordinance –** Mayor Hickman informed the Council that he would continue working with the Architectural Control Committee to ensure that the Village proposed building code is in compliance with the statewide building code that will become effective on September 1, 2001.
- i. Report on EMS Interlocal with Travis County –** Mayor Hickman stated that the EMS Interlocal with Travis County has been signed and we should receive a signed copy in the mail from the county attorney's office next week.
- j. Discussion and Possible Action Regarding Emergency Management Plan–** Mayor Hickman informed the Council that he was still working on the Emergency Management Plan. He will give an update at next month's meeting.

- k. Discussion and Possible Action Regarding 2001-2002 Village Budget** – Mayor Hickman stated that the village budget was still in the drafting stages.

- l. Discussion and Possible Action Regarding Traffic Control Ordinance** – Edwards inquired as to why the speed limit was lowered from 35 M.P.H. to 30 M.P.H. within the Village. Mayor Hickman explained that the 35 M.P.H. speed limit was implemented by the PVPOA a long time ago and the sheriff's department couldn't enforce rules of the PVPOA. By state law, unless otherwise changed by ordinance, the speed limit for residential streets is 30 M.P.H. Mr. Bojorquez explained that the Village is now within the basic standards by default of the state law. Mr. Bojorquez stated that the speed limit could be changed but the Village would have to do a study stating the reasons why the speed limit should be increased. Edwards stated that a study was done by the PVPOA about twelve years ago and inquired if that could be used without doing further research. Mr. Bojorquez stated that part of the previous information might apply, but more data would be needed. Mayor Hickman thanked Carole Thomas for the work she did on the street sign assessment. In addition, the Mayor informed the Council that he will be meeting with a Travis County representative and request their assistance in obtaining some of the signs needed for the Village.

- m. Report from Village Marshal** – Marshal Solpietro informed the Council that in early May, he, Mayor Hickman, Strong and Carroll Hestand met with a captain from the Travis County Sheriff's Department. They were informed that the Village must notify the county courts in this area that we incorporated and are now a village. Mayor Hickman informed the Council that Captain Burroughs was notified but we have not heard back from him. The Council was informed that the sheriff's department will patrol Point Venture and can enforce state laws. Mayor Hickman stated that our intent is not to fine the residents of the Village of Point Venture but we do want safety to be a priority. Keivan Imani (600 Whispering Hollow Circle) wanted to know if the Village would consider putting sidewalks in the Village.

- n. Report from Village Treasurer** – Hestand reported to the Council that we currently have a balance of \$8,144.66 in the bank. He explained some of the changes on the report that he will be distributing each month. He informed the Council that we have received \$10,510.24 since we incorporated and we paid bills in the amount of \$2,365.58.

2. New Business

- a. Report on Travis County Sheriff** – Mayor Hickman stated that Marshal Solpietro had covered this item in his Marshal's Report. Citizen Carson again raised the issue of the front gate security service and the Mayor stated it would be a future agenda item.

- b. Discussion and Possible Action On Unlicensed Motor Vehicles Ordinance** – Mayor Hickman explained that last year there were a number of incidents within the Village of unlicensed drivers driving golf carts on the Village streets and that this was what prompted this ordinance. Strong informed the Council that this ordinance would cover three different unregistered motor vehicles: golf carts, all terrain vehicles and go-carts. Strong recommended that if this ordinance was being considered for action now a change be made as follows: On page two, item IV, the last sentence should read ...within the Village limits during one half hour after sunset of one day and one

half hour before sunrise of the next day. He informed the Council that it is state law that all terrain vehicles should not be driven on public roads. The transportation code operates as state law and states that all terrain vehicles are not allowed on public roads and that unregistered golf carts are to be operated on public roads only in daytime. Extensive discussion followed. Concerns and opinions were voiced by Council Members and the following citizens: Zane Carson (731 Deckhouse Dr.), Valerie Stone (211 Comanche Ln.), Liz Kotfer (519 Venture Blvd. S.), Joe West (18404 Venture Dr.), Jean Nipper (18901 Mariners Point), Lori Hainkel (613 Deckhouse Dr.), Susan Gillham (19008 Helmway Circle), and Mark Brown (128 Lakefront Dr.). Strong, seconded by Nesheim, made a motion to defer action on this item until the next meeting so we can research what our liability might be as a Village if we do not pass this type of ordinance. A vote was taken and the motion passed, 5-0.

- c. Discussion and Possible Action On Fireworks Ordinance** – Mayor Hickman informed the Council that the fireworks ordinance would just formalize a rule that is already in place through the PVPOA. Fireworks are not allowed within the Village as stated in the deed restrictions. There was extensive discussion on this issue. Concerns and opinions were voiced by Council Members and the following citizens: Nancy Leathers (18305 Lakepoint Circle), Mary Rugaard (245 Venture Blvd. S.), Greg Dvorak (225 Comanche Ln.), Joe West (18404 Venture Dr.), Mark Brown (128 Lakefront Dr.) and Jean Nipper (18901 Mariners Point). One question asked was, if passed, who would enforce this ordinance. The Mayor responded that the Village Marshal and the Travis County Sheriff's Department would enforce the ordinance. Fire was the main concern expressed in favor of this ordinance. Stuart stated that he had not had enough time to review this ordinance. A motion was made by Hestand and seconded by Nesheim to pass an ordinance of the Village of Point Venture, Texas, prohibiting the sale, manufacture, possession, use, or combustion of fireworks within the Village limits; providing for the following: findings of fact; a purpose; definitions; exceptions; an effective date; enforcement clause including injunctive relief and a fine not to exceed \$500; severability; and proper notice and a meeting. A vote was taken and the motion passed, 4-1, with Stuart opposed. (Ordinance Number 2001-06-01)
- d. Discussion and Possible Action On Firearms, Explosive Weapons, Zip Guns and Air Guns Ordinance** – Mayor Hickman informed the Council that the firearms ordinance would just formalize a rule that is already in place through the deed restrictions. Discussion followed. Concerns and opinions were voiced by Council Members and the following citizens: Zane Carson (731 Deckhouse Dr.) and Carole Thomas (18601 Lakeland Dr.). One Council Member inquired how the Village would handle the issue of someone needing to use explosives if, for example, the WCID needed to blast an area of rock to form a new holding pond. The Mayor asked Mr. Bojorquez to respond. He stated that if needed, the Village could amend this ordinance in the future. Zane Carson asked Mr. Bojorquez if his second amendment rights were still protected if this ordinance becomes effective and Mr. Bojorquez assured him that they were. Strong made a motion, seconded by Hestand, to pass an ordinance of the Village of Point Venture, Texas, prohibiting the discharge of firearms and explosive weapons and zip guns within the Village limits; providing for the following: findings of fact; a purpose; definitions; exceptions; restricting the discharge of air guns; an effective date; enforcement clause including injunctive relief and a fine not to exceed \$500; severability; and proper notice and a meeting. A vote was taken

and the motion passed, 3-1, with Stuart opposed and Edwards abstaining.
(Ordinance Number 2001-06-02)

e. Mayor's Report:

- (1) **4th of July Parade** – Mayor Hickman reminded the Council about the 4th of July parade and picnic. The parade will start at 11 A.M. and the picnic will follow.
- (2) **Neighborhood Watch Night Out** – Mayor Hickman announced that the Neighborhood Watch Night Out is to be held on Tuesday, August 7th. Carroll Hestand is chairing this committee.
- (3) **Newcomer Program** – Mayor Hickman recommended that the Village form a committee to greet and welcome new citizens into our community. Anyone interested in taking part in this activity should contact the Mayor.
- (4) **CARE** – Mayor Hickman explained that CARE was a new program we are initiating in the community. CARE stands for Community Awareness and Response to Emergencies. Any citizen who may need special care or attention in the event of a minor emergency such as a power outage, loss of telephone service, etc., can register for this program. Also, we are in need of volunteers who would check on the citizens in the program in the event of a minor emergency. Forms were available at the back of the meeting room and will also be available at the PVPOA office and the Village office.

F. Adjournment – A motion was made by Strong and seconded by Nesheim to adjourn the meeting. A vote was taken and the motion passed, 5-0. Mayor Hickman adjourned the meeting at 9:22 P.M.

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

Terry Hickman, Mayor
Village of Point Venture

ATTEST:

Charlotte Banasik, Village Secretary