



**REGULAR MEETING OF THE VILLAGE COUNCIL
VILLAGE OF POINT VENTURE
REGULAR COUNCIL MEETING**

**Wednesday, November 17, 2021 at 6:30 PM
555 Venture Blvd S**

Point Venture, TX 78645

*"Partnership with the community. Foster community pride.
Preserve and enhance the natural beauty of our environment"*

Agenda

A. Items Opening Meeting

1. Call to Order
2. Pledge
3. Roll Call

B. Public Comments

Public comment section to address Council.

Village Council may only make a factual statement or a recitation of existing policy in response to an inquiry regarding subjects not on this agenda.

C. Mayor Pro-Tem Report

Village Council will call for special election at January council meeting. Candidate applications will be accepted January 21 through March 28, 2022.

Mayor Pro-Tem comments

D. Travis County Sheriff's Report

Report on recent activities.

Report regarding operating unregistered off-highway vehicles in Village of Point Venture.

Flock Security camera installation scheduled.

Emergency Services Report

Report on recent activity.

E. Items to Consider

1. Approval of minutes October 20, 2021, Regular Called Meeting.
2. Review commercial site plan application for 300 Venture Blvd. and consider recommendation received from Planning and Zoning Commission.
3. Review and approve agreement with Travis County WCID, Point Venture to transfer funds for Coronavirus Local Fiscal Recovery Fund (CLFRF) to WCID as sub-recipient for Village awarded grant monies.

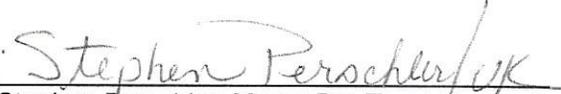
F. Council Reports

1. Treasurer's Report
October financial reports
December meeting Council to consider re-appointment for Treasurer two-year term.
2. Building Department
October monthly building activity report.
December meeting Council to consider resolution to pre-approve outbuilding eaves of less than one foot (Sec 4.06.005 (6) (c) until Chapter 4 and Chapter 9 are reviewed and updated by Council.

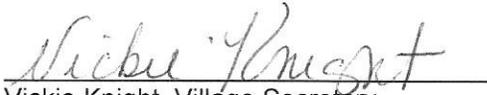
3. Code Enforcement
Update on code enforcement activity.
4. Animal Control
Recent activities concerning animal control items.
5. Village Services
CCC double gate improvements.
December meeting Council to consider resolution designating official newspaper for Village of Point Venture for publication of legal notices.
6. Public Works
Update Staghorn/Valley Hill drainage project.

G. Announcements

H. Adjourn


 Stephen Perschler, Mayor Pro-Tem Village of Point Venture

I certify that a copy of the above Notice was posted on the Village Office Bulletin Board, in a place convenient to the public, in compliance with Chapter 551 of the Texas Government Code at 9:15 am on 11/13, 2021.


 Vickie Knight, Village Secretary
 Village of Point Venture

Notes to the Agenda:

1. *Consent Agenda items are considered to be non-controversial and will be voted on in one motion unless a council member asks for separate discussion.*
2. *The Council may vote and/or act upon each of the items listed in this Agenda.*
3. *Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or Village boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the bodies, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.*

****This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request.***

RE: Operating Unregistered Off Highway Vehicles in Village of Point Venture

Issue

Can a citation be issued for operating an unregistered off-highway vehicle, or all-terrain vehicle, in the Village of Point Venture when the Village of Point Venture is a Master Planned Community?

Brief Answer

The Village of Point Venture (VOPV) is a Master Planned Community and does not rely on Travis County for street maintenance or services. §551A.055 of the Texas Transportation Code authorizes unregistered off-highway vehicles in certain master planned communities. Therefore law enforcement may issue a citation for the operation of an unregistered off-highway vehicle when it is being operated in violation of §551A.055.

Facts

- 1970s site developer dedicated the roads of VOPV to the public
- 1998 VOPV gatehouse removed after a complaint to commissioner's court establishes the roads in VOPV are public
- There is a sign posted at the entrance of VOPV that states "All Traffic Laws will be strictly enforced" [Appendix A]
- **May 15, 2018** VOPV entered into an interlocal agreement with Travis County for street maintenance services effective through September 30, 2018.
- **Sept 12, 2018** community voted to be a master planned community [Appendix B]

Law & Analysis

Under *Tex. Trans. Code §551A.055, OPERATION AUTHORIZED IN CERTAIN AREAS, An operator may operate an unregistered off-highway vehicle: (1) in a master plan community;(A) that has in place a uniform set of restrictive covenants (B) for which a count or municipality has approved a plat; or (2) on a highway for which the posted speed limit is not more than 35 miles per hour, if the off highway vehicle is operated: (1) in the day time; AND (B) not more than two miles from the location where the off-highway vehicle is usually parked and for transportation to or a from a golf course. Furthermore, §551A.033 places restrictions on operation on beaches. A person operating an off-highway vehicle on a beach must hold and have in the person's possession a driver's license. Id.*

Additionally, a county or municipality may prohibit the operation of unregistered off highway vehicles under §551A.055 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of public safety. *See Code §551A.054.*

The Village of Point Venture is a master planned community and has a maximum posted speed limit of 25 miles per hour. There has been no prohibition issued by a county or municipality prohibiting the use of unregistered off-highway vehicles in VOPV.

Conclusion

Because VPOV is a master planned community with a set of restrictive covenants and has a posted speed limit below 35 miles per hour a strong argument could be made that the operation of unregistered off-road vehicles is permitted as long as the operation is within the guide lines of *Tex. Trans. Code §551A.055.*

Appendix A



Lohman Ford Rd leading into the Village of Point Venture

Statutes:

Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality may prohibit the operation of an unregistered off-highway vehicle on a highway under Section [551A.055](#) if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of an unregistered off-highway vehicle on a highway under Section [551A.055](#) if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 31, eff. June 14, 2019.

Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS. An operator may operate an unregistered off-highway vehicle:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat; or

(2) on a highway for which the posted speed limit is not more than 35 miles per hour, if the off-highway vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the off-highway vehicle is usually parked and for transportation to or from a golf course.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 31, eff. June 14, 2019.

**REGULAR MEETING OF THE VILLAGE COUNCIL
VILLAGE OF POINT VENTURE
REGULAR COUNCIL MEETING**

Wednesday, October 20, 2021 at 6:30 PM

555 Venture Blvd S

Point Venture, TX 78645

*"Partnership with the community. Foster community pride.
Preserve and enhance the natural beauty of our environment"*

Minutes

A. Items Opening Meeting

1. Call to Order - Mayor Eric Love called the meeting to order at 6:30 PM.
2. Pledge – Mayor Eric Love led the Pledge of Allegiance.
3. Invocation – Mayor Eric Love
4. Roll Call - Village Secretary called roll: Present were Mayor Eric Love, Mayor ProTem Stephen Perschler, Councilmember Dan Olson, Councilmember Shelly Molina, Councilmember Steve Hafner. Absent: Councilmember Don Conyer. A quorum was present.

B. Public Comments

Public comment section to address Council.

Resident comment to Council regarding recent gunshots fired behind her home. Mayor Eric Love requested resident wait for Detective Pasak report on this subject.

Resident comment to Council regarding short term rental activity large group event shared between several short term rental properties creating physical movement, noise and parking overflow along this portion of the street. Short term renters were directed to park in overflow parking area by POA complex. Resident request consideration to define within short term rental process the type of venues allowed in residential single family home community.

Resident comment to Council concern that consideration would be given to limit on number of properties that may be used as short term rental (less than 90 days) property. Resident request the registration process be given time to take effect and gather data before making any further restrictions.

Resident comment to Council to express concern of the affect of short term rental properties and large number of persons using the property owner amenities and the feeling of community is changing.

C. Mayor's Report

Mayor Eric Love presented bi-annual Spirit of Point Venture award to Justin Orbin. Justin Orbin provides a tremendous amount for our golfing community

Short term rental owner registration is underway, first mail out October 4. We are receiving inquiries and registration applications.

The Council will call for Special Election to fill Council vacancies in January, with period to file application to run through March 28 and election date of May 7.

Mayor Eric Love outlined the next two Council meetings as he has chosen to not seek re-election for Mayor. November and December Council meetings, Mayor ProTem will coordinate and approve agenda items; beginning October 21 checks written will be signed by Mayor ProTem.

D. Travis County Sheriff's Report

Comprehensive report on traffic throughout the Village of Point Venture was not available.

Presentation on the Flock system will be scheduled to discuss terms, equipment needs and installation of the Flock System at the Point Venture entrance.

Detective Pasak commented on active investigations (open reports) and need for community to

make report of criminal/suspicious behavior and keep in contact with detective assigned to case, not to speculate, discuss at open meeting or post on NextDoor. Respect the process.
Short term rental property noise is same as resident property noise – report for Travis County Sheriff to respond and warn, call in 2nd report if noise does not diminish and Travis County Sheriff may issue citation. Detective Pasak asked residents not to confront their noisy neighbors, make a report.
State Prosecuting Attorney opinion has been received regarding driving ATV/UTV on public streets, Detective Pasak will forward this opinion to the Village Secretary for council review.

Emergency Services Report

Emergency Management Plan annual update by Travis County ESD has been received and Mayor Eric Love has signed and returned to Travis County ESD.

E. Items to Consider

1. Approval of minutes September 15, 2021, Regular Called Meeting.
Councilmember Dan Olson made a motion to approve minutes from September 15, 2021, Regular Called Meeting as presented. Councilmember Shelly Molina seconded the motion. All present approved. Motion carried.
2. Review and possible adoption of ordinance amending Appendix A Fee Schedule adding new sections A3.002 through A3.009 of Article A3.000 for codification of construction and building existing charged fees. This motion sends the approved building fines to codification in Village Code. No change to any fine, amend to update to Appendix A of Village Code.
Mayor ProTem Stephen Perschler made a motion to adopt ordinance amending Appendix A Fee Schedule adding new sections A3.002 through A3.009. Councilmember Shelly Molina seconded the motion. All present approved. Motion carried.
3. Discuss combining articles 7.04 and 7.05 of Village code and establish abatement process and conformity with violations used under the Health and Safety Code.
No further discussion received. Motion not in order.
4. Discuss and approve donation of Village TV to the POA to be moved to the Club Room for use by various organizations with the Village.
Councilmember Dan Olson made a motion to approve donation of Village TV located in Venture Room to the PVPOA for use in the Club Room. Councilmember Shelly Molina seconded the motion. All present approved. Motion carried.
5. Discuss and receive update on Village electronic signage.
Item tabled.

F. Council Reports

1. Treasurer's Report
Councilmember Olson presented preliminary September YTD financial reports and numbers.
2. Building Department
Councilmember Shelly Molina gave September monthly building activity report: one permit for new single family home, five certificates for occupancy issued.
3. Code Enforcement
Councilmember Shelly Molina received no report for update on code enforcement activity.
4. Animal Control
Councilmember Steve Hafner reported recent activities for animal control.
5. Village Services
No update on Village Services

6. Public Works

Mayor ProTem Stephen Perschler is awaiting plan drawing for update to project for culvert/drainage control at Staghorn and Valley Hill.

G. Announcements - None

H. Adjourn Councilmember Steve Hafner made a motion to adjourn. Mayor ProTem Stephen Perschler seconded the motion. **Mayor Eric Love adjourned the meeting at 7:50 PM.**

Eric Love, Mayor Village of Point Venture

Vickie Knight, Village Secretary
Village of Point Venture

**This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request.*

Village of Point Venture
Budget vs. Actual
October 2021

	<u>Oct '21</u>	<u>Budget</u>
Ordinary Income/Expense		
Income		
Cap Metro	0.00	38,000.00
Fines	0.00	5,000.00
Franchise Fees	0.00	74,400.00
Inspection Fees	3,420.00	60,000.00
Permits	551.00	42,500.00
Trash and Recycling Service	2,752.09	32,400.00
Tax Income		
Property Taxes	1,541.02	306,600.00
Other Taxes		
4085 - Mixed Beverage Tax	1,320.38	6,000.00
4135 - Sales & Use Tax Revenue	7,709.37	76,000.00
Total Other Taxes	<u>9,029.75</u>	<u>82,000.00</u>
Total Tax Income	10,570.77	388,600.00
Interest Earned - Bank	0.00	800.00
Miscellaneous	0.00	0.00
Total Income	<u>17,293.86</u>	<u>641,700.00</u>
Gross Profit	17,293.86	641,700.00
Expense		
Capital Outlay	0.00	70,000.00
Maintenance and Repair	4,707.95	36,500.00
Trash and Other Muni Expense	3,564.72	48,650.00
Professional Expenses	5,615.00	67,800.00
Education and Training	275.00	2,000.00
Insurance Expense	9,280.60	16,400.00
Animal Control Costs	300.00	6,600.00
Administration Expenses	87.87	27,300.00
Dues Fees and Subscriptions	11,641.24	44,800.00
Contracted Services	5,440.00	83,000.00
Wages, Benefits and Payroll Exp	14,858.92	225,000.00
Bank related charges and fees	0.00	500.00
Travel	83.78	3,700.00
Utilities	265.23	5,280.00
Total Expense	<u>56,120.31</u>	<u>637,530.00</u>
Net Ordinary Income	<u>-38,826.45</u>	<u>4,170.00</u>
Net Income	<u><u>-38,826.45</u></u>	<u><u>4,170.00</u></u>

Village of Point Venture
All Dept
October 2021

	Animal Control	Building Admin	General Admin	General Fund	Public Works	Sheriffs	TOTAL
Income							
Inspection Fees	0.00	3,420.00	0.00	0.00	0.00	0.00	3,420.00
Permits	71.00	480.00	0.00	0.00	0.00	0.00	551.00
Trash and Recycling Service	0.00	0.00	0.00	0.00	2,752.09	0.00	2,752.09
Tax Income	0.00	0.00	0.00	10,570.77	0.00	0.00	10,570.77
Total Income	71.00	3,900.00	0.00	10,570.77	2,752.09	0.00	17,293.86
Expense							
Maintenance and Repair	244.06	0.00	4,109.89	0.00	354.00	0.00	4,707.95
Trash and Other Muni Expense	0.00	0.00	0.00	0.00	3,564.72	0.00	3,564.72
Professional Expenses	0.00	1,255.00	3,600.00	0.00	760.00	0.00	5,615.00
Education and Training	225.00	0.00	50.00	0.00	0.00	0.00	275.00
Insurance Expense	0.00	0.00	9,280.60	0.00	0.00	0.00	9,280.60
Animal Control Costs	300.00	0.00	0.00	0.00	0.00	0.00	300.00
Administration Expenses	0.00	0.00	87.87	0.00	0.00	0.00	87.87
Dues Fees and Subscriptions	0.00	0.00	11,641.24	0.00	0.00	0.00	11,641.24
Contracted Services	0.00	3,440.00	0.00	0.00	0.00	2,000.00	5,440.00
Wages, Benefits and Payroll Exp	0.00	0.00	14,858.92	0.00	0.00	0.00	14,858.92
Travel	0.00	0.00	0.00	0.00	83.78	0.00	83.78
Utilities	0.00	0.00	265.23	0.00	0.00	0.00	265.23
Total Expense	769.06	4,695.00	43,893.75	0.00	4,762.50	2,000.00	56,120.31

Village of Point Venture
Balance Sheet
 As of November 13, 2021

	<u>Nov 13, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
Banks	
1010 · Security State - Money Market	94,657.35
1015 · Security State - Operating Fund	555,235.96
1030 · TexPool - Money Market	290,126.87
1046 · TexPool - Road Fund	581,956.95
1047 · TexPool TimeWarner	25,701.51
Total Banks	<u>1,547,678.64</u>
Total Checking/Savings	1,547,678.64
Accounts Receivable	
1100 · Accounts Receivable	26,168.34
Total Accounts Receivable	<u>26,168.34</u>
Other Current Assets	
Accounts Receivable - Misc	
1105 · A/R - Taxes	8,103.48
Total Accounts Receivable - Misc	<u>8,103.48</u>
Total Other Current Assets	<u>8,103.48</u>
Total Current Assets	<u>1,581,950.46</u>
TOTAL ASSETS	<u>1,581,950.46</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1500 · Accounts Payable	54,421.14
Total Accounts Payable	<u>54,421.14</u>
Credit Cards	
1605 · SSBT MasterCard VKnight	142.87
1606 · SSBT-MasterCard T Low	110.25
1615 · SSBT MasterCard Eric Love	458.81
Total Credit Cards	<u>711.93</u>
Other Current Liabilities	
2010 · Building Contractors Bond	64,603.00
2100 · Payroll Liabilities	1,737.71
2230 · Deferred Revenue - Taxes	8,103.48
Council Reserved Funds	
2241 · Deferred Revenue - PEG Revenue	29,655.26
2242 · Deferred Revenue - CLFRF	127,981.45
2011 · Dedicated Road Fund	581,679.49
Total Council Reserved Funds	<u>739,316.20</u>
Total Other Current Liabilities	<u>813,760.39</u>
Total Current Liabilities	<u>868,893.46</u>
Total Liabilities	868,893.46
Equity	
3000 · Opening Bal Equity	26,368.59
3200 · Retained Earnings	717,362.30
Net Income	-30,673.89
Total Equity	<u>713,057.00</u>
TOTAL LIABILITIES & EQUITY	<u>1,581,950.46</u>

**Village of Point Venture
Building Department – October 2021**

In the month of October, there were no permits issued for single family dwelling. There was one permit issued for outdoor cargo lift installation. There were three (3) certificates of occupancy issued.

NEW HOMES ISSUED PERMITS

2010	8
2011	8
2012	6
2013	12
2014	23
2015	18
2016	36
2017	53
2018	30
2019	31
2020	28
2021	26

CERTIFICATE OF OCCUPANCIES ISSUED

2010	11
2011	6
2012	4
2013	5
2014	15
2015	18
2016	38
2017	33
2018	58
2019	24
2020	34
2021	13