CITY OF JONESTOWN



CITY COUNCIL SPECIAL CALLED MEETING FEBRUARY 17, 2012, 8:30 A.M. CITY COUNCIL CHAMBERS, 18649 FM 1431, JONESTOWN, TEXAS

AGENDA

- A. ITEMS OPENING MEETING
 - 1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

- 3. PLEDGE OF ALLEGIANCE
- B. GENERAL BUSINESS AND ACTION ITEMS
 - 1. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, to deliberate:
 - a. the employment of the City Administrator; and Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:



- b. Complaints filed by the Jonestown Action Committee
- c. Investigation of the Jonestown Wind Energy Project

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:



- a. The employment of the City Administrator
- b. Complaints filed by the Jonestown Action Committee
- c. Investigation of the Jonestown Wind Energy Project
- 2. Discuss and consider action on an ordinance authorizing the issuance of \$1,450,000 "City of Jonestown, Texas General Obligation Refunding Bonds, Series 2012"; authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the city for the payment thereof and the assessment and collection of such taxes; creating a sinking fund for the redemption

thereof; authorizing the sale thereof; authorizing an escrow agreement; and enacting other provisions relating to the purposes of this ordinance.

C. ADJOURNMENT

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING AGENDA WAS POSTED ON THE BULLETIN BOARDS AT JONESTOWN CITY HALL AND THE JONESTOWN COMMUNITY LIBRARY ON THIS 13th DAY OF FEBRUARY, 2012 BY 5:00 P.M.

LINDA HAMBRICK, CITY SECRETARY
CITY OF JONESTOWN

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at 512-267-3243 or fax at 512-267-4572, or e-mail linda@jonestown.org.

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MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD FEBRUARY 17, 2012, 8:30 A.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 8:34 a.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong, Mayor Pro Tem Buckle and Alderman Aaron. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

- 1. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, to deliberate:
 - a. the employment of the City Administrator; and Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:



- b. Complaints filed by the Jonestown Action Committee
- c. Investigation of the Jonestown Wind Energy Project

Mayor Armstrong announced that Council would convene into executive session and she read the listed executive session items. Council left the dais at 8:36 a.m.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:

a. The employment of the City Administrator

b. Complaints filed by the Jonestown Action Committee

c. Investigation of the Jonestown Wind Energy Project

Mayor Armstrong reconvened the Council into open session at 9:35 a.m.

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a. Mayor Pro Tem Buckle made a motion to accept Mr. Dodson's resignation, and that Mr. Dodson has agreed, at our request, to make it effective on April 30th to give us time to advertise and employ a successor administrator, and that we instruct the staff to immediately advertise that the position is available, effective May first, and that Mr. Dodson has also agreed to remain available as a consultant after April 30th, on any projects that he has not completed by the time he leaves, but if we can get this new person employed before May 1st, then the effective date may be earlier than April 30th. Alderman Nichols seconded the motion. Upon roll call the vote was as follows: Yes:

Alderman Aaron, Alderman Nichols, Alderman Wedell, Mayor Pro Tem Buckle and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.



b. Alderman Nichols announced that the Council will ask the City Attorney to prepare a response to the complaints that were given to us, and bring to the next regular meeting in March to present to Council.



- c. Alderman Nichols made a motion that Council continue to work with the Attorney General's Office, SECO, and the Department of Energy for a united effort to go through all of the phases of this project as our part of that investigation, overall. Alderman Aaron seconded the motion. The response will also be to the Council as an executive session. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.
- 2. Discuss and consider action on an ordinance authorizing the issuance of \$1,450,000 "City of Jonestown, Texas General Obligation Refunding Bonds, Series 2012"; authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the city for the payment thereof and the assessment and collection of such taxes; creating a sinking fund for the redemption thereof; authorizing the sale thereof; authorizing an escrow agreement; and enacting other provisions relating to the purposes of this ordinance.

Mayor Armstrong read the agenda item and asked the City's financial advisor, Ladd Patillo to present the bond refinancing. Since the language had changed from the agenda item to the ordinance caption, the City Secretary read the caption of the ordinance for clarification. Then Mr. Patillo explained that since being authorized to do the refunding, they have been able to do a private placement of the bonds, and the savings to the city is even better than expected. He introduced John Burganski, of First Southwest, who gave more detail about the bids and the savings. Tom Pollan of Bickerstaff Heath Delgado Acosta LLP, went over the ordinance in detail for the Council. Alderman Nichols asked about the reset clause that had been in the old bond ordinance, and he was informed that there is no reset in this one, and that the 2.29% interest rate will apply for the entire sixteen years of the bonds.

Alderman Nichols made a motion to approve an ordinance authorizing the issuance of \$1.445,000 "City of Jonestown, Texas General Obligation Refunding Bond Series 2012; authorizing the refunding of certain outstanding obligations; levying a continuing direct annual ad valorem tax on all taxable property within the city for the payment thereof and the assessment and collection of such taxes; creating a sinking fund for the redemption thereof; authorizing the sale thereof; and enacting other provisions relating to the purposes of this ordinance. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

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Before the meeting was adjourned, Council took several questions from the audience concerning the executive session about the city administrator. Webster Veade and Gary Priem asked why the Council had decided to keep Mr. Dodson until the end of April. Council answered that they will keep him during this time in order to benefit the city and that they all support Dan to continue, with monitoring, during this time, with the goal of moving the city forward and ultimately uniting everyone.

C. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 9:56 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON MARCH 8TH, 2012.

Deane Armstrong, Mayor City of Jonestown

ATTEST:

Linda Hambrick, City Secretary

CITY OF JONESTOWN



CITY COUNCIL REGULAR MEETING
MARCH 8, 2012, 7:30 P.M.
CITY COUNCIL CHAMBERS,
18649 FM 1431, JONESTOWN, TEXAS

AGENDA

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

- 3. PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES
 February 9, 2012 Regular Meeting
 February 17, 2012 Special Called Meeting
 March 5, 2012 Special Called Meeting

B. CITIZEN COMMUNICATIONS

C. GENERAL BUSINESS AND ACTION ITEMS

- 1. Discuss and consider appointment of Police Reserve Officers.
- Discuss and consider waiving fees, overnight camping and any other pertinent park regulations for the March 31st Cajun Cook Off, sponsored by the Jonestown Lago Vista Area Chamber of Commerce.
- 3. Discuss and consider approval of Lakeside Challenge 5k Run to be scheduled on September 29, 2012.
- 4. Discuss and consider an ordinance of the City of Jonestown, Texas; amending Section 1.04.005(7) of Chapter 1, Jonestown Code of Ordinances, Authority of mayor generally; to change amounts and procedures for authorizing expenditures and contracts; providing open meetings; severability clauses; and establishing an effective date.

- 5. Discuss and consider an ordinance of the City of Jonestown, Texas; amending Article 12.01, General Provisions, of Chapter 12, Jonestown Code of Ordinances, to authorize the operation of golf carts on certain streets and roadways; amend Section 12.01.001, State motor vehicle laws adopted; providing penalty, severability, open meetings and effective date clauses; and providing for related matters.
- 6. Discuss and consider authorization to fund disassembly and removal of Taylor location turbine system.
 - 7. Discuss and consider the monthly finance report.
- 8. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:
 - a. Complaints filed by the Jonestown Action Committee
 b. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:

- a. Complaints filed by the Jonestown Action Committee
- b. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

D. ADJOURNMENT

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING AGENDA WAS POSTED ON THE BULLETIN BOARDS AT JONESTOWN CITY HALL AND THE JONESTOWN COMMUNITY LIBRARY ON THIS 5th DAY OF MARCH, 2012 BY 6:00 P.M.

LINDA HAMBRICK, CITY SECRETARY
CITY OF JONESTOWN

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at 512-267-3243 or fax at 512-267-4572, or e-mail linda@ionestown.org.



MINUTES OF THE JONESTOWN CITY COUNCIL REGULAR MEETING HELD MARCH 8, 2012, 7:30 P.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 7:30 p.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong and Alderman Aaron. Mayor Pro Tem Buckle entered the meeting at 7:31 p.m. A quorum was present.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

February 9, 2012 Regular Meeting February 17, 2012 Special Called Meeting March 5, 2012 Special Called Meeting

Alderman Moore asked for a correction in the February 9th minutes on page 4, item number 9 to add the word approve. Alderman Nichols made a motion to approve the minutes of the regular meeting of February 9th as amended by Councilman Moore, and the minutes of the special called meeting of February 17th, and the minutes of the special called meeting of March 5th. Alderman Wedell seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

B. CITIZEN COMMUNICATIONS



Milton Allen asked that the applications of the final four applicants for the position of city administrator be posted on the city web site for citizen input.

C. GENERAL BUSINESS AND ACTION ITEMS

1. Discuss and consider appointment of Police Reserve Officers.

Police Chief John Stetar introduced John "Rick" Power, Randall Johnson, and Brandon Liles who all want to be Police Reserve Officers. Alderman Aaron made a motion to approve the appointments of John Rick Power, Randall Johnson and Brandon Liles. Alderman Moore seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

Mayor Armstrong administered the oaths of office of office.

2. Discuss and consider waiving fees, overnight camping and any other pertinent park regulations for the March 31st Cajun Cook Off, sponsored by the Jonestown Lago Vista Area Chamber of Commerce.

Alderman Aaron made a motion to waive fees, overnight camping and any other pertinent park regulations for the March 31st Cajun Cook Off, sponsored by the Jonestown Lago Vista Area Chamber of Commerce. Mayor Pro Tem Buckle seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

3. Discuss and consider approval of Lakeside Challenge 5k Run to be scheduled on September 29, 2012.

Karissa Kornegay asked for approval of the date for the 5k run. She will come back to the next meeting with the budget for the event. Alderman Nichols made a motion to approve the Lakeside Challenge 5k Run to be scheduled on September 29, 2012. Alderman Wedell seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

4. Discuss and consider an ordinance of the City of Jonestown, Texas; amending Section 1.04.005(7) of Chapter 1, Jonestown Code of Ordinances, Authority of mayor generally; to change amounts and procedures for authorizing expenditures and contracts; providing open meetings; severability clauses; and establishing an effective date.

Mayor Pro Tem Buckle made a motion to approve an ordinance of the City of Jonestown, Texas; amending Section 1.04.005(7) of Chapter 1, Jonestown Code of Ordinances, Authority of mayor generally; to change amounts and procedures for authorizing expenditures and contracts; providing open meetings; severability clauses; and establishing an effective date. Alderman Aaron seconded the motion for discussion. After discussion about contingencies in case of emergencies, the occasions that might be beneficial to make purchases within time constraints, and the tightening of budget item planning, the vote was taken. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

5. Discuss and consider an ordinance of the City of Jonestown, Texas; amending Article 12.01, General Provisions, of Chapter 12, Jonestown Code of Ordinances, to authorize the operation of golf carts on certain streets and roadways; amending Section 12.01.001, State motor vehicle laws adopted; providing penalty, severability, open meetings and effective date clauses; and providing for related matters.

Alderman Nichols asked to add Old Burnet Road and Reed Parks Road to FM 1431 as excluded roads for the carts. Alderman Aaron expressed his wish to have a special license or conditional use permit for each cart user so that there isn't a proliferation of carts all over town. Mayor Pro Tem agreed and suggested adding Easy Street to the list of excluded streets. Alderman Aaron made a motion to table this item until it we can manage it with a conditional use permit. Alderman Nichols seconded the motion, and add the excluded roads.

During discussion, Alderman Moore expressed concern with the safety of carts on the streets, and a doubt that further consideration of this ordinance is worth the cost of developing the ordinance. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

6. Discuss and consider authorization to fund disassembly and removal of Taylor location turbine system.



Mayor Armstrong asked City Administrator Dan Dodson to address this item. There was discussion about how best to dissemble and remove the turbine and the ownership of the machine. Mayor Pro Tem Buckle asked to postpone this discussion to a later meeting. An addendum will be posted to the March 12th meeting early in the morning to discuss this item. Mayor Pro Tem Buckle made a motion to table this item until the Monday meeting. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

7. Discuss and consider the monthly finance report.

The report was discussed. Mayor Pro Tem Buckle expressed surprise that there was a 97% tax collection in light of the situation at The Hollows. The police budget was discussed in some detail. No action was taken.

8. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:



a. Complaints filed by the Jonestown Action Committee

b. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

Mayor Armstrong announced that Council would convene into executive session on the above items, and read the language. Council left the dais at 8:09 p.m.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:



a. Complaints filed by the Jonestown Action Committee

b. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.



Mayor Armstrong reconvened the open session at 9:13 p.m. Alderman Nichols announced that Council reviewed the four page document prepared by the City Attorney to address the issues in the Jonestown Action Committee complaint, and that we had agreed to in our February 17th meeting to be presented for our discussion, council reviewed and asked for several small corrections to be made by the first of next week, and by next Wednesday the document will be posted on the city web site and copies will be sent to the Texas Attorney General's office, the Travis County District Attorney's office, the Department of Energy, the Texas Comptroller's Department, the Statesman and Jonestown Action Committee.

Mayor Pro Tem Buckle made a motion to provide the letter as amended and as presented. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

Mayor Pro Tem Buckle asked that the record reflect that Mayor Armstrong, Alderman Wedell and Dan Dodson did not participate in the discussion with the city attorney regarding the letter.

D. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 9:35 p.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON APRIL 12, 2012.

Deane Armstrong, Mayor

City of Jonestown

ATTEST:

Linda Hambrick, City Secretary

CITY OF JONESTOWN



CITY COUNCIL SPECIAL CALLED MEETING

MARCH 12, 2012 8:30 A.M.

CITY COUNCIL CHAMBERS,

18649 FM 1431, JONESTOWN, TEXAS

ADDENDUM TO AGENDA MARCH 12, 2012 10:30 A.M.

B. GENERAL BUSINESS AND ACTION ITEMS

-5

3. a. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding: Disassembly and removal of Taylor location turbine system.



b. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding disassembly and removal of Taylor location turbine system.

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING AGENDA WAS POSTED ON THE BULLETIN BOARDS AT JONESTOWN CITY HALL AND THE JONESTOWN COMMUNITY LIBRARY ON THIS 9th DAY OF MARCH, 2011 BY 9:30 a.m.

LINDA HAMBRICK, CITY SECRETARY CITY OF JONESTOWN

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at 512-267-3243 or fax at 512-267-4572, or e-mail linda@jonestown.org

MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD MARCH 12, 2012, 8:30 A.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 8:30 a.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong, Mayor Pro Tem Buckle and Alderman Aaron. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

 a. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, to interview candidates and deliberate the appointment of a public officer or employee, for the position of City Administrator;

Mayor Armstrong announced that Council would adjourn to the conference room to interview one of the candidates. Council left the dais at 8:31 a.m.

b. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding appointment of a City Administrator.

Mayor Armstrong reconvened the open session at 10:30 a.m. and announced that no action will be taken.

 Discuss and consider allowing the removal of two Live Oak trees that measure over 16" in diameter, at 18005 Lafayette Park Road, so that a house can be built on a lot that is narrow and sloping.

Mr. Lonnie Aaron presented his request to Council. After discussion concerning the topography, width of the lot and the large number of trees that will remain on the lot. Alderman Nichols made a motion to allow the removal of two Live Oak Trees that measure over 16" in diameter (T20 and T12) at 18005 Lafayette Park Road, as noted on the documents accompanying this item, to be replaced by the payment per the city ordinance schedules. Alderman Wedell seconded the motion. During discussion, Alderman Aaron asked about the building schedule and the applicant said that they will start at the beginning of April. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

- 3. a. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding: Disassembly and removal of Taylor location turbine system.
 - b. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding disassembly and removal of Taylor location turbine system.

Mayor Armstrong took up this item in open session. Alderman Wedell recused himself because of conflict of interest and left the meeting. James Herrera, Public Works Director, presented the bids that he has accumulated, and discussed the project that needs to be done. Bids need to be revised in light of recent changes to the machine. Mayor Pro Tem Buckle read email from the owner of the property and the city attorney, which makes it clear that this machine must be removed as soon as possible to avoid litigation. Mayor Pro Tem Buckle made a motion to authorize removal of the Taylor location turbine system, and that the new numbers shall be emailed out to council, and if two council members don't ask for a special meeting by 5:00 p.m. Tuesday, March 13th, then the project will be approved to go ahead with the revised amount. Alderman Nichols seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

C. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 10:45 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON APRIL 12TH, 2012.

Deane Armstrong, Mayor

City of Jonestown

ATTEST:

Linda Hambrick, City Secretary

MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD MARCH 19, 2012, 9:00 A.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 9:00 a.m.

2. ROLL CALL

ASSISTANT CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong, Mayor Pro Tem Buckle and Alderman Aaron. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

1. Discuss and consider removal of Taylor location turbine system.

Alderman Wedell recused himself from discussion and voting on this and item #2 left the dais.



James Herrera, Public Works Director, discussed with Council, action that needs to be taken to remove the turbine system, and the cost of doing so. Mike Fox, president of PCRC, Inc. participated in the discussion. Alderman Nichols made a motion to enter into a contract with PCRC, Inc. for the removal of the Taylor wind turbine at a cost of \$13, 471, with the unit to be stored at property located at 3105 East Hwy 29 in Bertram, Texas, in a secure facility. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

 Discuss and consider an ordinance amending the Ordinance No. 2011-O-412, the FY 2011/2012 City of Jonestown Budget.



Alderman Nichols made a motion to amend the 2011/2012 City of Jonestown budget in the amount of \$14,000 to cover the cost of the removal of the wind turbine, funds to be taken from the reserve fund. Mayor Pro Tem Buckle seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

Mayor Armstrong took Items #4 and #5 out of order.

4. Discuss and consider an ordinance amending Chapter 8 of the Code of Ordinances, Article 8.09 "Boats and party Boats; Restricted areas"; Prohibitions, Restricted Areas, and Setting Minimum Distance Requirements.

Alderman Wedell returned to the dais. City Administrator Dan Dodson presented this item and discussed the issue with Council and Police Chief Stetar. The current ban on party boats is probably not enforceable and the amendment will still enable the city to enforce the noise ordinance and have some control over the tying up of boats together, and on to property of land owners. Alderman Moore asked to have language added to make it clear that there needs to be separation between flotillas of boats that are tied together. Alderman Nichols made a motion to approve Ordinance No. 2012-O-423, an ordinance of the City of Jonestown, Texas amending Chapter 8 of the Jonestown, Texas Code of Ordinances, Article 8.09 "Boats and Party Boats; Restricted Areas"; providing for the regulation of boats by establishing prohibitions, restricted areas, and setting minimum distance requirements; establishing penalties per violation; providing for open meetings, savings, severability, and effective date clauses; and providing for related matters; with an addition to (3) "and consistent with State Law, groups of boats cannot block navigable waterways", to 8.09.002, General Prohibitions; Established Restricted Areas, and Distance Requirements. Mayor Pro Tem Buckle seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

5. Discuss and consider a Resolution authorizing the city to enter into an agreement with the Texas Department of Transportation (TXDOT) to enable the Police Department to be a participant in the state-wide CRASH Reporting and Analysis for Safer Highways (CRASH) System at no cost to the city.

Chief Stetar presented his request for the resolution. Mayor Pro Tem Buckle made a motion to approve Resolution NO. 2012-R-308. Alderman Nichols seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

3. a. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, to interview candidates and deliberate the appointment of a public officer or employee, for the position of City Administrator;

At 9:32 a.m. Mayor Armstrong announced that Council would adjourn into executive session on the above listed item. Council left the dais.

b. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding appointment of a City Administrator.

Mayor Armstrong reconvened the open session at 11:12 a.m. Mayor Pro Tem Buckle made a motion that the top three candidates have background checks and to schedule a meeting for Monday, March 26, 2012 at 7:30 p.m. to discuss the finalists. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

6. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 11:20 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON APRIL 12^{TH} , 2012.

Deane Armstrong, Mayor

City of Jonestown

ATTEST:

Linda Hambrick, City Secretary

Knight & Partners Attorneys at Law

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attorneys@cityattomeytexas.com

Executive Office Terrace 223 West Anderson Lane, Suite A-105 Austin, Texas 78752 Altorneys Barney L. Knight Paige H. Sáenz Kenneth W. Mills Jeffrey T. Ulmann James D. Parker

March 14, 2012

Dear Mayor Armstrong and City Council Members:

This letter is drafted, at your request, in response to complaints raised by a group of citizens regarding the Wind Energy Project. Rather than limiting this response to the issues raised in that complaint, this letter speaks to some of the broader issues in this matter, which may address a wider range of questions and concerns from the City Council and the Jonestown community. This response is based on the information I have reviewed and people I have spoken to at this time. This is a complex matter with a great deal more information that I have not reviewed and people I have not spoken to due to time constraints and their availability. I

In considering these issues, it should not be forgotten that, if the criminal allegations are correct, the City was defrauded by two people that it relied heavily upon, the subcontractor for the project and the grant coordinator, in undertaking this approximately \$2 million dollar grant project. According to the arrest warrant affidavit for Charles Malouff, Jr., the alleged crime was reported to the Travis County District Attorney's Office in August 2010. The affidavit states that the DA's Office later reported the alleged crime to the Texas Comptroller's Officer and the Department of Energy. Neither of those agencies made any report to the City, which did not find out about the investigation or allegations against Malouff and Woodall until October 2011. Had the City been made aware of the report of criminal activity back in August 2010, the City could have declined the grant. Had the City been made aware of the criminal investigation before it

¹ The Travis County District Attorney's Office, to the extent it is able to do so given the pending criminal case, has been helpful in pointing the City towards sources of information that may help the City review this matter and decide on appropriate next steps.

² The arrest warrant affidavit states that in August 2010, the City Administrator was informed by principles of CM Energies (including CM Energies' General Council) that the wind turbine technology did not exist and that Malouff may have caused the City to make fraudulent representations on documents filed with the Comptroller to get the wind turbine grant. The General Counsel's words and subsequent deeds are inconsistent. If the General Counsel was concerned about possible fraud against the state and federal government, why did he continue with the project and what kind of message did his continued involvement send to the City Administrator about the seriousness of his concerns? Less than four months after the meeting with the City Administrator, the General Counsel signed the \$1.8 million contract on behalf of CM Energies to install the wind turbines. The General Counsel also signed Buy America affidavits submitted with CM Energies invoices to the City, and as late as September 2011, it appears he was reviewing the monthly progress reports for the project filed with the Comptroller's Office. Further, just prior to Malouff's arrest, the General Counsel accompanied Malouff and participated in an attempt to persuade another city to contract with CM Energies for the same technology.

submitted invoices for grant funds, the City could have stopped the project before any grant funds were paid.

The project was effectively shut down by the DA's investigation after Malouff's arrest in October. The project was incomplete, but the City had until December 31, 2011 to complete the project, and the deadline for completion could be extended up to an additional year under the contract with the Comptroller's Office. Throughout the project, it appears the City was granted every extension and application for additional funds the City requested.

The record reflects the City entered into this project with great excitement and optimism, and with only good intentions – primary among them to bring jobs to the City, to promote environmentally-friendly alternative energy resources, and to make available a less costly energy source for the City. City personnel and officials I have spoken to have expressed shock, devastation and great disappointment over the actual outcome.

It appears from the record that the City did not closely follow all the processes and procedures that it normally follows in handling large contracts. The City relied too heavily on CM Energies and the Comptroller's Office for compliance and guidance in applying for and administering the grant, which is not uncommon in small cities. Doing so does not usually result in what occurred here, but these are unusual circumstances in which, if the allegations are true, the Comptroller's former employee and the City's subcontractor colluded to defraud the City, state, and federal governments.

As you are aware, the Comptroller's Office has forwarded this matter to the Attorney General's Office, which represents the state's agencies in legal disputes. It is not certain at this time whether the AG will seek to recover the \$2 million from the City, though that is a possibility. The City has reached out to the AG to explore options for resolution of this matter that does not include governmental entities suing each other. If there is litigation, the City has several good defenses against the AG obtaining a judgment against the City. At this point, the City should position itself to protect the citizens against further liability, primarily a \$1.8 million judgment. The City Council making specific findings of wrongdoing related to the Wind

³ For example, CM Energies represented to the City that the wind turbine technology was ready for production, that company had on staff as technical advisers UT professors with backgrounds in in aerospace engineering and engineering mechanics, and that the company was actively pursuing selling the wind turbines to several potential customers and investors. Because of his apparent knowledge in wind turbine technology, Mr. Malouff wrote the grant application submitted by the City.

The City also relied on the Comptroller's Office to ensure it was in compliance in administering the grant. Mary Jo Woodall was the grant coordinator, and was the City's contact for all matters related to the grant. Based on the records, Woodall administered the grant, chose the committee that rated the grant applications, had access to online reporting system (where the City made its monthly progress reports), gave initial approval of payment of grant funds, handled the City's requests for additional funds and extensions of deadlines, and answered City staff's questions related to the grant both during the application process and during administration of the grant. As is very common with most small cities that receive a grant through a State agency, the City relied excessively on the State employee and the actions, approvals, and directions provided by Ms. Woodall.

⁴ Even if the City had strictly followed its processes, there are some things that the City would likely not have been able to discover through those processes, such as the alleged collusion between Woodall and Malouff.

Energy Project (assuming such could be made as identified by the Jonestown Action Committee in the current or any future complaints) will not further this goal, and are clearly not advisable at this time.

The relief requested by the Jonestown Action Committee cannot be granted as to the Mayor or City Council Members anyway. The City Council of a general law city cannot remove its own members. Prior to 1999, City Councils of general law cities could remove their own members pursuant to a procedure set forth in Chapter 21, Local Government Code. Because of abuses in the removal process that came to light in a lawsuit by a mayor who was removed under that process, the Legislature took away the power of a City Council to remove its own members. As to removal of the City Administrator, he has submitted his resignation.

With respect to a couple of the complaints, the Council should be aware of the following:

Regarding the competitive bidding issue, the City's grant application identified CM Energies as the sole source subcontractor for the project. Procurement from a sole source is an exception to competitive bidding under Chapter 252, Tex. Local Gov't Code, including items available from only one source because of patents. The City's grant application was for the installation of a specific type of wind turbine technology (described in the grant), for which CM Energies represented that it had filed a patent application. Correspondence from the Comptroller's Office regarding payment procedures provided that payment requests would not be honored unless adequate information about the procurement method used to contract with CM Energies was provided. Each of the City's payment requests was honored. Further, the Comptroller's Office conducted a compliance audit over a six-month period, which included reviewing records submitted by the City and an on-site review by five auditors. The method of procurement was reviewed. Regarding the procurement method, the final determination noted that the City stated that the original grant application included documentation identifying the CM Energies contract as a sole source procurement. The final determination letter required the City to document the justification for the sole source decision and keep the documentation in the City's grant file, which I am advised it was.

Regarding Councilmember Wedell, he consulted with me regarding his involvement in the company in early 2009. Chapter 171, Texas Local Government Code contemplates that City Council members may be involved in matters that come before the City Council. Chapter 171 provides for recusal and abstention from a matter in which a City Council member may have an interest. The July 9, 2009 minutes show that the Council voted on a general authorization to seek grant funding. Councilmember Wedell participated in the vote, but the minutes do not reflect that the vote was specific to CM Energies. (The City applied for and was awarded another grant unrelated to CM Energies for improvements to its air conditioning system.) The next month on August 13, 2009, the City Council voted on specific authorization to seek grant funding for the Wind Energy Project. Councilmember Wedell recused himself from that vote. Councilmember Wedell advised me that he was not employed by CM Energies or receiving any income from CM Energies at the time of the vote, but he recused himself anyway. The JAC complaint cites a provision from the contract included with its complaint that prohibits the City

⁵ See Office of House Bill Analysis for HB 3836; Scott Bradley v. State of Texas, 990 S.W.2d 254 (Tex. 1999).

from allowing any of its elected members from having any interest or benefit from the grant agreement. The contract in the complaint is not the contract that the City entered with the Comptroller for the Wind Energy Project. The contract between the City and the Comptroller's Office for the Wind Energy Project does not contain the provision cited in the JAC complaint. The Comptroller's Office was aware that Councilmember Wedell worked for CM Energies and raised no objection.

All of the information relevant to this grant will become public within the foreseeable future. As with any matter that relates to pending criminal complaints and possible civil litigation, any attempt by the Council to make public findings or to participate in any detailed public discussion of the facts, is not advisable. There will be a time when such reports and discussion will be appropriate, but that time is some months away.

Paris A. Saenz

CITY OF JONESTOWN



CITY COUNCIL SPECIAL CALLED MEETING

APRIL 24, 2012, 9:00 A.M.

CITY COUNCIL CHAMBERS,

18649 FM 1431, JONESTOWN, TEXAS

AGENDA

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

- 1. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with legal counsel regarding the complaints filed by the Jonestown Action Committee.
- 2. Reconvene in open session to take action as deemed appropriate in the City Council's discretion regarding the complaints filed by the Jonestown Action Committee.

C. ADJOURNMENT

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING AGENDA WAS POSTED ON THE BULLETIN BOARDS AT JONESTOWN CITY HALL AND THE JONESTOWN COMMUNITY LIBRARY ON THIS 20th DAY OF APRIL, 2012 BY 5:00 P.M.

LINDA HAMBRICK, CITY SECRETARY
CITY OF JONESTOWN

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at 512-267-3243 or fax at 512-267-4572, or e-mail linda@jonestown.org.

MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD APRIL 24, 2012, 9:00 A.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 9:00 a.m.

2. ROLL CALL

ASSISTANT CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong, Mayor Pro Tem Buckle and Alderman Aaron. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

 Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with legal counsel regarding the complaints filed by the Jonestown Action Committee.

Mayor Armstrong announced that Council would convene into executive session pursuant to the above item. Council left the dais at 9:02 a.m.

2. Reconvene in open session to take action as deemed appropriate in the City Council's discretion regarding the complaints filed by the Jonestown Action Committee.

Mayor Armstrong reconvened the open session at 9:48 a.m. Alderman Lance Armstrong read his letter of resignation that he had submitted to Mayor Armstrong on April 18th, 2012, to be effective on April 26th, 2012.

Mayor Pro Tem Buckle made a motion to put an item on the May 10th agenda to appoint a replacement for Alderman Wedell's position. Alderman Nichols seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols and Alderman Moore. No: None. Abstain: Alderman Wedell. The motion carried with four yes votes and one abstention.

C. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 9:51 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON MAY 10TH, 2012.

Deane Armstrong, Mayor

City of Jonestown

Linda Hambrick, City Secretary



MINUTES OF THE JONESTOWN CITY COUNCIL REGULAR MEETING HELD AUGUST 9, 2012, 7:30 P.M. AT THE CITY COUNCIL CHAMBER, 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 7:30 p.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman Aaron, Mayor Armstrong, Alderman Nichols, Alderman Nelsen and Alderman Moore. A quorum was present.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

July 12, Regular Meeting July 17, Special Called Meeting

(Note that Mayor Pro Tem Buckle entered the meeting at this point, at 7:32 p.m.) A motion was made by Alderman Nelsen to approve the minutes of the July 12 regular meeting and the July 17 special called meeting, with corrections to spelling errors in the July 12 draft. The motion was seconded by Alderman Nichols. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

5. Presentation of PEC news and information by Gina Holton, PEC representative for the City of Jonestown.

Gina Holton presented an update on Pedernales Electric's grant programs, economic development planning services, and other community programs available in the area.

B. CITIZEN COMMUNICATIONS

There were no citizen comments.

C. GENERAL BUSINESS AND ACTION ITEMS

1. Consideration and possible action on waiving city fees for the Jonestown Back-to-School Children's Festival.

1-111

Gina Lores of Rae's Candy addressed the Council concerning the planned festival, which is a private event, and requested that the City waive all park reservation fees and inspection fees. A motion was made by Mayor Pro Tem Buckle to waive all fees for the event. The motion was seconded by Alderman Aaron. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Nelsen and Alderman Moore. No: None. The motion carried unanimously.

2. Consideration and possible action on the appointment of reserve police officers Patrick Shane Pace and Irvin R. Diego.

Chief Stetar introduced the two prospective reserve police officers, Patrick Pace and Irvin Diego, and gave a brief description of their training and experience. A motion was made by Alderman Aaron to approve the appointment of Patrick Shane Pace and Irvin R. Diego as reserve officers with the Jonestown Police Department. The motion was seconded by Alderman Nichols. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Nelsen and Alderman Moore. No: None. The motion carried unanimously.

3. Consideration and possible action on road maintenance.

A motion was made by Mayor Pro Tem Buckle to authorize Joe Aaron to work with the City Administrator to handle road maintenance issues. The motion was seconded by Alderman Nichols. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

4. Acknowledge receipt of the Texas Comptroller of Public Accounts 2012 Bronze Leadership Circle Award for financial transparency.

The City of Jonestown earned a 2012 Bronze Leadership Circle Award for financial transparency from the Texas State Comptroller's Office. Karin Parish, Finance Director, presented the framed certificate to the Council, and read the caption.

5. Update on an action plan for addressing outstanding traffic warrants.

Chief Stetar updated the Council concerning the issues involved with clearing outstanding traffic warrants and plans for addressing those warrants.

6. Review and discussion of the revised Emergency Management Plan.

Chief Stetar presented the draft of the revised Emergency Management Plan for the City of Jonestown to the Council, along with some recommendations for consideration. Unless there are additional revisions, the final plan will be presented to Council next month to be adopted by ordinance.

7. Consideration and possible action on an ordinance amending the Code of Ordinances to establish a street fund and a utility fund; and providing for related matters.

A motion was made by Alderman Aaron to adopt an ordinance of the City of Jonestown amending the Code of Ordinances to establish a street fund and a utility fund, and providing for related matters. The motion was seconded by Alderman Moore. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Nelsen and Alderman Moore. No: None. The motion carried unanimously.

8. Consideration and possible action on an ordinance of the City of Jonestown amending Chapter 1, General Provisions, Article 1.05, Boards, Commissions and Committees of the Code of Ordinances, providing for number of members; providing for consistent methods of appointment and removal of members; abolishing any unnecessary organizations and providing for related matters.

There was brief discussion on the revised ordinance. City Administrator noted that the Old Burnet Road Task Force and the Facilities Committee have been deleted from the ordinance and language has been added to address the use of the Hotel Occupancy Tax by the Jonestown North Shore Music and Arts Committee. A motion was made by Mayor Pro Tem Buckle to adopt an ordinance of the City of Jonestown amending Chapter 1, General Provisions, Article 1.05, Boards, Commissions and Committees of the Code of Ordinances, providing for number of members; providing for consistent methods of appointment and removal of members; abolishing any unnecessary organizations and providing for related matters. The motion was seconded by Alderman Aaron. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Nelsen and Alderman Moore. No: None. The motion carried unanimously.

9. Consideration and possible action on update and proposed budget for the First Annual Chimney Swift Festival.

Jim Nosler, event chairperson, updated Council on planning and funding of the upcoming Swift Fest. A motion was made by Mayor Pro Tem Buckle to approve the budget request of \$3,935 from Fund 56 Hotel Occupancy Tax, and for the music to stop at 7:00 p.m. The motion was seconded by Alderman Nelsen. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

10. Consideration and possible action on waiving all construction permit fees associated with the home to be constructed by Silverton Homes under the "Operation Finally Home" program.

Lee Kirgan of Operation Finally Home addressed the Council to request the City of Jonestown consider waiving all plan review fees and permit fees associated with the construction of a home to be built at 11308 Lakeside Drive. His organization and Mike Grimm of Silverton Homes are partnering to provide this 100% free home to disabled U. S. Army veteran Augustine Pena. A motion was made by Alderman Nichols to waive all fees associated with the project at 11308 Lakeside Drive. The motion was seconded by Alderman Moore. Upon roll call the vote was as

follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

11. Consideration and possible action on selection of an audit firm for the Fiscal Year 2012 – 2013 audit.

A motion was made by Alderman Nelsen to approve use of the firm of Singleton, Clark & Company, PC as the auditing firm for the City of Jonestown. The motion was seconded by Alderman Nichols. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Nelsen and Alderman Moore. No: None. The motion carried unanimously.

12. Resolution of the City Council of the City of Jonestown calling a general election and establishing the procedure for the general election for city officers to be held on November 6, 2012 in the city of Jonestown, Texas.

A motion was made by Mayor Pro Tem Buckle to adopt the resolution of the City Council of the City of Jonestown calling a general election and establishing the procedure for the general election for city officers to be held on November 6, 2012 in the city of Jonestown, Texas. The motion was seconded by Alderman Moore. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

13. Consideration and possible action on cancelling the Mind Wink, Inc. website agreement.

Mind Wink, Inc. currently maintains and administers the NorthShoreTravis.com website at a cost of \$300 per month. As the city's Jonestown.org website is capable of providing the same information, staff recommended discontinuing the NorthShoreTravis.com website. A motion was made by Alderman Nelsen to terminate the contract with Mind Wink, Inc. effective at the end of this fiscal year. The motion was seconded by Mayor Pro Tem Buckle. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

14. Consideration and possible action on the monthly finance report.

The Council reviewed the monthly finance report for July. No action was taken.

At this time, Mayor Armstrong announced that item C.18. will be taken out of order. Items C.15., C.16., and C.17. will be addressed after Item C.18.

18. Convene into executive session pursuant to Section 551.071, and Sec. 551.074, Personnel Matters, Tex. Gov't Code; Section 1.05, Tex. Disciplinary Rules of Professional Conduct to consult with legal counsel regarding

- a. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, and related settlement proposal discussions.
- b. EEOC Charge No. 451-2012-01631



- c. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.
- d. Legal issues related to implementing layoffs.

Mayor Armstrong announced that Council will convene into executive session, reading the above listed items for discussion. Council left the dais at 8:54 p.m.

Reconvene into public session to take action as deemed appropriate in the City Council's discretion regarding

- a. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, and related settlement proposal discussions.
- b. EEOC Charge No. 451-2012-01631



- c. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.
- d. Legal issues related to implementing layoffs.

Mayor Armstrong reconvened the public session at 9:26 p.m. She announced that no action will be taken on items a through c., and that item d. will be discussed with items C.15., C.16., and C.17.

Mayor Pro Tem Buckle requested that item 16 be addressed first. Mayor Armstrong proceeded to Item 16.

16. Consideration and possible action on the selection of a proposed tax rate for FY 2012/2013 to develop the FY 2012/2013 budget and the scheduling of public hearings.

A motion was made by Mayor Pro Tem Buckle to increase the proposed tax rate to 0.5750 from the current tax rate of 0.5600 per \$100 valuation. The motion was seconded by Alderman Nichols. A record vote was taken. Upon roll call the vote was as follows:

Alderman Aaron: Yes Mayor Pro Tem Buckle: Yes Alderman Nichols: Yes Alderman Nelsen: Yes Alderman Moore: Yes

The motion carried unanimously.

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A motion was made by Alderman Aaron to set the dates for the public hearings as August 23, 2012, and September 6, 2012, both at 7:30 p.m. at the City Council Chamber. The motion was seconded by Mayor Pro Tem Buckle. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

17. Announce date, time, and place of public hearing on the FY 2012/2013 budget and the vote on adoption of the proposed budget and tax rate – September 13th, 2012 at 7:30 p.m.

Council announced that the public hearing on the FY 2012-2013 budget and vote on adoption of the proposed budget and tax rate would be held at the regular council meeting September 13, 2012, at 7:30 p.m. at the City of Jonestown City Council Chamber.

15. Consideration and possible action on the proposed FY 2012 - 2013 budget.

The proposed budget was discussed. A motion was made by Alderman Nichols to authorize the city administrator to make the necessary reductions in staff and enter into severance agreements to meet the proposed 2012-2013 budget based on a 0.5750 tax rate. The motion was seconded by Alderman Nelsen. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. The motion carried unanimously.

D. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 9:20 p.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON SEPTEMBER 13, 2012.

Deane Armstrong, Mayor

City of Jonestown

ATTEST:

Rachel Queten Rachel Austin, City Secretary

CITY OF JONESTOWN



CITY COUNCIL REGULAR MEETING SEPTEMBER 13, 2012, 7:30 P.M. CITY COUNCIL CHAMBER, 18649 FM 1431, SUITE 3, JONESTOWN, TEXAS

AGENDA

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES

August 2, Special Called Meeting August 9, Regular Meeting August 23, Special Called Meeting

- 5. PROCLAMATIONS
 - a. National Night Out 2012

B. <u>CITIZEN COMMUNICATIONS</u>

C. GENERAL BUSINESS AND ACTION ITEMS

- a. PUBLIC HEARING to consider a conditional use permit request by Michele Lamm in accordance with Chapter 14: Zoning Code, Section 14.02.066 Conditional Uses, of the City of Jonestown Code of Ordinances, for a short term rental in an R-1, Single Family Residential District at 18007 Gregg Bluff Road, Jonestown, Texas.
 - b. Consideration and possible action on the above request for a conditional use permit by Michele Lamm in accordance with Chapter 14: Zoning Code, Section 14.02.066 Conditional Uses, of the City of Jonestown Code of Ordinances, for a short term rental in an R-1, Single Family Residential District at 18007 Gregg Bluff Road, Jonestown, Texas.

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9-13-2012

- 2. a. PUBLIC HEARING to consider public comments on adopting the proposed Fiscal Year 2012 2013 budget.
 - b. Consideration and possible action on the proposed tax rate and the proposed budget.
- 3. Consideration and possible action on an ordinance making appropriations for the support of the City of Jonestown, Texas for the fiscal year beginning October 1, 2012 and ending September 30, 2013, and adopting the annual budget of the city of Jonestown, Texas for the 2012/2013 fiscal year; and ratifying the property tax increase reflected in the annual budget.
- 4. Consideration and possible action on an ordinance of the City of Jonestown, Texas, levying ad valorem taxes for use and support of the municipal government of the city for the fiscal year beginning October 1, 2012 and terminating September 30, 2013; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.
- 5. Consideration and possible action on the City's fiscal year 2010 2011 audit.
- 6. a. PUBLIC HEARING on an ordinance amending the Code of Ordinances to clarify tree standards in the City's landscaping and development regulations.
 - b. Consideration and possible action on amending the Code of Ordinances to clarify tree standards in the City's landscaping and development regulations.
- 7. Report from Gina Lares on the End-of-Summer Children's Festival held on August 18, 2012.
- 8. Report from Jim Nosler on Swift Fest, held on September 8, 2012.
- Consideration and possible action on ratifying booking agreements with Linton, Mancilla and Friends, entered into by the City of Jonestown for entertainment services provided on September 8, 2012, and with Clay McClinton, entered into by the City of Jonestown for entertainment services to be provided on September 29, 2012.
- 10. Consideration and possible action on the final concert of the J Town Live concert series on September 29, 2012, and related budget.
- 11. Consideration and possible action on waiving park use fees for the October 13, 2012, "Bookin' It Road Rally" fund raiser sponsored by the Jonestown Library Advisory Board.
- 12. Discussion on Jonestown Police Department's Project 365 program to help make the community a safer, more desirable place in which to live.

- 13. Consideration and possible action on an ordinance of the City of Jonestown, Texas, adopting an Emergency Management Plan; authorizing the Emergency Management Director to take all necessary actions as required pursuant to Chapter 418 of the Texas Government Code; providing for open meetings; severability, and effective date clauses; and providing for related matters.
- 14. Consideration and possible action on application to the Texas 1033 Surplus Property Program, Release of Liability, and Texas 1033 Program Agreement.
- 15. Consideration and possible action on entering into the amended Interlocal Cooperation Contract with the Texas Department of Public Safety for the Failure to Appear Program offered by the Driver License Division.
- 16. Consideration and possible action on engaging the services of a collection agency for outstanding warrants.
- 17. Consideration and possible action on the election of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.
- 18. Consideration and possible action on an ordinance amending the City's investment policy.
- 19. Consideration and possible action on the monthly finance report.
- 20. Consideration and possible action on ratifying past expenditures over \$10,000 and approving future payments over \$10,000.
- 21. Consideration and possible action on amendments to 2011 2012 budget.

22. EXECUTIVE SESSION

In accordance with Government Code, Chapter 551, convene into executive session pursuant to Section 551.071 (consultation with attorney) and Sect. 1.05 Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:

- 1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, and related settlement proposal discussions.
- 2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

And pursuant to Section 551.074 (personnel matters):

3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

RECONVENE INTO PUBLIC SESSION

to take action as deemed appropriate in the City Council's discretion regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, and related settlement proposal discussions.



- 2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.
- 3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

D. ADJOURNMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

I, the undersigned authority, do hereby certify that a copy of the above agenda of the City of			
Jonestown City Council was posted at Jonestown City Hall and Jonestown Community Library,			
places convenient and readily accessible to the general public at all times, and said agenda was			
posted on this 14h day of September, 2012, at 4:00 a.m./o.m			
_ Clity Secretary, City of Jonestown, Texas			
I certify that the above agenda of the City of Jonestown was removed on this day of			
, 2012, ata.m./p.mCity Secretary.			
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NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary at 512-267-3243 or fax at 512-267-4572, or e-mail rachel@jonestown.org.

CITY OF JONESTOWN



CITY COUNCIL SPECIAL CALLED MEETING OCTOBER 2, 2012, 9:00 A.M. CITY COUNCIL CHAMBER, 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

AGENDA

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

- 3. PLEDGE OF ALLEGIANCE
- **B. CITIZEN COMMUNICATIONS**

C. GENERAL BUSINESS AND ACTION ITEMS

1. Consideration and possible action on an ordinance of the City of Jonestown, Texas; providing procedures for authorizing expenditures and contracts and adopting guidelines for management of City projects.

D. EXECUTIVE SESSION

In accordance with Government Code, Chapter 551, convene into executive session pursuant to Section 551.071 (consultation with attorney) and Sect. 1.05 Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:

- 1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal and legal issues related to utility contracts.
- 2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

And pursuant to Section 551.074 (personnel matters):

3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

E. RECONVENE INTO PUBLIC SESSION

to take action as deemed appropriate in the City Council's discretion regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal, and legal issues related to utility contracts.



- 2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.
- 3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

D. ADJOURNMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

I, the undersigned authority, do hereby certify that a	a copy of the above agenda of the	City of Ionestown City Council	
was posted at Jonestown City Hall and Jonestown Community Library, places convenient and readily accessible to			
the general public at all times, and said agenda was	posted on this 28 th day of	2012	
at 3:00 a.m./p.m.) Ruchel Ceust	City Secretary, C	city of Ionestown Texas	
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I certify that the above agenda of the City of Jones	estown was removed on this	day of	
2012, at a.m./p.m.	City Secretary.		
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NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD OCTOBER 2, 2012, 9:00 A.M. AT THE CITY COUNCIL CHAMBER, 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 9:01 a.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman Aaron, Mayor Armstrong, Alderman Nichols, Alderman Nelsen and Alderman Moore. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. CITIZEN COMMUNICATIONS

There were no citizen comments.

C. GENERAL BUSINESS AND ACTION ITEMS

1. Consideration and possible action on an ordinance of the City of Jonestown, Texas; providing procedures for authorizing expenditures and contracts and adopting guidelines for management of City projects.



A motion was made by Alderman Nichols to approve an ordinance of the City of Jonestown, Texas; amending the Code of Ordinances to provide procedures for authorizing expenditures and contracts; adopting guidelines for management of City projects; providing open meetings; severability clauses; and establishing an effective date; associated with management of City projects through the City Project Management Guidelines as attached and amended by the additional item provided by the City Attorney relative to the reporting of any concern about any wrongdoing or fraud; the additional item wording to be added to Section II as item (6). The motion was seconded by Alderman Moore. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Alderman Aaron. No: None. The motion carried unanimously.

D. EXECUTIVE SESSION

In accordance with Government Code, Chapter 551, convene into executive session pursuant to Section 551.071 (consultation with attorney) and Sect. 1.05 Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal and legal issues related to utility contracts.



2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

And pursuant to Section 551.074 (personnel matters):

3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

Mayor Armstrong announced that the Council will convene into executive session on the items above. Council left the dais at 9:13 a.m.

E. RECONVENE INTO PUBLIC SESSION

to take action as deemed appropriate in the City Council's discretion regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal, and legal issues related to utility contracts.



- 2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.
- 3. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Administrator Manuel De La Rosa.

Mayor Armstrong reconvened the public session at 10:55 a.m.

1. A motion was made by Alderman Aaron to authorize the City Administrator to continue to work with the City of Lago Vista in regards to the issues the City of Jonestown has with The Hollows, and also that the City of Jonestown seek to join forces with the City of Lago Vista to resolve all infrastructure issues in The Hollows. Alderman Moore seconded the motion. Upon roll call the vote was as follows: Yes: Alderman

Aaron, Alderman Nichols, Alderman Nelsen, Alderman Moore. No: None. The motion carried unanimously.

- 2. No formal action was taken. Council authorized City Staff to respond to the audit.
- 3. A motion was made by Alderman Nichols to authorize an increase in the City Administrator's base salary from \$85,000 to \$90,000 per the terms of his contract, effective October 23, 2012, noting that Council has found that the City Administrator's performance has exceeded expectations; and directing the City Administrator to continue to document new goals and to update any existing in-progress goals over the next six months, the Council to do another review at the one-year mark of his contract. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nelsen, Alderman Nichols, Alderman Aaron. No: None. The motion carried unanimously.

F. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 11:01 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON OCTOBER 11, 2012.

Deane Armstrong, Mayor City of Jonestown

ATTEST:

Rachel Questinia Rachel Austin, City Secretary

CITY OF JONESTOWN



CITY COUNCIL REGULAR MEETING NOVEMBER 8, 2012, 7:30 P.M. CITY COUNCIL CHAMBER, 18649 FM 1431, SUITE 3, JONESTOWN, TEXAS

AGENDA

A. ITEMS OPENING MEETING

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

2. ROLL CALL

CITY SECRETARY

- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES
 October 11, Regular Meeting
 October 25, Special Called Meeting
- 5. PROCLAMATIONS
 - a. Honoring Alderman Robert Moore
- 6. REPORTS TO COUNCIL
 - a. Report on 2nd Annual Lakeside Challenge 5K

B. CITIZEN COMMUNICATIONS

C. GENERAL BUSINESS AND ACTION ITEMS

- 1. Consideration and possible action on an agreement with Northlake Hills Marina for slip rentals for the Jonestown Police Department patrol boats.
- 2. Consideration and possible action on approving a budget and the waiving of park fees for the annual community Thanksgiving dinner to be held at the Northwest Travis County Rural Community Center on November 15, 2012.
- 3. Consideration and possible action on approving a budget, funding, and the waiving of park fees for the annual Christmas Trail of Lights, parade, and related activities.

- 4. Consideration and possible action on a request to have permit fees waived for the November 17 JTown Live concert, and on authorizing the Mayor to sign an Artist Performance Agreement with Jim Nosler/All Summa Long.
- 5. a. <u>PUBLIC HEARING</u> to consider a request by Seth Hudson and Kermit Belzer for a site development plan for the property located at 10619 & 10621 Sunny Lane.
 - b. Consideration and possible action on the above request by Seth Hudson and Kermit Belzer for a site development plan for the property located at 10619 & 10621 Sunny Lane.
- 6. Consideration and possible action on a request by Seth Hudson and Kermit Belzer for a conditional use permit in accordance with Chapter 14: Zoning Code, Sec. 14.02.073 (d) (1) (2) Conditional Uses, of the City of Jonestown Code of Ordinances, for alcoholic beverage sales on premises and for a bar in a B-2 district at 18626 FM 1431, Jonestown, Texas.
- 7. Consideration and possible action on a request from property owner Robert Pounds for permission to remove two significant oak trees to allow placement of a residence on a lot at 6004 Lantern View Drive.
- 8. Consideration and possible action on the monthly finance report for October, 2012.
- 9. a. Consideration and possible action on approving an ordinance of the City of Jonestown, Texas; amending Section 1.02.003 of Chapter 1, Jonestown Code of Ordinances, to designate the official newspaper for required publications by the City; providing open meetings; severability clauses; and establishing an effective date.
- 9. b. Consideration and possible action on approving a resolution of the City of Jonestown, Texas, designating the official newspaper for required publications by the City, providing open meetings; severability clauses; and establishing an effective date.
- 10. Consideration and possible action on authorizing the Mayor to vote the ballot for the Travis Central Appraisal District Board of Directors election.
- 11. Consideration and possible action on accepting a proposal from Jay Engineering Company, Inc. for engineering services for the design of the Reeds Parks Road sidewalk improvements project.
- 12. Consideration and possible action on approving a resolution of the City Council of the City of Jonestown, Texas, requesting an Emergency Drought Order for 2013, and authorizing the Mayor to sign the resolution.
- 13. Consideration and possible action on acquisition of a gift of land from the Estate of Eleanor Fertsch.

14. EXECUTIVE SESSION

In accordance with Government Code, Chapter 551, convene into executive session pursuant to Section 551.071 (consultation with attorney) and Sect. 1.05 Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal and legal issues related to utility contracts.



2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

RECONVENE INTO PUBLIC SESSION

to take action as deemed appropriate in the City Council's discretion regarding:

1. Centex Homes, a Nevada General Partnership d/b/a Centex Destination Properties vs. City of Jonestown and Dan Dodson, City Administrator, Cause No. D-1-GN-11-003152; In the 250th Judicial District, Travis County, Texas, related settlement proposal and legal issues related to utility contracts.



2. Texas Comptroller of Public Accounts Grant RFA#RE-AG1-2010, Distributed Renewable Energy Grant Agreement and Related Investigation.

D. ADJOURNMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

was posted at Jonestown City Hall	oy certify that a copy of the above agenda of the City of Jonestown City Councind Jonestown Community Library, places convenient and readily accessible to said agenda was posted on this <u>2nd</u> day of <u>November</u> , 2012, b	to
and autor	City Secretary, City of Jonestown, Texas	
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NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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RESOLUTION NUMBER: 2012-R-308

A RESOLUTION OF THE CITY COUNCIL OF JONESTOWN, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO ENABLE THE POLICE DEPARTMENT TO BE A PARTICIPANT IN THE STATE WIDE CRASH REPORTING AND ANALYSIS FOR SAFER HIGHWAYS (CRASH) SYSTEM AT NO COST TO THE CITY.

WHEREAS, the City Council of the city of Jonestown finds it in the best interest of the citizens of Jonestown that the Police Department be authorized to access the CRASH system to enter and submit electronic traffic accident reporting information directly to TxDOT via a secure public internet connection thereby alleviating the need and costs associated with submitting paper crash reports; and

WHEREAS, the City Council of the city of Jonestown finds that the citizens of Jonestown will receive a direct benefit by conveniently being able to make online purchases of the traffic accident report without having to go in person to the Police Department for a paper copy; and

WHEREAS, the City Council of the city of Jonestown finds that citizens of Jonestown will receive additional benefits from the savings in personnel costs as a result of not having police officers complete a paper report in the field and then having data entry personnel type the information into the Police Department database and then having customer service personnel make copies to mail the reports to TxDOT and to fill open record requests as is currently being done; and

WHEREAS, the City Council of the city of Jonestown finds that the Police Department will retain complete access to the accident database in order to print copies for those without internet service and to continue the analysis used to deploy the City's traffic enforcement resources where they are most needed; and

WHEREAS, the City Council of the city of Jonestown designates the Mayor of the City of Jonestown as the authorized official. The authorized official is given the power to enter into, reject, alter or terminate the agreement on behalf of the city of Jonestown; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF JONESTOWN, TEXAS

PART 1. That the Mayor is hereby authorized to enter into an agreement with TxDOT to enable the Police Department to participate in the state wide CRASH system.

PART 2. That this resolution shall take effect immediately upon its adoption.

Adopted this 19th day of March, 2012

Deane Armstrong, Mayor City of Jonestown, Texas

ATTEST:

Linda Hambrick, City Secretary

MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING HELD MARCH 19, 2012, 9:00 A.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR DEANE ARMSTRONG

Mayor Armstrong called the meeting to order at 9:00 a.m.

2. ROLL CALL

ASSISTANT CITY SECRETARY

Upon roll call, the following members were present: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Armstrong, Mayor Pro Tem Buckle and Alderman Aaron. A quorum was present.

3. PLEDGE OF ALLEGIANCE

B. GENERAL BUSINESS AND ACTION ITEMS

1. Discuss and consider removal of Taylor location turbine system.

Alderman Wedell recused himself from discussion and voting on this and item #2 left the dais.

James Herrera, Public Works Director, discussed with Council, action that needs to be taken to remove the turbine system, and the cost of doing so. Mike Fox, president of PCRC, Inc. participated in the discussion. Alderman Nichols made a motion to enter into a contract with PCRC, Inc. for the removal of the Taylor wind turbine at a cost of \$13, 471, with the unit to be stored at property located at 3105 East Hwy 29 in Bertram, Texas, in a secure facility. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

 Discuss and consider an ordinance amending the Ordinance No. 2011-O-412, the FY 2011/2012 City of Jonestown Budget.

Alderman Nichols made a motion to amend the 2011/2012 City of Jonestown budget in the amount of \$14,000 to cover the cost of the removal of the wind turbine, funds to be taken from the reserve fund. Mayor Pro Tem Buckle seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

Mayor Armstrong took Items #4 and #5 out of order.

4. Discuss and consider an ordinance amending Chapter 8 of the Code of Ordinances, Article 8.09 "Boats and party Boats; Restricted areas"; Prohibitions, Restricted Areas, and Setting Minimum Distance Requirements.

Alderman Wedell returned to the dais. City Administrator Dan Dodson presented this item and discussed the issue with Council and Police Chief Stetar. The current ban on party boats is probably not enforceable and the amendment will still enable the city to enforce the noise ordinance and have some control over the tying up of boats together, and on to property of land owners. Alderman Moore asked to have language added to make it clear that there needs to be separation between flotillas of boats that are tied together. Alderman Nichols made a motion to approve Ordinance No. 2012-O-423, an ordinance of the City of Jonestown, Texas amending Chapter 8 of the Jonestown, Texas Code of Ordinances, Article 8.09 "Boats and Party Boats; Restricted Areas"; providing for the regulation of boats by establishing prohibitions, restricted areas, and setting minimum distance requirements; establishing penalties per violation; providing for open meetings, savings, severability, and effective date clauses; and providing for related matters; with an addition to (3) "and consistent with State Law, groups of boats cannot block navigable waterways", to 8.09.002, General Prohibitions; Established Restricted Areas, and Distance Requirements. Mayor Pro Tem Buckle seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Moore, Alderman Wedell, Alderman Nichols, Mayor Pro Tem Buckle and Alderman Aaron. No: None. Abstain: None. The motion carried unanimously.

5. Discuss and consider a Resolution authorizing the city to enter into an agreement with the Texas Department of Transportation (TXDOT) to enable the Police Department to be a participant in the state-wide CRASH Reporting and Analysis for Safer Highways (CRASH) System at no cost to the city.

Chief Stetar presented his request for the resolution. Mayor Pro Tem Buckle made a motion to approve Resolution NO. 2012-R-308. Alderman Nichols seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

3. a. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, to interview candidates and deliberate the appointment of a public officer or employee, for the position of City Administrator;

At 9:32 a.m. Mayor Armstrong announced that Council would adjourn into executive session on the above listed item. Council left the dais.

b. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding appointment of a City Administrator.

Mayor Armstrong reconvened the open session at 11:12 a.m. Mayor Pro Tem Buckle made a motion that the top three candidates have background checks and to schedule a meeting for Monday, March 26, 2012 at 7:30 p.m. to discuss the finalists. Alderman Aaron seconded the motion. Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Buckle, Alderman Nichols, Alderman Wedell and Alderman Moore. No: None. Abstain: None. The motion carried unanimously.

6. ADJOURNMENT

Mayor Armstrong adjourned the meeting at 11:20 a.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON APRIL 12TH, 2012.

Deane Armstrong, Mayor City of Jonestown

ATTEST:

J 4.

Linda Hambrick, City Secretary

CMENERGIES INTERNATIONAL WIND ENERGY System TAYLOR, TX

