

Illegal Vote on Comprehensive Plan Grant

I request voiding the vote at the 2/2/15 City Council Meeting for Agenda Item H-1. The agenda posted by the City¹ did not contain sufficient information to inform citizens of the intent of the agenda item.

As identified by the Taylor and Associates speaker at the meeting (Cindy Gutierrez I think), the subject of the grant was a Comprehensive Plan. It is well known by City Manager Brenton Lewis, Mayor Virdell, City Attorney Bovey, and City Secretary Toni Milam that the subject of the Comprehensive Plan is of special interest to citizens² and should have been explicitly specified in the agenda item.

Even the packet detail³ did not mention "Comprehensive Plan" but rather led readers to believe the grant was for "Planning Elements for Planning and Urban Environmental Design" and the benefit was for "Low to Moderate Income Residents." Also, there was no cost stated in the agenda item.

Thus, I assert that the agenda and the vote were in violation of the Open Meetings Act and the result of the agenda item H-1 should be voided and rescheduled. See Relevant Texas State Attorney General Opinions below⁴.

I request that this subject be added to the closed sessions on 2/17/15 as allowed by comment at the bottom of agendas⁵.

¹ Appendix B - **2/2/15** City Council Meeting Agenda Item H-1

² Appendix A - Comprehensive Plan History

³³ Appendix E - 2/12/15 City Council Agenda Item Report H-1

⁴ Appendix F - **Relevant Texas State Attorney General Opinions**

⁵ Appendix C - **Statement on Agenda Allowing Spontaneous Closed Meeting**

Appendix A - Comprehensive Plan History

There have been twenty citizens who have participated in the development of a comprehensive plan when City Manager DeGraffenried led an almost complete effort, and 13 who volunteered for a committee that City Manager Brenton started and abandoned. There was also one prior, secret, attempt by Doris Messier that was not completed.

Citizens want to, and should have the opportunity to, create their own comprehensive plan. The problem is leadership. A new city manager would help but at least find a citizen with project management experience.

Appendix B - 2/2/15 City Council Meeting Agenda Item H-1



NOTICE OF MEETING OF THE CITY COUNCIL OF LLANO, TEXAS

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Called Council Meeting** of the City of Llano, Texas, will be held on **Monday, February 2, 2015 at 5:30 PM.** in the City Hall Council Chambers at 301 W. Main Street, Llano, Texas 78643, at which time the following subjects will be discussed:

H. REGULAR AGENDA ITEMS

1. Discuss and consider action on the approval of Resolution 2015-02-02-1, authorizing the filing of a Texas Community Development Block Grant program application to the Texas Department of Agriculture; and authorizing the Mayor to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program.

Mayor Mike Virdell

Appendix C - Statement on Agenda Allowing Spontaneous Closed Meeting

I. ADJOURNMENT

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meeting Act, Texas Government Code §551.001 et seq. (the "Act"), will be held by the City Council at the date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and all purposes permitted by the Act, including, but not limited to the following sanctions and purposes: Texas Government Code Section §551.071 – Private consultation with the attorney for the City of Llano; §551.072 – Discussing purchase, exchange, lease or value of real property; §551.073 – Discussing gifts and donations; §551.074 – Discussing personnel; §551.087 – Discussing economic development negotiations.


Appendix E - 2/12/15 City Council Agenda Item Report H-1

2-2-15 council packet.pdf - Adobe Reader

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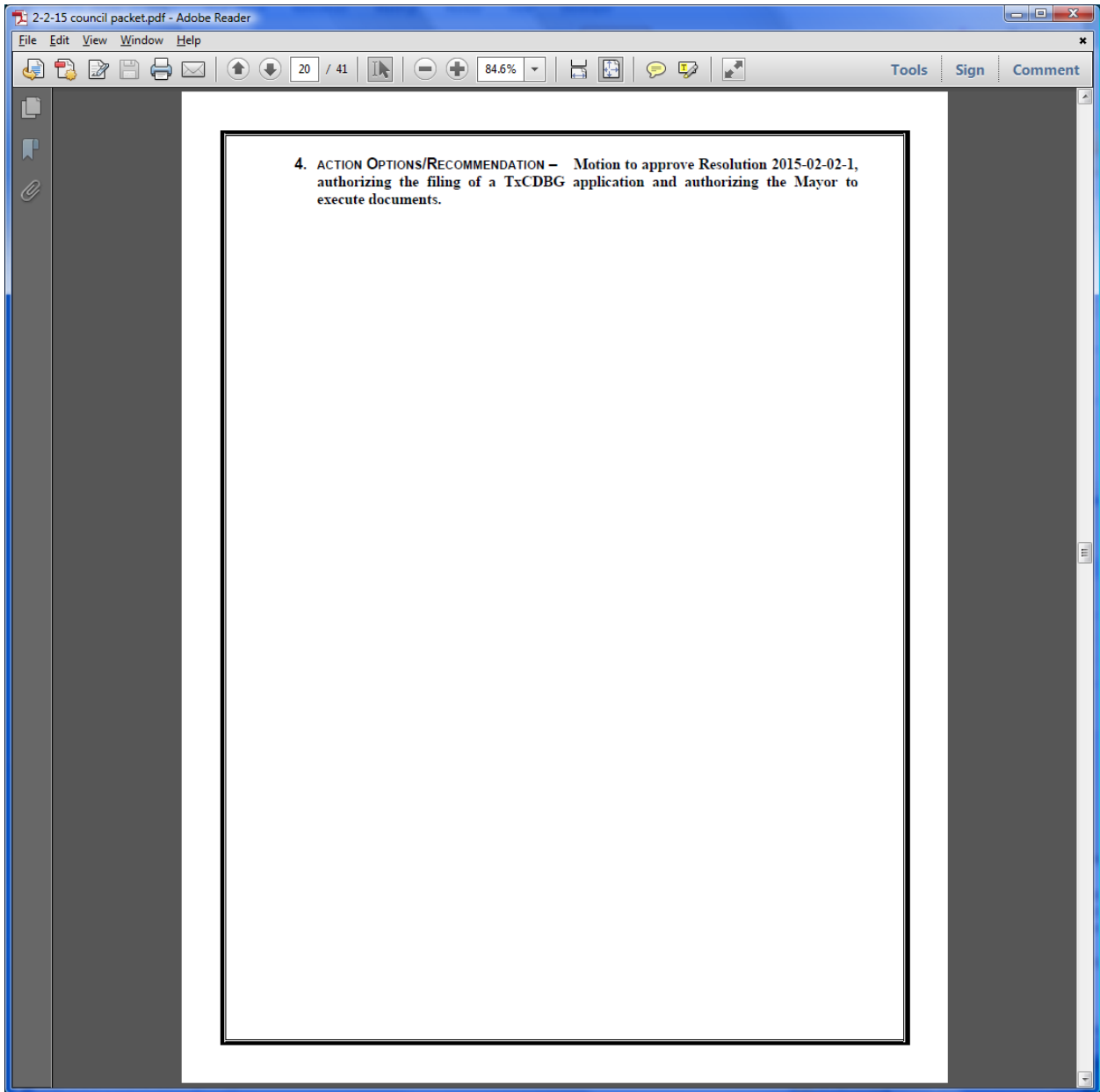


City Council Agenda Item Report
February 2, 2015

Regular Agenda Item H-1
Contact – Brenton Lewis, 325-247-4158 x 206
blewis@cityofllano.com

AGENDA TITLE: Discuss and consider action on the approval of Resolution 2015-02-02-1, authorizing the filing of a Texas Community Development Block Grant program application to the Texas Department of Agriculture; and authorizing the Mayor to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community development Block Grant Program.

1. **BACKGROUND/HISTORY –** The City of Llano is eligible to apply for grant funds through the Community Block Grant Program (CDBG). The CDBG program is funded in two cycles, therefore, if awarded a grant, then the funding may occur during the first or second year.
2. **FINDINGS/CURRENT ACTIVITY –** To maximize the use of possible funds, and to have the greatest benefit for the citizens and the community the City should apply for a planning grant. This grant will address planning elements for planning and urban environmental design with the following categories: Certifications, Presentation, Reports, & Publications; Base Fee, Mapping, Land Use, Housing, Population; Street Conditions, Wastewater Study (Collection and Treatment); Capital Improvement Program; Parks and Recreation; and Digitized Mapping. This type of project will also provide a direction for the City to work in, while designating projects and mile stones to be completed. The grant does not allow for projects to be included in the plan if there is a current or future grant that will address various improvements. Therefore, the water distribution and treatment system and the central business district, are not included.
3. **FINANCIAL IMPACT –** Grant funds of \$32,145 with a match of \$6,430.00 (20% of Project), total project of \$38,575.00



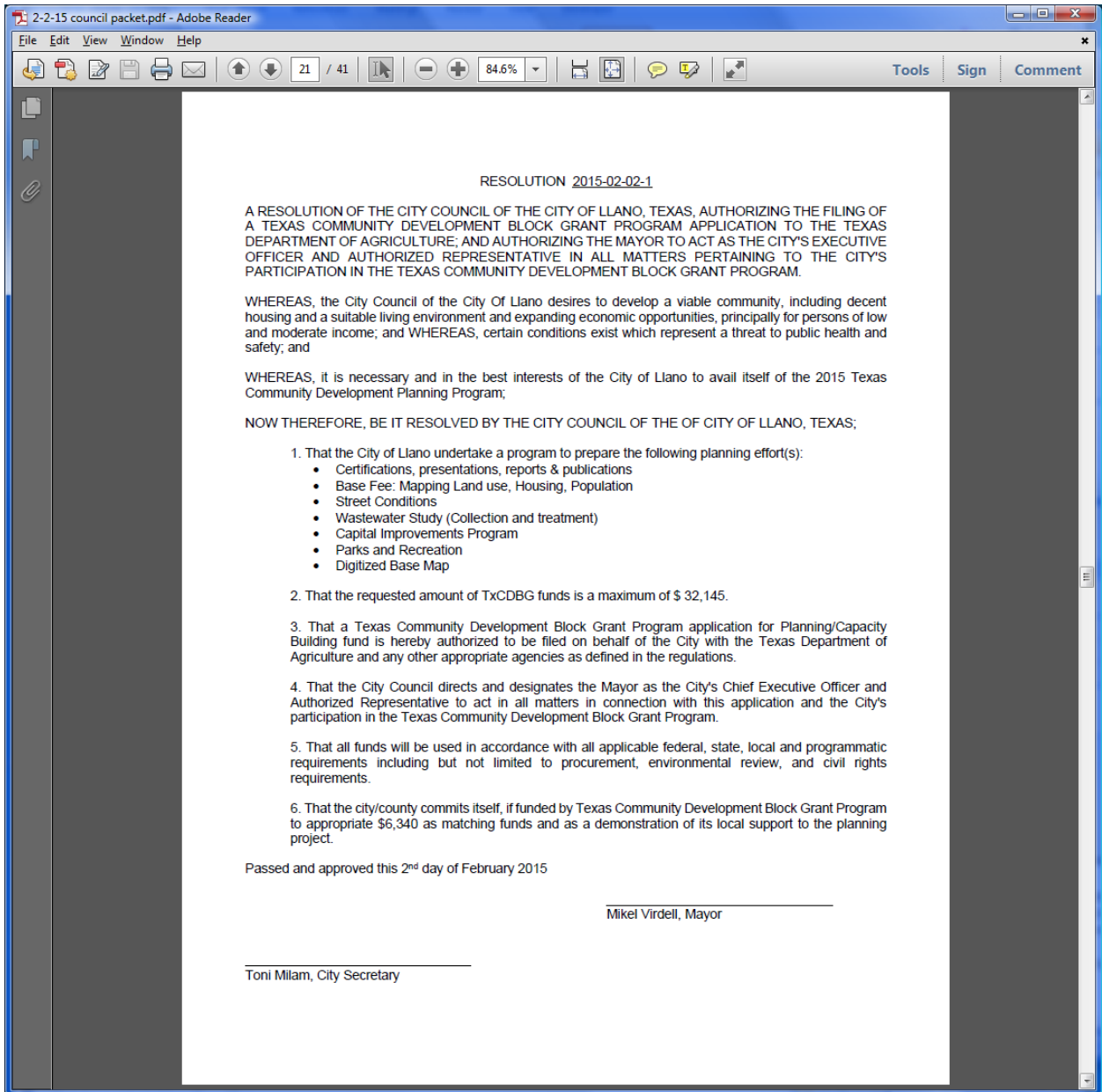


TABLE 2 - BENEFIT TO LOW AND MODERATE INCOME RESIDENTS

PLANNING ELEMENTS FOR PLANNING AND URBAN ENVIRONMENTAL DESIGN	Total Benes	LMI Benes	% LMI Benes	TxCDBG Funds	Other Funds	Total Funds
Certifications, Presentations, Reports, & Publications	3,075	1,745	56.75%	\$750.00	\$0.00	\$750.00
Base Fee: Mapping, Land Use, Housing, Population	3,075	1,745	56.75%	\$9,975.00	\$1,130.00	\$11,105.00
Street Conditions	3,075	1,745	56.75%	\$4,095.00	\$1,000.00	\$5,095.00
Wastewater Study (Collection and Treatment)	3,075	1,745	56.75%	\$6,720.00	\$2,000.00	\$8,720.00
Capital Improvements Program	3,075	1,745	56.75%	\$3,255.00	\$1,500.00	\$4,755.00
Parks and Recreation	3,075	1,745	56.75%	\$3,150.00	\$0.00	\$3,150.00
Digitized Base Map	3,075	1,745	56.75%	\$4,200.00	\$800.00	\$5,000.00
	3,075	1,745	56.75%	\$32,145.00	\$6,430.00	\$38,575.00

TxCDBG Cost Per Beneficiary: \$10.45 TxCDBG Cost Per LMI Beneficiary: \$18.42

ADDITIONAL PROJECT INFORMATION

1. Are there any persons with a reportable financial interest to disclose? Yes No

2. Disclose source(s) and use(s) of non-TxCDBG funds:

Source of Funds	Amount	Use of Funds	
City of Llano general revenue	\$6,430.00	Planning	x

Appendix F - Relevant Texas State Attorney General Opinions

Opinion No. H-1163 - The Open Meetings Act is to be liberally construed to effect its purpose 'of assuring that the public has the opportunity to be informed concerning the transactions of public business.' *Toyah Independent School District v. Pecos- Barstow Independent School District*, 466 S.W.2d 377, 380 (Tex. Civ. App.--San Antonio 1971, no writ).

Opinion No. GA-0668 - A court may also consider whether the notice departs from any customary practice where such custom establishes an expectation in the public about the subject of the meeting. *See River Rd. Neighborhood Ass'n v. S. Tex. Sports*, 720 S.W.2d 551, 557 (Tex. App.--San Antonio 1986, writ dismissed)

Opinion No. GA-0668 - Whether the subject is of special interest to the public is also a factor that may impact the adequacy of a notice under the Act. *See Cox Enters., Inc. v. Bd. of Trs. of Austin Indep. Sch. Dist.*, 706 S.W.2d 956, 958-59 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176, 179-81 (Tex. App.--Corpus Christi 1990, writ denied).

Opinion No. GA-0668 - Underlying these considerations is the fact that the provisions of the Act "are mandatory and are to be liberally construed in favor of open government." *City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 467 (Tex. App.--Dallas 2007, no pet.).