

**Notice of the Village of Volente Executive and Regular Council Meeting,
Tuesday, March 23, 2010,
Executive Session 6:30 P.M.
Regular Meeting 7:00 P.M.
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

Notice is hereby given that the Village Council of the Village of Volente will hold an executive Session at 6:30 P.M. and a Regular Council Meeting at 7:00 P.M., Tuesday, the 23rd day of March, 2010, at the VVFD & Community Center, 15406 FM 2769, Volente, Texas, at which time the following items will be discussed. To –wit:

A quorum of the Planning & Zoning Commission and the Board of Adjustments may be present.

1. Call to order and Announce a Quorum is Present.

The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Chapter 551.071 of the Texas Government Code "Consultations with Attorney" to seek his advice on the following pending or contemplated litigation matters including possible settlement offers and legal matters which involve privileged communications between a client and its attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- a. Discussion with the Village Attorney regarding Beaches LTD & Nola LTD vs Village of Volente, Texas and Jan Yenawine.

2. Close Executive Session Open Regular Meeting

3. Call to order and announce a Quorum is present.

4. Pledge to the Flag and reading of Village Vision Statement:

- 5. VISTOR/CITIZENS FORUM:** _At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting. Three (3) minute time limit.

6. Presentation from LCRA Representative Stan Rountree.

- 7. Discussion and possible action on update from consultant regarding coalition and lobbying efforts on behalf of Lake Travis and Volente.**
(Fred Graber)

8. Presentation by Balcones Canyonlands Preserve to learn about the new preserve land adjacent to Volente. (Fred Graber)

9. Discussion and recommendations from the Planning & Zoning Commission: (Allison Thrash)

a. Variance request from George and Lynne More, for a variance from the Village of Volente Site Development Ordinance Sec. 33.338 (b) Slope limits for the property at 16405 Sherman St, Lot 3, Village at Volente Phase I.

Applicant is requesting 18-20% grade for driveway.

- (1) P&Z recommendation
- (2) Council Discussion
- (3) Public Input
- (4) Possible Action of Council

10. Discussion and possible action regarding the resolution on the administration of the Planning and Zoning Commission that was approved at the January 19, 2010 Council Meeting. (Allison Thrash)
11. Update and possible action regarding: (Chris Wilder)
 - a) Animal control committee
 - b) Utility infrastructure within the Village
 - c) Energy Efficiency Block Grant
 - d) Municipal Court
12. Discussion and possible action regarding the road repair work for Debbie and West Streets. (Matthew Hammond)
13. Discussion and possible action to cancel the 2010 May General Election.
14. Financial Report (Mark Scott)
15. Approval of Minutes: February 16, 2010 and March 2, 2010
16. Census Update
17. Future meetings and agenda items
18. Adjourn

If you have questions or comments, please contact the Village Office at (512) 250-2075.

The Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any enforcement of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250-2075 at least 48 hours in advance.

I certify that a copy of the _____, agenda of items to be considered by the Council of the Village of Volente was posted on the Village Office Window on _____.

Jennifer Zufelt, City Secretary

I certify that the attached notice and agenda of items to be considered by the Village Council was removed by me from the Village Office window on ____ day of _____, 2010. Jennifer Zufelt, City Secretary _____

MEMORANDUM

DATE March 18, 2010
TO VOV City Council
FROM Planning & Zoning Commission
RE Report on Regular Called Meeting, Wednesday, March 3, 2010

Our meeting was called to order at 7:00 p.m. Those present included Chair Allison Thrash, Vice-Chair Judy Graci and Commissioners Ken Beck, Jack Hirschhorn and Ruan Lourens. Commissioner Ron Montanez and Village Site Development Reviewer Marc Dickey were absent. Also present were Village Councilmember Justine Blackmore-Hlista, Village Engineer David Simons and Village Secretary Jennifer Zufelt.

RE Item 2. Citizen Comments. None.

RE Item 3. Swearing-in of New Planning and Zoning Commissioner, Ken Beck.

The Commission warmly welcomed its newest Commissioner, Ken Beck, and our Village Secretary conducted his swearing-in ceremony. Commissioner Beck brings much needed expertise and experience to the P&Z Commission and Commissioners are grateful for his volunteerism and service.

[At this point, Agenda Item 7 was addressed so that less of the Village Engineer's time was spent on waiting for this Agenda Item.]

RE Item 7. Discussion and possible <action> on modifying zoning ordinance to include protective overlays.

Village Engineer David Simons reviewed the history and content of the ordinance drafted jointly by his office and that of the Village Attorney. The purpose of the ordinance is to create a Conditional Overlay District that can be placed over a traditional zoning district so that further use restrictions, site development requirements and/or other restrictions/requirements can be imposed--in addition to those of the established underlying zoning district--to address specific circumstances of a particular geographic area or site.

Commissioner Graci did recommend an Edit in Page 3 language, under No. 5, Sec. 30.124(B) Conditional Overlay Districts (c). Within the last sentence of that Paragraph, where it states "...affected landowners agree...", she recommended and Commissioners agreed that the stated language be amended to read "...the real property owner agrees...".

After the public has been properly notified, a Public Hearing and Commission action on this draft ordinance will occur during the Commission's April 7 meeting.

[At this point, the Commission returned to its posted Agenda order.]

RE Item 4. Discussion and possible action on Variance Request by George and Lynne More, for a Variance from the Village of Volente Site Development Ordinance, Section 33.338(b) Slope Limits, for the property at 16405 Sherman St., Lot 3, Village at Volente Phase I Applicant is requesting 18-20% grade for driveway.

There was much discussion among Commissioners, the Applicant's Engineer and the Applicant, particularly about preserving water quality, site drainage and grading, and the Applicant's Erosion Control Plan. Commissioners agreed the Applicant met the criteria for granting a Variance, although they did not believe the Letter provided by VVFD Fire Chief Walter Groman, dated February 12, was alone sufficient since in it the Chief stated, "We are unable to ascertain whether or not fire and other emergency vehicles can access the residence," and "It is the fire department's recommendation that this variance request be denied as submitted."

March 18, 2010

Report on Regular Called P&Z Commission Meeting, Wednesday, March 3, 2010

Page Two

Although the Applicant's Engineer stated the VVFD now accepted their design changes, the Commission believed a current letter stating such from Chief Groman was necessary both for the Village and its liability protection and for the Applicant's protection and ability to secure insurance coverage on their property.

Commissioner Hirschhorn Moved to Recommend Conditional Approval of the Variance Request, with the Condition being that the Applicant secure a new Letter from the VVFD stating its acceptance of the design changes and confirming its ability to provide adequate emergency services to the property. Commissioner Beck Seconded the Motion, and it was Unanimously Approved.

RE Item 5. Discussion on RFP regarding Comprehensive Plan.

To date, only one Proposal has been received from ATS. Commissioners believed it would be better to have three proposals at a minimum for review and recommendation. Commissioners believed a second effort and inquiry to interested parties should be made and the Village Secretary was asked to do so. Commissioners pledged they would also look for possible candidates.

RE Item 6. Discussion of Council Meetings of January 19, 2010 and February 16, 2010.

Commissioners were provided a review of Council's actions by Chair Allison Thrash and Village Secretary Jennifer Zufelt. Councilmember Justine Blackmore-Hlista was present to provide additional input and answer any Commissioner questions.

A question was raised and posed to the Village Attorney: Can one shoot an animal on their property?

RE Item 8. Discussion of complaints to Village Office.

Commissioner Graci indicated her interest in having a better, more comprehensive, knowledge of the issues facing the Village, especially those that might eventually involve a further review of the Village ordinances and/or processes. Commissioner Lourens and others agreed this would be helpful and the Village Secretary was asked to provide a Summary at future Commission meetings.

RE Item 9. Approval of Minutes December 2, 2009 and January 6, 2010. Ruan Lourens Moved to Approve the December 2, 2009 Meeting Minutes, with Judy Graci Seconding, and the Minutes were Unanimously Approved. Judy Graci Moved to Approve the January 6, 2010 Meeting Minutes, with Jack Hirschhorn Seconding, and the Minutes were Unanimously Approved.

RE Item 10. Future Meetings and Agenda Items. The next Regular Meeting of the City Council is Tuesday, March 23 at 7:00 p.m., and the next Regular Meeting of the Commission is Wednesday, April 7, at 7:00 p.m. Ken Beck also reminded everyone that the Annual Meeting of the VNA is April 10, 2010, from 4:00 – 7:00 p.m.

RE Item 11. Adjourn. Ruan Lourens Moved to Adjourn our Commission meeting at 8:30 p.m., with Ken Beck Seconding, and it passed Unanimously.

Respectfully submitted,
Allison Thrash, Chair, Planning & Zoning Commission

ORDINANCE NO. 2010 _____

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING VILLAGE ZONING REGULATIONS BY ADDING DEFINITION OF “CONDITIONAL OVERLAY DISTRICT”; MODIFYING LIST OF ZONING DISTRICTS; REPEALING OVERLAY PROVISIONS OF SECTION 30.124; ADDING NEW SECTION 30.124; ESTABLISHING AN INFILL REDEVELOPMENT DISTRICT; ADDING NEW SECTION 30.124(B) GOVERNING CREATION OF CONDITIONAL OVERLAY DISTRICTS; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES

WHEREAS, the Village of Volente desires to amend its zoning regulations to promote the public health, safety, morals and general welfare of the citizens of the Village of Volente; and

WHEREAS, the Village of Volente desires to establish procedures for the creation of Conditional Overlay Districts to impose additional use restrictions, site development requirements, or other restrictions or requirements to supplement those imposed by already established underlying zoning districts in order to address specific circumstances presented by a particular geographic area or site; and

WHEREAS, Conditional Overlay Districts will, among other things, help ease transitioning from one zoning district to another; promote compatibility between competing, incompatible, or potentially incompatible uses; protect natural resources; and guide development and address land-use concerns in unique circumstances; and

WHEREAS, the Village of Volente has determined that an Infill Redevelopment (“IR”) Zoning District should be created to apply restrictions specific to residential platted lots that were less than 43,560 square feet in area at the time the Village of Volente was incorporated;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS THAT THE FOLLOWING AMENDMENTS TO THE VILLAGE’S ZONING REGULATIONS ARE HEREBY ENACTED:

1. **Section 30.105 (“Definitions”) is amended to add the following term and definition:**

Conditional Overlay District means a special zoning district that is placed over a traditional zoning district so as to impose further use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Lands affected by a Conditional

Overlay District are subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District. The specific conditional overlay district will be the underlying zoning district followed by “Conditional Overlay District.”

2. Subsection (a) of Section 30.110 (“Establishment of Zoning Districts”) is amended to read in its entirety:

(a) The Village is hereby divided into twelve (13) zoning districts. The use, height and area regulations as set out herein shall be uniform in each district, except to the extent modified by Conditional Overlay Districts, where applicable. The twelve (13) zoning districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
C-1	Light Commercial
C-2	Medium Commercial
C-3	Heavy Commercial
GOV	Government/Public Institutional
I-1	Light Industrial
I-2	Heavy Industrial
OS	Open Space
R-1	Single Family Residential
R-1R	Single Family Residential Ridgetop
R-1 C	Single Family Cluster
R-2	Multi Family
IR	Infill Redevelopment
PDD	Planned Development District

3. Section 30.124 (“Overlays”) is repealed in its entirety.

4. New Section 30.124 is added, which shall read as follows in its entirety:

Sec. 30.124 Infill Redevelopment – District “IR”:

This district applies to a platted lot that was less than 43,560 square feet in area when the Village of Volente was incorporated and would otherwise be subject to the permitted uses, conditions, and restrictions and limitations for Single Family Residential 1 (District “R-1”) set forth in Section 30.112. Lots zoned IR are subject to the restrictions set forth in Chart 3, as well as the additional IR restrictions in Chart 1.

5. New Section 30.124(B) is added, which shall read as follows in its entirety:

Sec. 30.124(B) Conditional Overlay Districts:

(a) The Village Council may establish Conditional Overlay Districts that impose additional use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Land within a Conditional Overlay District is subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District as specified in the ordinance establishing the Conditional Overlay District.

(b) The purposes for which a Conditional Overlay District may be established over a base zoning district include, but are not limited to:

- (1) easing transition from one zoning district to another;
- (2) promoting compatibility between competing, incompatible, or potentially incompatible uses;
- (3) protecting natural resources or addressing other environmental or conservational concerns; and
- (4) guiding development and addressing land-use concerns in unique circumstances

(c) A Conditional Overlay District may be established by the Village Council only upon written application by a real property owner, the owner's authorized representative, or upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, after public hearings are held as required by law to amend, supplement, or change this article or the boundaries of the zoning districts specified on the zoning district map pursuant to Section 30.134 ("Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures") and Section 30.136 ("Administrative Procedures for Changes and Amendments to Zoning Regulations and Districts"). In the event a Conditional Overlay District is proposed upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, the Conditional Overlay District may be created only if affected landowners agree to the additional use restrictions, site development requirements, or other restrictions or requirements to be imposed by the Conditional Overlay District.

(d) Prior to formal application for approval of a Conditional Overlay District, a real property owner or the owner's authorized representative shall request and attend a pre-application conference as prescribed in the Village's Site Development Ordinance. A written application by a real property owner or the owner's authorized representative for creation of a Conditional Overlay District, which may be accompanied by a request for change in base zoning district, shall be submitted and considered in conformance with the procedures and terms for changes and

amendments to zoning ordinances and districts established by Sections 30.134 and 30.136 and shall include a proposed Site Plan as prescribed in the Village's Site Development Ordinance along with all proposed use restrictions, site development requirements, and any other proposed restrictions and requirements for the requested Conditional Overlay District. Submittal of a Concept Plan as prescribed in the Village's Site Development Ordinance is recommended prior to formal application for creation of a Conditional Overlay District.

6. **Severability:** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

7. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

8. **Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

PASSED AND APPROVED on the ___ day of _____, 2010, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the Village Council of the Village of Volente, Texas.

JAN YENAWINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:

JENNIFER ZUFELT, CITY SECRETARY

MEMORANDUM

DATE March 19, 2010
TO VOV City Council
FROM Allison Thrash, Chair, P&Z Commission
RE Council Resolution Passed Regarding
P&Z Commission Administrative Policies & Procedures

At your January Regular Called Meeting, Council proposed and passed a Resolution meant to aid in the Village's efficient, effective and timely management of the application processes required by the Village's developmental ordinances, state and federal law, and other various regulatory agencies' rules and regulations.

Particularly, my understanding is the Resolution was proposed to aid in the Village's determination of what is and what is not a Complete Application, and what will and what will not be placed on P&Z's Agenda and for what reason(s). Further, my understanding is the Resolution was proposed to give the Village's P&Z Chair a formal, deciding voice in this determination in an effort to curtail a practice of Incomplete Applications, Premature Public Hearings, etc. being placed on P&Z's Agenda. The recurrence of Incomplete Applications, Premature Public Hearings, etc. on P&Z's Agenda has been frustrating on both sides of the table, both to Applicants and Commissioners, as well as meeting Attendees. And this practice is very costly in terms of time, dollars and energy on all fronts.

There have been several outcomes from the passage of the Resolution:

- Where it was believed that there were already Administrative Completeness Checklists compiled from the Village's development ordinances for the Village's various development applications, there actually are no such Administrative Completeness Checklists. It has been the Commission's understanding that Applicants were being provided these Checklists, but that has not been the reality.
- Our Village Engineer, David Simons, and I are in disagreement about the interpretation of language within the Resolution. As I understand, David believes the Resolution positions the P&Z Chair and his/her decision-making as superceding the Village's rules, regulations and laws; municipal laws generally; state, federal and other regulatory agency (-ies) rules, regulations and laws; etc. I disagree with David because I believe it is inherent and implied in the Resolution that all of the above supercedes any decision by the P&Z Chair.
- Our Village Secretary, Jennifer Zufelt, and I have held two meetings to review possible Agenda Items for the Commission's February and March Regular Meetings since this Resolution passed and it is my belief that the Resolution has aided the Village and Applicants by its support of more efficient and effective meetings wherein Complete Applications and other Agenda Items with sufficient Supporting Materials are considered. (Due to there not being any Complete Applications, there was no February Commission Regular Meeting.)

This memorandum is written to inform Council of these outcomes and to seek your direction regarding the first two bulleted items, as well as any other issue you deem important. Thank you very much.

Respectfully submitted,
Allison Thrash, Chair, Planning & Zoning Commission

RESOLUTION 01-2010

A RESOLUTION OF THE VILLAGE OF VOLENTE, TRAVIS COUNTY, TEXAS, ESTABLISHING CLARIFICATION OF POLICY FOR ADMINISTRATION AND PROCEDURES BETWEEN THE CITY ADMINISTRATION AND THE PLANNING AND ZONING COMMISSION.

WHEREAS, The Village respects the dedication of volunteers to protect the interests of residents, land owners and applicants involved in the planning and zoning process; and

WHEREAS, The Village seeks to avoid unnecessary time and monetary commitments of volunteers, residents, land owners and applicants involved in the planning and zoning process; and

WHEREAS, The Village expects an orderly process to be consistently followed in accordance with Village regulations and Texas state law,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT THE FOLLOWING POLICIES SHALL BE FOLLOWED:

Administratively Complete Applications

Once the Village administration has deemed an application “administratively complete”, the application may be put on the Planning & Zoning Comm. (P&Z) draft agenda. A copy of the draft agenda, application and completed checklist (showing administrative completeness) should be delivered to the Planning & Zoning Chair for review.

Administratively Non-Complete Applications

Applications that have not been declared “administratively complete”, shall not be placed on the P&Z draft agenda. Instead a memo from the Village administration shall be attached to the incomplete application explaining the special circumstances that cause it to be unable to be completed. It shall be at the sole discretion of the P&Z Chairperson to determine if and how the application shall be placed on the P&Z Agenda.

Public Notices

No public hearings shall be advertised, nor public notices, including meeting agendas, posted without the expressed written authorization of the P&Z Chairperson.

Material Changes in the Application

If at any time the application changes materially, those changes shall be expressly notified to both the P&Z and City Council by the Village administration. Whether a change to the application is material will be determined jointly by the P&Z Chair and the Mayor.

RESOLVED AND APPROVED this 19th day of January, 2010.

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, City Secretary

Certification of Unopposed Candidates

Certificacion de oposicion Candidatos

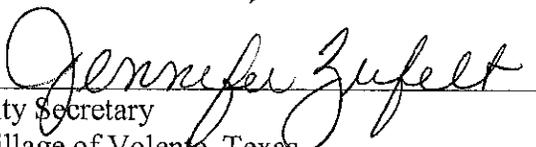
By the City Secretary

I, Jennifer Zufelt, certify that I am the city secretary of the Village of Volente, Texas and the authority responsible for preparing the ballot for the May 8, 2010 city election. I further certify that no proposition is to appear on the ballot at the election, no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

Yo, Jennifer Zufelt, certifico que soy la secretaria de la Ciudad de Volente, Tejas y la autoridad responsable de la preparacion de la votacion de las elecciones de la ciudad para el 8 de Mayo, 2010. Certifico ademas que ninguna proposicion aparece en la votacion de elecciones, ninguna persona ha sido registraddo como candidate, y todos los candidates siguientes estan sin oposicion:

Mayor (*Alcalde*)
Alderman At-Large(*Concejales en General*)
Alderman At-Large(*Concejales en General*)

Justine Blackmore-Hlista
Fred Graber
Judy Graci


City Secretary
Village of Volente, Texas

Dated this 23rd day of March, 2010.
Fecha 23rd de Marzo 2010

**ORDER OF CANCELLATION
DE ORDEN DE CANCELACIÓN**

The Village of Volente, Texas hereby cancels the election scheduled to be held on May 8, 2010 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Ciudad de Volente, Texas por la presente cancela la elección que, de lo contrario, se hubiera celebrado el May 8, 2010 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas, Los siguientes candidates han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidature</i>)
Justine Blackmore-Hlista	Mayor (Alcalde)
Fred Graber	Alderman (Conjejal en General)
Judy Graci	Alderman (Conjejal en General)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Dia de las Elecciones se echibirú una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (alcalde)

Secretary (*Secretario*)

Seal (*Sello*)

March 23, 2010

Date of Adoption (*Fecha de adopción*)

ORDINANCE NO. 2010-O

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 8, 2010 GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the General City Election was called for May 8, 2010, for the purpose of electing members to the City Council;

WHEREAS, the City Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Findings of Fact. All of the above premises and recitations are found to be true and correct and are incorporated into the body of this Ordinance as findings of fact, as if copied herein in their entirety.

Section 2. Elected Candidates. The following candidates, who are unopposed in the May 8, 2010, General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Offices (Cargos)

Mayor (Alcalde)

Alderman At-Large(*Concejales en General*)

Alderman At-Large(*Concejales en General*)

Candidates (Candidatos)

Justine Blackmore-Hlista

Fred Graber

Judy Graci

Section 3. Cancellation of Election. The May 8, 2010, General City Election is canceled, and the City Secretary is directed to cause a copy of this Ordinance to be posted on election day at each polling place that would have been used in the election.

Section 4. Directions to City Secretary. The City Secretary is hereby directed to post a copy of this Ordinance on the bulletin board at the city hall and, on election day, a copy of this Ordinance shall be posted on the door of the polling place. Such posting at the polling place shall be made in a manner to be readable to persons outside the polling place.

Section 5. Severability. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the City Council would have enacted them without the invalid portion.

Section 6. Effective Date. This Ordinance shall take effect upon its final passage, and it is so ordained.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED, APPROVED AND ADOPTED this the 23rd day of March, 2010.

VILLAGE OF VOLENTE, TEXAS

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, City Secretary

**Village of Volente Regular Council Meeting,
Tuesday, February 16, 2010, 7:00 P.M.
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

1. **Call to order and Announce a Quorum is Present.** Mayor Yenawine called the meeting to order at 7:03 PM. Present were Jan Yenawine, Mark Scott, Fred Graber, Chris Wilder, Matthew Hammond and Justine Blackmore-Hlista.
2. **PLEDGE TO THE FLAG and reading of Village Vision Statement:** Mark Scott read the vision statement.
3. **VISTOR/CITIZENS FORUM:** Nancy Carufel, Joy Rd, questioned if postcards were going to be mailed out when something important was going to be discussed. She also asked if the Noise Consultant fee was reimbursed by Grason's.
4. **Update from Pedernales representative Sonny Ponce.** Franchise fee check was presented for the amount of \$3315.68. Mr. Ponce encouraged members to visit the website. PEC will send someone to your home to do an energy audit and contact information for that is conservation dept. at 512-331-8883
5. **Discussion and possible action to appoint Ken Beck to the Planning and Zoning Commission.** Council asked Ken Beck to speak and he stated due changes in his job he has more time to commit and would like to do it by serving the Village. Justine Blackmore-Hlista made a motion to appoint Ken Beck to the P&Z Commission with Matthew Hammond seconding. All agreed.
6. **Discussion and recommendations from the Planning & Zoning Commission.** Commissioner Allison Thrash gave Council an update that a draft zoning overlay ordinance will be discussed in March and public hearing in April. Nancy Carufel asked questions about the ordinance.
7. **Discussion and possible action regarding letter from Booth Circle Residents regarding animal control.** Mayor Yenawine reported that a raccoon that was killed may have had rabies and that the Village is still having a loose dog issue. Citizens are reportedly being bitten while walking or riding bikes. Joy Wristers and her husband have petitioned the Village Council to address the problem. Cherry Raley was bitten last year and reported it to Council also.
8. **Discussion and possible action to appoint a committee for animal control.** (see attached). Council member Chris Wilder reported on the meeting he and Mayor Yenawine attended with several other municipalities that Representative Karen Huber had organized to address animal control issue in incorporated areas in the county. City of Austin and Travis County have joined together the animal control. Much discussion ensued and Councilmember Wilder would like to put together a citizens committee of approximately 5-7 people to address the issues and come up with solutions.

9. **Discussion regarding Municipal Court.** Council Member Chris Wilder stated the importance to have a court system in place for ordinance violators. He will follow up on Judges and report back to Council.
10. **Discussion and possible action regarding the road repair work for Debbie and West Dr.** This item was tabled.
11. **Review and possible action of the survey report regarding moving of the traffic signal at intersection of Wharf Cove and Lime Creek Road.** Council reviewed the survey report and Mayor Yenawine stated the light would be moved the next time it is knocked down.
12. **Discussion and possible action to approve an ordinance adopting the 2009 Editions of the International Building Code, International Residential Code for One- and Two-family Dwellings, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Fire Code.** Justine Blackmore-Hlista made a motion to adopt the codes as read above and the appendices to the 2009 Fire Code. Fred Graber seconded. All agreed.
13. **Discussion and update regarding the Energy Efficiency and Conservation Block Grant (EECBG).** Council member Chris Wilder stated we are still gathering bids for the project.
14. **Discussion and update regarding rerouting of utilities within the Village.** Council member Chris Wilder reported that he had met with PEC and AT& T. The poles will not be bigger and once the rerouting has been outlined there will be a public hearing.
15. **Discussion and possible action on update from consultant regarding coalition and lobbying efforts on behalf of Lake Travis and Volente.** (see attached report) Sandra Haverlah gave update and outlined what the three major issues are that areas around Lake Travis are being faced with. They are Water Quality, Brushy Creek Regional Utility Authority and public Awareness. She reported a meeting on February 25th, and March 10th deadline for public comments for Public hearing scheduled for March 17th. Goal is to have a “town hall “meeting the last of March or first of April.
16. **Financial Report.** Mark Scott handed out report to Council and asked that a special meeting be scheduled to go over the report and possible do line item transfers.
17. **Approval of Minutes: January 19, 2010.** Matthew Hammond made a motion to approve the minutes as written with Chris Wilder seconding. Mark Scott abstained with all others approving.

18. Discussion and possible action to authorize the Mayor to sign the TML Interlocal. Chris Wilder made a motion to authorize the Mayor to sign the TML interlocal with Justine Blackmore-Hlista seconding. All agreed.

19. Future Meetings and agenda items. Special meeting to be scheduled for March 2 to discuss bids for Debbie & West streets, finances and letter to TCEQ. Discussion of possibly having Kelly Conrad Bender, Urban Wildlife Biologist, Central Texas Parks and Wildlife Dept. to do a presentation at the Fish Fry in April. City Secretary will discuss with VVFD Auxiliary. Council member Fred Graber is preparing a newsletter with information from Travis County Representative Todd Bayless regarding the BCCP. Next Wednesday February 24 will be deadline for submissions.

20. Adjourn. Justine Blackmore-Hlista made a motion to adjourn with Mark Scott seconding. All agreed. Meeting adjourned at 9:40 PM.

PASSED AND APPROVED THIS ____ DAY OF MARCH, 2010

Jan Yenawine, Mayor

Jennifer Zufelt, City Secretary

**Village of Volente Special Called Council Meeting,
Tuesday, March 2, 2010, 7:00 P.M.
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

1. **Call to order and Announce a Quorum is Present.** Mayor Yenawine called the meeting to order at 7:00 P.M. Present were Jan Yenawine, Mark Scott, Matthew Hammond, Fred Graber, Chris Wilder and Justine Blackmore-Hlista.
2. **Discussion and possible action to authorize Mayor to sign draft letter to TCEQ. (See attached)** Draft letter was presented and discussed. Fred Graber made a motion to authorize the Mayor to sign the letter with Chris Wilder seconding. All agreed. The draft letter will be transferred to Village letterhead and signed by the Mayor.
3. **Update on financials in Quick Books.** Mark Scott gave an update to Council that a Quick books expert was coming in to get the books organized and in sync with the bank statements and budget line items. Mark Scott made a motion to allow up to \$500 from employee training budget. Justine Blackmore-Hlista seconded. All agreed.
4. **Discussion and possible action regarding road repair work for Debbie and West Drive.** Matthew Hammond gave Council an update stating there is a conflict of vision between the involved parties. Councilman Hammond will ask Jay Engineering to look at the proposed design and the area of conflict and have something for next regular council meeting.
5. **Future meetings and agenda items.** Next meeting will be March 23, 2010 at 7:00 PM. Animal Control and executive session will be on that agenda.
6. **Adjourn.** Mark Scott made a motion to adjourn with Matthew Hammond seconding. All agreed. Meeting adjourned at 7:50 P.M.

PASSED AND APPROVED THIS _____ DAY OF MARCH, 2010

Jan Yenawine, Mayor

Jennifer Zufelt, City Secretary

VARIANCE APPLICATION FORM

Date of Submission: 12/30/09

APPLICANT/OWNER INFORMATION

Applicant GEORGE MORE

Address 1313 NIGHTINGALE DR. CEDAR PARK, TX 78613

Phone 512.258.7641 Fax _____ Email gmore@austinrr.com

Applicants Status: (check one) Owner _____ Tenant _____ Contractor _____
Owner must sign the application or submit a notarized letter of authorization

Owner: SAME AS ABOVE

Address: _____

Phone _____ Fax _____ Email _____

Ownership: (check one) Individual _____ Partnership _____ Corporation _____ Other _____
If ownership is a trust, partnership, corporation, or other legal entity, the applicant must name the partners or principals on a separate attachment.

PROPERTY DESCRIPTION

Acreage: 1.12

Physical Address: 16408 SHERMAN ST. VOLENTE TX, 78641

Legal Description: (attach map of area also if available)

Lot(s): 1 Block(s): 1

Subdivision: VILLAGE AT VOLENTE Addition: _____
PHASE I

Existing Use of Property: OPEN LAND

VARIANCE DESCRIPTION

Applicable Regulation(s): _____

Project Description: RESIDENTIAL HOUSE PLAN

Variance Sought: INCREASE SLOPE ALONG DRIVE WAY
TO 18-20% ; FROM THE REQUESTED 15% PER
ORDINANCE SECTION 33.338 (6)

Justification(s): _____

Special Condition(s): _____

Project Timeline: _____

Attachments: SITE PLAN; LIST OF OWNERS AND ADDRESSES
FOR ALL PROPERTY OWNERS WITHIN 500 FEET.

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)

RECEIVED OCT 27 2009

Site Development & Building Permit – Residential Permit Type:

Residential

Project Name (if known): George & Lynne More
Project Address (Location): 16408 Sherman Street

Existing Use: _____ Proposed Use: _____

Existing Zoning: _____ Gross Acres: _____

Description of Proposal: (provide a brief description of the project covered by this permit. Attach the building plans and copy of approved site development plan (if available))

New Residential Construction

Applicant: James H. Jacobs Company: Jimmy Jacobs Custom Homes

Address: 3613 Williams D #204 Tel: 930.0382 225 ^{ext} Fax: 512.869.1906

City: Georgetown State: Texas Zip: 78628 Email: storrres@jacobshomes.com

Property Owner: George & Lynne More Company: _____

Address: 1313 Nighting Gale Dr. Tel: 512.466.4787 Fax: _____

City: Cedar Park State: TX Zip: 78613 Email: gmore@austrinrr.com

The Following items or information must be submitted along with this application:

- Description:** Written proposal for the project and / or site plan. Describe in as much detail as possible the current and proposed uses/ activities. Attach separate sheets as necessary.
- Substantial Improvement**
- Plans** – 3 copies of the building plans and Site Plans for the property. These copies should be individually folded with drawing side out. **Square footage** 2770
- Map:** Location map clearly showing the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- Fee:** Fee Paid as described in the **Development Review Fee Schedule** (This fee is credited toward other fees).

Coultter Engineering

595 Round Rock West Drive, Suite 101
Round Rock, Texas 78681
TBPE Firm No. F-5156

January 26, 2010

Marc Dickey
ATS Consulting Engineers and Inspectors
4611 Bee Cave Road, Suite 200
Austin, TX 78746

Re: 16408 Sherman Street More Residence

Dear Mr. Dickey:

The purpose of this letter is to respond to comments and to transmit necessary copies of the revised plans. The review comments are addressed specifically as follows:

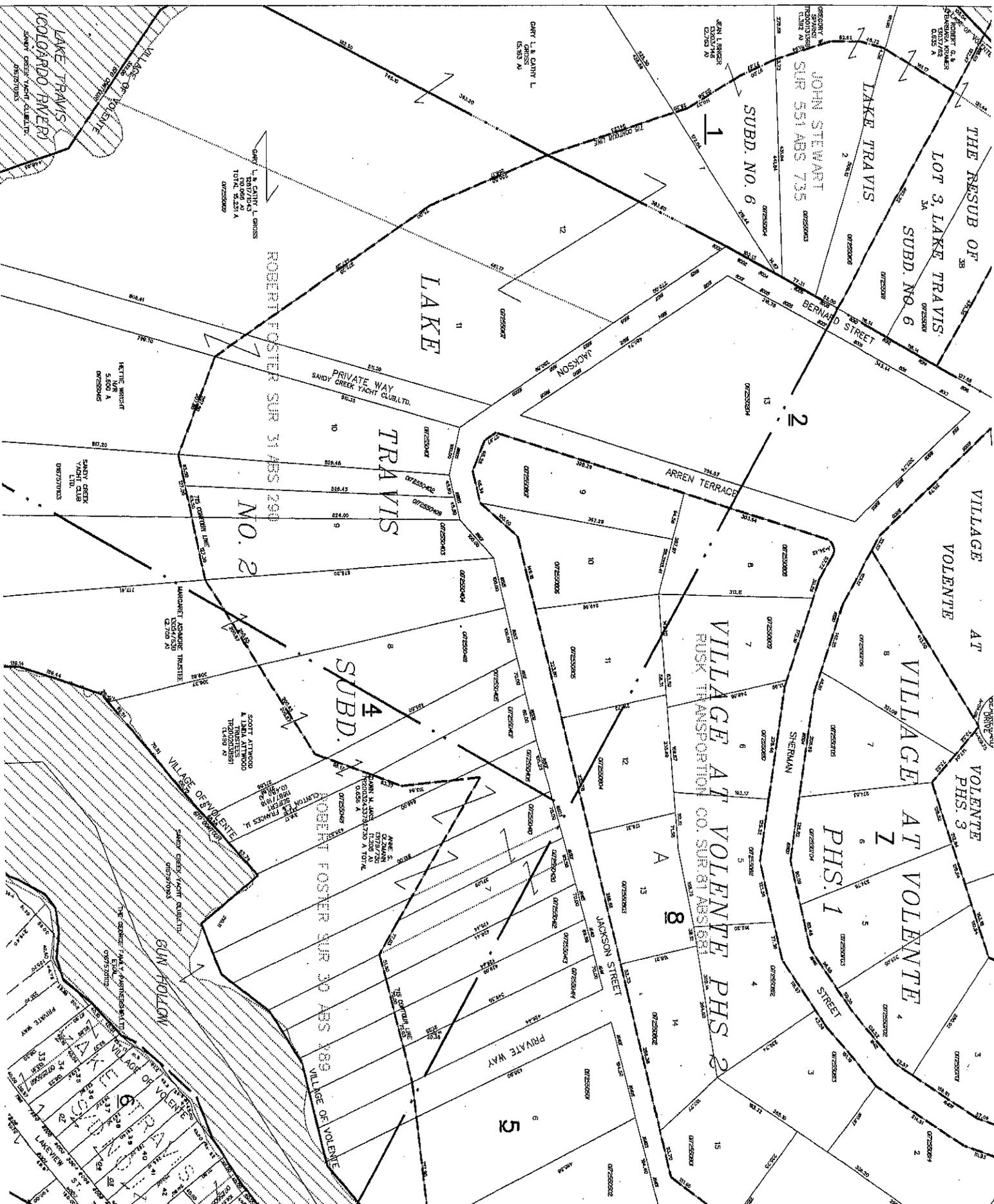
1. Add the submittal date to the cover. ***The submittal date has been added.***
2. The lot frontage is larger than 125-feet so the side yard setbacks in R1 zoning are 25-feet. So the house as shown will need to be adjusted. ***The house has been adjusted inside the 25-foot setbacks.***
3. Please adjust the location of the water storage tank so it is not located in the setbacks. ***The water storage tank has been relocated out of the setbacks.***
4. All equipment including the water storage tanks will need to be screened per the village ordinance. ***All equipment has been screened.***
5. The driveway slope appears to exceed 15%, please revise the grading or a variance must be requested and approved prior to approval of the Site Development Plan. ***The applicant has requested a variance for part of the driveway that exceeds 15%.***
6. The proposed EVFS do not match the Highland Lakes Water Quality Ordinance calculations. Please revise. Also note the details and notes as shown for the filter strips are conflicting. ***The calculations and notes have been revised.***
7. The contributing drainage area calculations do not appear to match the drainage area as shown. ***The drainage area calculations have been revised to match the drainage area.***
8. The filter strip needs to be downstream of the impervious cover, please adjust the grading so the proposed swales divert the water toward the filter strips. ***The grading has been adjusted to direct flow toward the filter strips.***
9. The grading around the house is higher than the FFE at the high point. ***Grading has been revised.***
10. FYI: Applicant must provide copy of LCRA Operating License for OSSF before Certificate of Occupancy will be issued. ***Septic Engineer Dave McGee, will be submitting these documents to the LCRA.***
11. Please provide copy of Septic Engineer's OSSF plan. Proof of application to permitting authority is required prior to issuing permit. ***A copy of the Septic Engineer's OSSF plan is included with this submittal. Proof of application will be provided by Dave McGee.***

Thank you for your review and comments. If you have any questions or further comments, please call me at (512) 248-1800. Fax: (512) 248-9903.

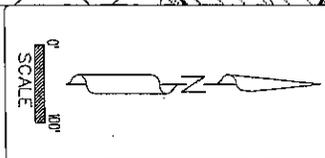
Sincerely,

A handwritten signature in black ink that reads "Eric P. Kurtz". The signature is written in a cursive style with a large, prominent "E" and "K".

Eric P. Kurtz
Engineering Technician
Cc: George More



MAP NO.
17255
 17458 17459 17463
 17256 17065 17063



TRAVIS CENTRAL APPRAISAL DISTRICT
 8314 Cross Park Drive P.O. Box 149012
 Austin, TX 78754 Austin, TX 78714
 Internet Address WWW.TRAVISCAD.ORG
 Main Telephone Number (512)834-9317 Appraisal Information (512)834-9138
 Fax Number (512)835-5371 TDD (512)836-3328

ASSOCIATIONS
 AUSTIN COMMUNITY COLLEGE
 LEANDER ISD
 TCESS NO.14
 VILLAGE OF VOLLENTE
 TRAVIS COUNTY

REVISIONS
 12/04/2005 GAR



4611 Bee Cave Road
Suite 200
Austin, Texas 78746
512.328.6995
512.328.6996 Fax
ATS@ATS-Engineers.com

Commercial and Residential Engineering

- Structural
- Civil
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- Electrical
- Plumbing

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Property Condition Inspections

Texas Accessibility Standards (ADA) Compliance Reviews & Inspections

Certified Code Compliance Inspectors & Plan Reviewers

Construction Consulting

Village Of Volente

Site Development Review

15403 Hill Street
(512) 250-2075 (P/fax)

Project Site Address: 16408 Sherman St. Date: February 10, 2010
Permit Applicant: James Jacobs Project: Residential Application
Zoning District: R-1
Reviewer: Marc Atha Dickey

REVIEW – CONDITIONAL APPROVAL

Review Comments:

FYI: This review is only for the Site Development Plan. The building review will be issued separately following approval of the Site Plan.

1. **A Variance has been requested and must be approved prior to approval of the Site Development Plan.**
2. **FYI: Applicant must provide copy of LCRA Operating License for OSSF before Certificate of Occupancy will be issued.**
3. **Please provide copy of Septic Engineer's OSSF plan. The application was not attached.**

For questions regarding the review, please contact Marc Dickey with ATS Engineers at **512-297-8651**

These plans have been reviewed for compliance with the Village of Volente Ordinances. Items identified as insufficient information or where a noncompliance exists must be corrected.

A Pre-Construction Meeting will need to be scheduled with Village Civil Engineering Staff before construction may begin. (Call 512.673.7180 to schedule)

Review of these plans does not represent the code(s) in their entirety. Field verification must be done to ensure compliance with jurisdiction adopted code(s) and ordinances. Review of structural documents by a design professional is limited to assuring that they have been provided.

Cc: File, City Of Volente, Applicant 1



VOLENTE FIRE DEPARTMENT

Travis County Emergency Service District #14
15406 FM 2769
Volente, Texas 78641

Phone: 512-258-1114
Facsimile: 512-335-0657
www.VVFD.net

February, 12, 2010

**Village of Volente
15403 Hill ST
Volente TX 78641**

REF: Variance – Driveway 16408 Sherman ST

As stated in the Site Development Review, dated November 16, 2009, the driveway appears to exceed 15% as called for in the Ordinances of the Village of Volente.

A request for variance has been submitted dated December 30, 2009, stating that a variance is needed for grades of 18- 20%. The plans submitted do not specify where the grades are located on the site, nor the type of materials that are proposed for the driveway. We are unable to ascertain whether or not fire and other emergency vehicles can access the residence.

Driveways over 15% in grade must consist of scored concrete. As an alternate to where maximum of 15 percent grade cannot be provided, a professionally designed sprinkler system may be installed as an alternative provided the building being considered is fully protected and the system is approved by the Volente Fire Department. Sprinkler shall be designed to the NFPA 13D standard, latest edition.

Maximum immediate grade change or grade change within 20 feet shall not exceed 10 percent.

It is the fire department's recommendation that this variance request be denied as submitted.

Sincerely,

Walter Groman
Fire Chief



VOLENTE FIRE DEPARTMENT

Travis County Emergency Service District #14
15406 FM 2769
Volente, Texas 78641

Phone: 512-258-1114
Facsimile: 512-335-0657
www.VVFD.net

March 8, 2010

**Village of Volente
15403 Hill ST
Volente TX 78641**

REF: Variance – Driveway 16408 Sherman ST

As stated in the Site Development Review, dated November 16, 2009, the driveway appears to exceed 15% as called for in the Ordinances of the Village of Volente.

A request for variance has been submitted dated December 30, 2009, stating that a variance is needed for grades of 18- 20%.

Revised plans have been submitted to the Village indicating the locations of the grades and the type of driveway will now be concrete.

Maximum immediate grade change or grade change within 20 feet shall not exceed 10 percent.

The Fire Department finds these changes to be acceptable as long as the changes in grade do not exceed the previously stated parameters.

Sincerely,

Walter Groman

Walter Groman
Fire Chief

VARIANCE APPLICATION FORM

Date of Submission: 12/30/09

APPLICANT/OWNER INFORMATION

Applicant GEORGE MORE

Address 1313 NIGHTINGALE DR. CEDAR PARK, TX 78613

Phone 512.258.7641 Fax _____ Email gmore@austin.tx.com

Applicants Status: (check one) Owner _____ Tenant _____ Contractor _____
Owner must sign the application or submit a notarized letter of authorization

Owner: SAME AS ABOVE

Address: _____

Phone _____ Fax _____ Email _____

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Subdivision: VILLAGE AT VOLENTE Addition: _____
PHASE 1

Existing Use of Property: OPEN LAND

VARIANCE DESCRIPTION

Applicable Regulation(s): _____

Project Description: RESIDENTIAL HOUSE PLAN

Variance Sought: INCREASE SLOPE ALONG DRIVEWAY
TO 18-20% ; FROM THE REQUESTED 15% PER
ORDINANCE SECTION 33.338 (b)

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Special Condition(s): _____

Project Timeline: _____

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FOR ALL PROPERTY OWNERS WITHIN 500 FEET.

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)

RECEIVED OCT 27 2009

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Property Owner: George & Lynne More Company: _____

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Austin, TX 78746

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Eric P. Kurtz
Engineering Technician
Cc: George More