

**Village of Volente Regular Council Meeting,  
Tuesday, April 21, 2009,  
7:00 P.M. Regular Sessions  
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

**A. Call to order and Announce a Quorum is Present. Meeting called to order at 6:40 PM. Present were Jan Yenawine, Gary Murphy, Brian Nasky and Justine Blackmore-Hlista. Lee Bass was absent and Fred Graber arrived at 6:45 PM.**

**B. Close Public Meeting, Open Executive Session:**

**Close Executive Session and Opened Public Meeting at 7:10 P.M. No action taken on Executive Session.**

**C. PLEDGE TO THE FLAG and reading of Village Vision Statement:**  
Mayor Yenawine led the Pledge and Gary Murphy read the Vision Statement.

**D. VISTOR/CITIZENS FORUM:** \_No comments

**E. FIRST PUBLIC HEARING:**

A public hearing on the proposed annexation of all portions of that certain tract or parcel of land not previously annexed into the Village, said tract being described as Tracts V-1, V-2, V-3, V-4, V-5 and V-6, one-half mile or less in width, contiguous and adjacent to the Village, vacant and with out residents and as such can be annexed by the Village of Volente, Type B General Law municipality into the village limits of the Village under the provisions of Section 43.028 of Local Government Code. One of two public hearings. **NO ACTION**

**F. FIRST PUBLIC HEARING:**

A public hearing on the proposed deannexation of all portions of that certain tract or parcel of land previously annexed into the Village, said tract being at least ten(10) acres, more or less, described as Tracts A-1, A-2, A-3, A-4, A-5 and A-6 contiguous to the municipality and is vacant and without residents. Pursuant to Section 43.144, Texas Local Government Code, type B General Law Municipality. One of two public hearings. **NO ACTION**

**G. REGULAR AGENDA:**

**1.** Discussion on draft Consent Agreement and the Proposed Settlement Agreement resolving the lawsuit of Grason Volente Investments LLC and Volente Group of Texas LTD vs Village of Volente, Texas and Jan Yenawine.  
**Discussion ensued. No action**

**2.** Consideration of the preliminary plat for the PDD zoning district filed by Grason Volente Investments, LLC; and Volente Group of Texas, LTD. **NO ACTION.**

**3.** Discussion on recommendations from the Planning & Zoning Commission regarding:

**A)** Recommendation and possible action to adopt the proposed modification to well setback standards. **Justine Blackmore-Hlista made a motion to adopt the recommendation to amend Village's regulations**

**to comply with the State Well Drillers. Brian Nasky seconded. All Agreed.**

**B) Recommendation, Discussion and possible action on the Volente Peak Planned Development District: Grason Volente is requesting the following items: Brian Nasky made a motion to approve the recommendation from Planning and Zoning for items a, b, c, i, l, m, o. Justine Blackmore-Hlista seconded. All agreed. (See Chart for Recommendations)**

**a) PDD Ordinance Section 30.124 (a) (i) Exempt the PDD from the expiration requirements of this section.**

*P&Z approved 4 in favor 1 opposed. 4/1/09*

**Brian Nasky made a motion to amend as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

**b) Zoning Ordinance; Section 30.109 to allow temporary utilities to serve two temporary residential units.**

*P& Z approved temporary location of two manufactured homes to be served with temporary utilities for a period of one year. 4/1/09*

**Brian Nasky made a motion to approve modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

**c) Zoning Ordinance: Volente Peak PDD Section 4 (a) (6) One-half acre PDD lots. Part B modification will exempt the project from the minimum 1000 square foot residential unit requirement for the two temporary manufactured homes required for the confirmation of the MUD.**

*P&Z motioned to amend the Volente PDD to allow to place two manufactured homes, less than 1000 sq ft, to be located in the specified location of lots 5 and 6 for a term of 365 days and to allow temporary utilities for water and wastewater with proper screening. All agreed.4/1/09*

**Brian Nasky made a motion to approve the modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

**d) Subdivision Ordinance: Section 31.115 (i) and (l) to extend the preliminary plat and site plan to 10 years with a provision for a 2 year extension. Fred Graber made a motion to accept planning and zoning recommendation of 10 years with provision of 2 years.**

*P&Z approved 4 in favor 1 opposed. 4/1/09.*

**Fred Graber made motion to approve modification as per P&Z recommendation. Brian Nasky seconded. 2 in favor 2 opposed: Tie broke in favor of motion by Mayor Yenawine.**

e) Site Development Ordinance: Section 33.315 (k) to extend expiration of the site plan to 10years with provision for a two year extension. Fred Graber made a motion to accept the planning and zoning recommendation of 10years with provision for a two year extension. Brian Nasky seconded.

*P&Z approved 4 in favor 1 opposed. 4/1/09*

**Fred Graber made motion to approve amendment as is with Brian Nasky seconding.**

**Two ayes and two opposed. Mayor Yenawine voted for the recommendation to break the tie.**

f) Site Development Ordinance: Section 33.317 to extend expiration of the site development permit to 10 years with a provision for a 2 year extension.

**Applicant modified request from 10 years to 2 years with a two year extension.**

*P&Z made a motion to amend to 2 years with provision for a one year extension. All in favor 4/1/09*

**Brian Nasky made a motion to approve modification as per P&Z recommendation of two year expiration with a one year extension. Justine Blackmore-Hlista seconded. 4 in favor 0 opposed**

g) Site Development Ordinance: Section 33.325 to allow slopes steeper then3:12 with structural controls or recommendations from a professional geotechnical/structural engineer.

*P&Z approved amending Volente Peak PDD to permit roadside slopes up to vertical with the use of structural retaining walls at maximum height of 20 feet. All agreed. 4/1/09*

**Brian Nasky made a motion to accept the amendment as written with Justin Blackmore-Hlista seconding. All Agreed.**

h) Site Development ordinance section 33.333 to allow joint use driveways 24'-30' in width within the public right of ways and 15' in width outside public right of ways.

**Applicant withdrew this request. 4/1/09**

i) Site Development Section 33.342 (b) (9) (E) (iii) to waive requirement of 15' access drive around the perimeter of detention/retentions pond.

*P&Z motioned to approve this amendment. All agreed. 4/1/09*

**Brian Nasky made motion to approve modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

j) Site Development section 33.342 (b)(9) (E)(vii) to waive the requirement of a minimum 15% grade for an access drive and allow up to 20% grade for such access drives.

*P&Z motioned to approve this amendment. All Agreed. 4/1/09*

**Brian Nasky made a motion to accept P&Z recommendation as written. Fred Graber seconded. All agreed.**

k) Site Development section 33.342 (b) (9) (E) (vii and viii) to waive the requirement of stone stabilized access road for detention ponds, area inlets and headwalls.

*P&Z were in favor with comment noted that any portion of the access drive found not to be stable would be stabilized. 4/1/09*

**Brian Nasky made a motion to accept modification as per P&Z recommendation with the addition that the access be treated with non-erosion material and inspected and confirmed with the Village Engineer. Fred Graber seconded. All agreed**

l) Site Development Section 33.392 (a) (1) & (2) waive the requirements of 15' front PUE's and 15' side lot PUE's and allow front lot PUE's abutting the right of way to be 10' in width and side lot line PUE's to be 5' in width.

*P&Z were in favor of requiring 10' utility easements along street right-of-way; 10' shared utility easements across side lot lines, and no rear lot utility easements. The applicant must meet PEC easement requirements if they exceed what the Village will accept. All Agreed 4/1/09*

**Brian Nasky made motion to approve modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

m) Site development Section 33.318 to allow the use of temporary building permit process for the construction of two temporary residential units in lieu of the site development permit and building permit process prescribed by the Village code.

*P&Z motioned to approve the amendment to waive building permits for two manufactured homes to be placed on lots 5 and 6 and to notify the Village when they are in place. The term of one year will start once the utilities are connected. All agreed. 4/1/09*

**Brian Nasky made motion to approve modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

n) Noise Ordinance: request exemption from this ordinance of the codes for the infrastructure and residential construction proposed for this subdivision.

*P&Z made motion not to exempt from Noise Ordinance Requirements. All agreed. 4/1/09*

**Brian Nasky made a motion not to exempt from the Noise Ordinance. Justine Blackmore-Hlista seconded. All agreed. Applicant will work with Village noise consultant but applicant will do it through the Village and reimburse for the expense.**

o) Site development Section 33.317 (f) (3) (B) (ii) Geologic element. Requesting and exemption from the requirement to locate wells within the one mile of the project and to discuss a plan to protect these water supplies within the geologic report for this project.

*P&Z made a motion accepting this amendment. All agreed. 4/1/09*

**Brian Nasky made a motion to approve modification as per P&Z recommendation. Justine Blackmore-Hlista seconded. All agreed.**

p) site development: section 33.339 9e) (3) (4) (5) utility lines. Request and exemption from these options of the code requiring a hydrologist certify that the proposed development will have no adverse impact on ground water supplies of neighboring wells due to the utility line construction proposed within the project.

*P&Z made a motion to accept this amendment. All Agreed, 4/1/09*

**Brian Nasky made a motion to accept P&Z recommendation stating that all wells within one mile of the development be located and marked on the final plat. Fred Graber seconded. All agreed.**

q) modification site development section 33.347 (c) (3) (F) (i), request an exemption from the exterior design standard for construction of its water and wastewater facilities to serve this project.

*P&Z made motion to accept the amendment with the condition that lift stations and pump buildings are appropriately screened. All agreed. 4/1/09*

**Brian Nasky made a motion to accept P&Z recommendation with the provision that the lift stations and equipment be visually screened up to the height of building by methodology of P&Z approval. Justine Blackmore-Hlista seconded. All agreed.**

4. Discussion with the Village Attorney regarding legislation in connection to the proposed three-city pipeline project. **TABLED**

5. Discussion and possible action regarding the enforcement of the no parking tow away signs that were installed on Wharf Cove and Lime Creek Rd., and loading and unloading of buses. **TABLED**

6. Discussion and possible action to review the senior and disabled homestead exemption. **TABLED**

7. Discussion and possible action on Village of Volente newsletter. **Fred Graber showed Council a draft of the revamped newsletter.**

8. Discussion and possible action to implement a contract with Volente Fire Department for consulting, regulations and enforcement. **TABLED**

9. Discussion and possible action on to award a contract for drainage work on Lime Creek Rd. **Brian Nasky made a motion to award R. Nelson Concrete and Construction with the contract bid of \$19600.00 Gary Murphy seconded. All agreed.**

10. Discussion and possible action on scheduling herbicide treatment for roads. **TABLED**

11. Discussion and possible action to approve a resolution in support of The Town Of Dish Opposing HB 4441 relating to the authority of the Railroad Commission to establish standards regarding certain pipelines and appurtenant facilities. **Justine Blackmore-Hlista made a motion to approve the resolution with Gary Murphy seconding. All agreed.**

12. Minutes of the March 24, 2009 Council Meeting. **Brian Nasky made a motion to approve minutes with Justine Blackmore-Hlista seconding. 3 ayes 1 abstain.**

13. Financial Statement & Balance sheet

14. Discussion and possible action to transfer funds from budget line item:

Municipal Court Expenditures: \$1800.00 to

FT Salary (City Clerk)	\$550.00
Benefits	50.00
Audit	650.00
Equipment Lease	550.00

**Fred Graber made a motion to approve the resolution for the transfer of the line items monies. Justine Blackmore-Hlista seconded. All agreed.**

15. Discussion and possible action regarding the soil stock piling on the Isle Estates lot on Mary Street. **Council gave direction to Village Attorney to send a letter to the developer regarding dirt pile, dirt that was spread on other lots and erosion control upgrades.**

**16. Future Meetings and agenda items. Next meeting scheduled for May 19, 2009. All Tabled items will be on next meeting agenda.**

**17. Adjourn. Brian Nasky made a motion to adjourn with Justine Blackmore-Hlista seconded. All agreed. Meeting adjourned at 10:05 P.M.**

PASSED AND APPROVED THIS \_\_\_\_ DAY OF MAY 2009.

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Jan Yenawine, Mayor

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Jennifer Zufelt, City Secretary