

**Construction Report  
Construction Report**

Submittal Date	Address	Owner name	Builder	Status	Variance	red tag/comp	CO	
Sept. 2013	8136 Lime Creek Rd	Marzan	Tom Gleinser	Permitted 12-11-2013	no			SNF
	Home Under Construction							
10/01/2013	8120 Joy Rd	Hoag		Permitted	yes			Remodel
	Home Under Construction							
Oct. 2013	8010 Bernard	Gamble	owner	Pending Application	no			Landscape
	Owner Working with Village							
Nov. 2013	16301 Jackson	Staalenburg	Austin Custom Pools	Permitted	no			Pool
	Waiting on Final.							
Feb. 2014	15757 Booth Circle	Ratcliffe		Pending Application, Variance	no			SNF
	BOA Variance Granted Working on Site Plan							
Feb. 2014	15904 Amos	Smith	Contractor	Pending Application				SNF
	Home Under Constructions Address change to 15816 Booth Circle							
March, 2014	8420 Lime Creek	Dooley	Remore	Submittal	yes			SNF

### Construction Report

		<b>Home Under Construction</b>						
March, 2014	8116 Joy Rd.	Busch		Pending Subdivision	no			Subdivided into 1 lot
	Variance Granted Subdivision Granted with Codicils							
March, 2014	8201 West Drive	Koll		Pending	yes			Pool Addition
	Pending Possible Pool							
March, 2014	16500 Jackson	Kerr		Variance Pending	no			Remodel/Addition
	Waiting on Bldg. Plans Now may be buying additional land							
March, 2014	8212 West	Smith		Remodel Request	no			Addition
	Waiting on Bldg. Plans							
April, 2014	8129 Joy	Roucloux		Subdivision	no			Subdivision
	Completed and Subdivision Granted and the well has been plugged							
April, 2014	16601 Jackson	Anger	B & O Construction	Pending	no			Addition/Shed/Stable
	Pending Meeting with Mayor							
April, 2014	8110 Sharon	Francesco	Francesco	Notification			STOP Work	Addition/Patio/Deck
	Impervious Coverage Removed Now awaiting mitigation							
May, 2014	16107 Wharf Cove	Beaches, LTD	Redmond	Setback Variance				

### Construction Report

	Corrected Site Plan LCRA received working with applicant on variance								
April, 2014	VIP Marina		Cameron	Approved	no			Sign Request	
	Completed Sign Installed								
May, 2014	16501 Sherman		Rabb	Permitted					
	Final Issued								
May, 2014	8108 Bernard		Keating	Pending				removal violations	
	septic tanks removed but not disposed of								
May, 2014	8336 Lime Creek		Anderson	pending				Driveway addition	
	Waiting on Applicant's Decisions On New Driveway								
May, 2014	15900 Mary Street		Bertram	Plans Submitted				Pool Application	
	Pool in Progress								
June, 2014	16319 Jackson Street	Blauvelt	Cody Pools	Plan Submitted				Swimming Pool	
	Pool Finished; Landscaping Pending								
Aug, 2014	8132 Joy	Robinson		Submitted				Demo & Build	
	Awaiting Site Plan Corrections On Third Review								

### Construction Report

Aug. 2014	8111 Beaugard	Hamblin		Pending					Addition To Garage
	Waiting on Complete Plans, Plans Received awaiting engineering statement								
Sept. 2014	7216 Debbie	Mokry	Mokry	Awaiting Neighborhood Easement Release					Water Storage Tank Well is going dry
Sept 2014	8201 Lime Creek	Arifi	Malviniz	Site Development Awaiting Approval					Single Family Home
Nov 2014	8216 Lime Creek	Johnson		Pending PEC and BCCP approval for electrical					Single Family Home
Nov 2014	8011 Lakeview	Gold's		Survey and Plat					Subdivision and Amended Plat
August 2014	15811 Booth	Browning	Da Vinci Pools	Pool In Construction					
Nov 2014	8504 Lime Creek	Springer		Conceptual Construction and Site Development					Request ATS old approvals and inspections

1:29 PM  
 11/14/14  
 Accrual Basis

Village of Volente  
**Balance Sheet**  
 As of October 31, 2014

	Oct 31, 14	Oct 30, 14	% Change	Oct 31, 13
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
10100 · Cap One Checking- 5191	18,709.13	19,457.10	-3.8%	20,576.46
10200 · Cap One Tower Fund - 1411	488,018.36	487,977.59	0.0%	487,244.26
10300 · Cap One Savings - 6099	139,593.43	139,593.43	0.0%	154,449.42
10400 · Parkland Fund - Restricted	61,250.00	61,250.00	0.0%	61,250.00
10500 · Temporarily Restricted Cash	-61,250.00	-61,250.00	0.0%	-61,250.00
<b>Total Checking/Savings</b>	<u>646,320.92</u>	<u>647,028.12</u>	-0.1%	<u>662,270.14</u>
<b>Accounts Receivable</b>				
12000 · Accounts Receivable	39.72	889.72	-95.5%	0.00
<b>Total Accounts Receivable</b>	<u>39.72</u>	<u>889.72</u>	-95.5%	<u>0.00</u>
<b>Other Current Assets</b>				
12110 · Undeposited Funds	0.00	0.00	0.0%	85.00
12300 · Prepaid Deposits	2,111.00	2,111.00	0.0%	75.00
<b>Total Other Current Assets</b>	<u>2,111.00</u>	<u>2,111.00</u>	0.0%	<u>160.00</u>
<b>Total Current Assets</b>	<u>648,471.64</u>	<u>650,028.84</u>	-0.2%	<u>662,430.14</u>
<b>Fixed Assets</b>				
14100 · Leasehold Improvements	7,777.25	7,777.25	0.0%	2,295.00
14150 · Accum Depreciation - Leasehold	-3,888.63	-3,888.63	0.0%	0.00
14200 · Furniture & Equipment	17,893.53	17,893.53	0.0%	10,935.78
14250 · Accum Depr Furniture & Equip	-1,963.10	-1,963.10	0.0%	0.00
<b>Total Fixed Assets</b>	<u>19,819.05</u>	<u>19,819.05</u>	0.0%	<u>13,230.78</u>
<b>TOTAL ASSETS</b>	<u><b>668,290.69</b></u>	<u><b>669,847.89</b></u>	<b>-0.2%</b>	<u><b>675,660.92</b></u>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Accounts Payable</b>				
20000 · Accounts Payable	7,485.94	6,922.70	8.1%	14,019.58
<b>Total Accounts Payable</b>	<u>7,485.94</u>	<u>6,922.70</u>	8.1%	<u>14,019.58</u>
<b>Other Current Liabilities</b>				
20100 · Other Payables	5,700.00	5,700.00	0.0%	0.00
24000 · Payroll Liabilities	2,331.31	939.65	148.1%	937.95
25000 · Pre Paid Development Deposits	2,135.00	285.00	649.1%	0.00
<b>Total Other Current Liabilities</b>	<u>10,166.31</u>	<u>6,924.65</u>	46.8%	<u>937.95</u>
<b>Total Current Liabilities</b>	<u>17,652.25</u>	<u>13,847.35</u>	27.5%	<u>14,957.53</u>
<b>Total Liabilities</b>	<u>17,652.25</u>	<u>13,847.35</u>	27.5%	<u>14,957.53</u>
<b>Equity</b>				
39000 · Net Assets - Retained Earnings	600,233.17	600,233.17	0.0%	607,073.63
39010 · Opening Bal Equity	-74,735.10	-74,735.10	0.0%	-74,735.10
39020 · Fund Balance Designated	80,118.02	80,118.02	0.0%	80,118.02
39100 · Net Assets - Temp Restricted	61,250.00	61,250.00	0.0%	61,250.00
Net Income	-16,227.65	-10,865.55	-49.4%	-13,003.16
<b>Total Equity</b>	<u>650,638.44</u>	<u>656,000.54</u>	-0.8%	<u>660,703.39</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>668,290.69</b></u>	<u><b>669,847.89</b></u>	<b>-0.2%</b>	<u><b>675,660.92</b></u>

## Village of Volente Revenue and Expense Actual vs. Budget

October 2014

	<u>Oct 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Revenue/Expenditures</b>				
<b>Revenue</b>				
40000 - Property Tax Revenue	588.51	2,756.00	-2,167.49	21.35%
41000 - Sales Tax Revenue	0.00	6,772.00	-6,772.00	0.0%
42000 - Utility Franchise Fees	194.25	96.00	98.25	202.34%
43000 - Development Fees/Permits	10.00	83.00	-73.00	12.05%
47000 - Investment Earning	40.77	125.00	-84.23	32.62%
<b>Total Revenue</b>	<u>833.53</u>	<u>9,832.00</u>	<u>-8,998.47</u>	<u>8.48%</u>
<b>Gross Revenue</b>	833.53	9,832.00	-8,998.47	8.48%
<b>Expense</b>				
50000 - Operations	5,254.92	4,988.96	265.96	105.33%
52000 - Municipal Court	250.00	0.00	250.00	100.0%
53000 - Facilities and Equipment	2,569.88	3,200.00	-630.12	80.31%
55000 - Community Events	408.95	819.17	-410.22	49.92%
57000 - Public Works	125.00	291.67	-166.67	42.86%
64000 - Outside Services	-773.86	4,190.84	-4,964.70	-18.47%
65000 - Contract Labor	0.00	1,266.67	-1,266.67	0.0%
66000 - Compensation and Benefits	9,226.29	10,003.34	-777.05	92.23%
<b>Total Expense</b>	<u>17,061.18</u>	<u>24,760.65</u>	<u>-7,699.47</u>	<u>68.9%</u>
<b>Net Ordinary Revenue</b>	<u>-16,227.65</u>	<u>-14,928.65</u>	<u>-1,299.00</u>	<u>108.7%</u>
<b>Net Revenue</b>	<u><u>-16,227.65</u></u>	<u><u>-14,928.65</u></u>	<u><u>-1,299.00</u></u>	<u><u>108.7%</u></u>

Village of Volente  
Statement of Cash Flows  
October 2014

	<u>Oct 14</u>
<b>OPERATING ACTIVITIES</b>	
Net Revenue	-16,227.65
Adjustments to reconcile Net Revenue to net cash provided by operations:	
12000 · Accounts Receivable	7,097.65
20000 · Accounts Payable	-4,733.73
24010 · Federal Withholding Tax	-894.00
24015 · Social Security - EE	-224.20
24020 · Medicare Tax - EE	-597.45
24515 · Social Security ER Paid	-224.88
24525 · Medicare Tax - ER Paid	352.41
24530 · Texas Unemployment Tax	53.65
25000 · Pre Paid Development Deposits	2,135.00
Net cash provided by Operating Activities	<u>-13,263.20</u>
<b>INVESTING ACTIVITIES</b>	
14200 · Furniture & Equipment	-1,717.50
Net cash provided by Investing Activities	<u>-1,717.50</u>
 Net cash increase for period	 -14,980.70
 Cash at beginning of period	 <u>661,301.62</u>
Cash at end of period	<u><u>646,320.92</u></u>



Minutes  
Special Called City Council Meeting  
Village of Volente, TX  
Thursday, August 14, 2014  
7 pm.

**Council Members Present**

Frederick Graber, Mayor  
Mark Scott, Mayor Pro Tem  
Judy Graci, Council Member  
Jan Yenawine, Council Member  
Ken Beck, Council Member

**Absent**

**Others Present**

Tom Buckle, Attorney

**A. ITEMS OPENING MEETING**

1. Call to Order.

The meeting was called to order at 7:00 p.m.

2. Roll Call City Secretary.

Joan Jackson, City Secretary, called roll. All members present.

3. Citizen Comments.

a. No comments at this time.

4. Consideration of Applicants for the Vacant City Council Position

a. Presentation by applicant.

Babs Yarbrough is willing to be a public servant. She will work for the residents. She gave her background history and employment history. She started 3 business companies before she began working in real estate. She has been on Planning & Zoning for the last 4.5 yrs. She wants to be an advocate for the citizens. She has worked and lived in the City of Austin. While she was there, she had experience with working with zoning changes. She wants to serve the Village. As a realtor, she knows she may have to excuse herself at times while conducting City business.

Kit Hopkins bought her home in Volente in 2010. She moved here full time a few months ago. She believes in the democratic process. As a property owner, she believes all property owners should have protection. She is open minded and has had a long history with one business company. After many years in the corporate world, she retired here and feels she can serve this community well.



The applicants answered questions from citizens and the Council.

**Public Comments:**

1. Judy Barrick, 15907 Booth Circle, Volente, TX believe Babs Yarbrough is the best candidate for this position.
2. Bob Steichen, FM 2769, Volente, TX spoke in favor for Babs Yarbrough. He stated he would like to see development in Volente.
3. Cheryl Long, 16512 Jackson, Volente, TX spoke against the Village rules and regulations and she stated her support for Babs Yarbrough.
4. Nancy Carufel, 8138 Joy Rd., Volente, TX spoke for Babs Yarbrough.
5. Sean Ryan, 16416 Sherman Street, Volente, TX stated representation of a council member who does not live on Booth Circle is badly needed.
6. Caleb McClain asked how he can find information about Volente and know about things that are happening here.
7. Linda Olson, 15936 Booth Circle, Volente, TX spoke in favor of Babs Yarbrough.
8. David Gordon, 15761 Booth Circle, Volente, TX spoke to Council and asked them to choose on the candidates merits and not their address.
9. Allison Thrash, 15100 FM 2769, Volente, TX stated questions for the applicants.
10. Mark Metro, 8116 Beauregard, Volente, TX stated questions for the applicants.

Barbara Wilson, City Administrator, read written statements from residents and registered voters here.

Rich and Judy Barrick, 15907 Booth Circle, Volente, TX 78641, Linda Olson, 15936 Booth Circle, Volente, TX 78641, John and Judy Schlotzhauer, 16415 Jackson Street, Volente, TX 78641, Mark and Cindy Metro, 8116 Beauregard Dr., Volente, TX 78641, Janae Rapps, 8114 Joy Rd., Volente, TX 78641, Christopher Wilder, 8104 Beauregard, Volente, TX 78641, Michael and Cheryl Long, 16512 Jackson Street, Volente, TX 78641, Ann and Bob Steichen, 15807 FM 2769, Volente, TX 78641, Dorothy Wilhelm, 8104 Joy Rd., Volente, TX 78641, Rick and Becky Yeater, 8412 Lime Creek Rd., Volente, TX 78641, Terri Caldwell, 8118 Sharon Rd., Volente, TX 78641, Richard Roucloux, 8129 Joy Rd., Volente, TX 78641, Bill Blocker, 8129 Joy Rd., Volente, TX 78641, David Springer, 8504 Lime Creek Rd, Volente, TX 78641, Sean Ryan, 16416 Sherman Street, Volente, TX 78641, Pat Sablatura, 8118 Joy Rd., Volente, TX 78641, Ed Ruegg, 16605 Jackson Street, Volente, TX 78641, David and Gina Woodward, 16321 Jackson Street, Volente, TX 78641, Michael, Mary and Robert Trojan, 8244 Lime Creek Rd., Volente, TX 78641, Kristi Belote, 15805 Buddy Lane, Volente, TX 78641, Terry Spurlin, 15716 Booth Circle, Volente, TX 78641, Tony Vacca, 15935 Booth Circle, Volente, TX 78641, Rick and Jill Redmond, Volente Beach Club, Volente, TX 78641, David and Janie Gavenda, 7317 Blue Heron Cove, Volente, TX 78641, Megan Lott, 8133 Beauregard Dr., Volente, TX 78641, Frank Baffi, 8124 Beauregard Dr., Volente, TX 78641, Gary Frame, 7609 Davy Dr., Volente, TX 78641, Janae Rapps, 8114 Joy Rd., Volente, TX 78641, Guy Groomer, 15947



Booth Circle, Volente, TX 78641, Cecilia Garza-Trevino, 15907 FM 2769, Volente, TX 78641, Jeannan Barber, 8104 Sharon Rd., Volente, TX 78641, Linda Attwood, 16515 Jackson Street, Volente, TX 78641, Connie Curtiss, 7910 Lakeview Street, Volente, TX 78641, Greg and Kimberly Attwood, 8005 Sharon Street, Volente, TX 78641, Curtis and Jennifer Ratica, 8012 Bernard Street, Volente, TX 78641, Linda Carter, 16003 Dodd Street, Volente, TX 78641, Daniel Garrison, 8508 Lime Creek Rd., Volente, TX 78641, Denice Yeagin, 8113 Sharon Rd., Volente, TX 78641, Debbie and Brad Donaldson, 16417 Sherman Street, Volente, TX 78641, Sheila Dziersk, 8001 Sharon Rd., Volente, TX 78641, Suellen Jordan, 8124 Beauregard Dr., Volente, TX 78641, Mike Nitz, Acquaholics Watercraft Rental, Inc. and Ed Ruegg, 16605 Jackson Street, Volente, TX 78641, all sent in letters of support for Babs Yarbrough.

Jack and Michele Hirschhorn, 7316 Reed Dr., Volente, TX 78641, Brian Nasky, 8300 Lime Creek Rd., Volente, TX 78641, Shannon Scoville, 15844 Ray Vista, Volente, TX 78641, Sheri Knesek, 15844 Ray Vista, Volente, TX 78641, Gary Cowsert, 8136 Joy Rd., Volente, TX 78641, Andy, Susan and Leah Fogarasi, 8306 Lime Creek Rd., Volente, TX 78641, Clayton and Karen Raven, 7306 Reed Dr., Volente, TX 78641, Louie and Joyce Raven, 7304 Reed Dr., Volente, TX 78641, Juan Carlos Popoca, 7304 Reed Dr., Volente, TX 78641, and Allison Thrash, 15100 FM 2769, Volente, TX 78641 sent in letters of support for Kit Hopkins.

Mayor Pro Tem Scott wanted to thank former Council Member Chris Wilder for his work, volunteering, and the time he has given. Scott thanked both applicants for applying for the vacated seat. He thanked Kit Hopkins for her work on the finance committee. He encouraged participation in the Council from residents.

#### 4. Consideration and Possible Action on Applicant to Replace Vacant Seat on Council.

Council Member Graci made a motion to appoint Kit Hopkins to the vacated City Council seat. Council Member Yenawine seconded the motion. Council Members Yenawine and Graci voting for the motion. Council Member Beck and Mayor Pro Tem were opposed. Mayor Graber said former Council Member Wilder has a legal right to vote. At 8:46 p.m., Mr. Wilder joined the Council Members and voted against the motion. The motion failed and did not pass.

Council Member Beck made a motion to have Babs Yarbrough take Chris Wilder's position on council and fill the vacated seat. Council Member Yenawine seconded the motion. The motion passed unanimously.

#### B. Adjourn



Council Member Beck made a motion to adjourn. Council Member Graci seconded the motion. The motion passed unanimously. The meeting adjourned at 8:53 p.m.

Approved this 16<sup>th</sup> day of September, 2014.

Frederick Graber, Mayor

Barbara Wilson, Acting City Secretary



Minutes of a Meeting of the  
**City Council**  
Of Village of Volente, TX  
16100 Wharf Cove, Volente, Texas 78641  
Tuesday, August 19, 2014 7 pm

**Council Members Present**

Frederick Graber, Mayor  
Mark Scott, Mayor Pro Tem  
Judy Graci, Council Member  
Ken Beck, Council Member

**Absent**

Jan Yenawine, Council Member

**Others Present**

Tom Buckle, City Attorney

1. Call to Order of the City Council.  
Mayor Graber called the meeting to order at 7:03 p.m.
2. Roll Call.  
City Secretary, Joan Jackson, called roll. A quorum was present.
3. Pledge of Allegiance/Reading of the Village Vision Statement.  
Mayor Graber led the Pledge and read the Village Vision Statement.
4. Citizens/Public Communications..
  - a. Allison Thrash, 15100 FM 2769, Volente, TX 78641 commented on Next Door Volente.
  - b. Judy Barrick, 15907 Booth Circle, Volente, TX commented on Next Door Volente.
  - c. Ann Steichen, 15807 FM 2769, Volente, TX commented on community support of Volente.
  - d. Nancy Carufel, 8138 Joy Rd., Volente, TX commented on the monthly reports on the agendas and budget items of mileage reimbursement, and office and staff costs.
5. Mayor's Report.  
The Mayor is excited about the Council's changing with the November election. Change is good for the community. He thanked the volunteers who have worked hard on the pending community survey and the correction of the ordinances. Planning & Zoning Commission is working now on a short term rental ordinance.



6. Finance Committee Report. (Mayor Pro Tem Scott)

Mayor Pro Tem Scott said the Village will be looking for a bookkeeping service and he thanked Kit Hopkins for her work on the books and the budget. He updated the Council and the public on the financial report for July, 2014 and the year to date budget.

7. Central Water System Ad Hoc Committee Report

Council Member Graci gave options the committee is looking at. There is not an operating cost for this at this point. The committee hopes to get the cost soon to see if the residents are interested in a public water system.

8. BCRUA report update

Council Member Graci said Brushy Creek Regional Utility Authority did acquire the pump station by the Cedar Park water plant. There are new reports available on their website.

9. Staff reports.

a. City Administrator/City Secretary Project Report.

City Administrator Barbara Wilson thanked Kit Hopkins for her work on the financial records. She also thanked Nancy Carufel for her help on the site plans organization and her work volunteering in the Village office. There has been 11 advisory meetings since the last Council meeting. This report is included in the packet.

b. Financial Report was given by Mayor Pro Tem Scott.

c. Construction Report.

City Administrator, Barbara Wilson, gave this report on building activity in the Village.  
Public Comments

David Springer, 8504 Lime Creek Rd., Volente, TX asked about the recovery of sales tax that were sent to Leander instead of Volente.

10. Swearing in of Barbara Yarbrough as Council Member.

Judge Thrash administered the oath to swear in Barbara Yarbrough as a Council Member. She was seated at the Council table after being sworn in.

11. Approval of the minutes from June 17, 2014 and July 22, 2014.

Council Member Judy Graci asked for the names of Babs Yarbrough and Linda Olson to be added to the public comment section on the June 17, 2014 minutes, not attached to the back and having their emails made public. Mayor Pro Tem Scott made a motion to approve the minutes from June 17, 2014 and July 22, 2014 with the correction from Council Member Graci. Council Member Graci seconded the motion. The motion passed with all Council Members voting except for Babs Yarbrough since she was not a Council Member at that time.



12. Discussion and Possible Approval of the Inter-local contract with the Austin/Travis County Health to provide inspection services.  
Council Member Graci made a motion at approve the contract presented. Council Member Beck seconded the motion. The motion passed unanimously.
  
13. Public Hearing on Proposed Ordinance No. 2014-O-12, amending the Village's Zoning Ordinance 2004-O-24, regarding the Organizational Rules governing the Planning and Zoning Commission.  
City Administrator, Barbara Wilson, defined Ordinance 2014-O-12 to Council and public. The Council discussed it was a clarification of the Planning and Zoning Commission. Allison Thrash, Chair of Planning & Zoning Commission recommended approval of this Ordinance to the Council.  
The Public Hearing was opened at 8:13 a.m.  
Citizens Comments:  
Terry Spurlin, Volente, TX asked why Planning & Zoning Commission recommendations are not final but Board Of Adjustments recommendations are. Barbara Wilson explained it is set up this way in the Local Texas Government Code.  
Mike Gold, Volente, TX asked for clarification of what issues the Board Of Adjustments hears. He believes all zoning issues should be before Board of Adjustments.  
The Public Hearing closed at 8:21 p.m.
  
14. Discussion and Possible Action on Ordinance No. 2014-O-12, amending the Village's Zoning Ordinance 2004-O-24, regarding the Organizational Rules governing the Planning and Zoning Commission.  
Council Member Graci made a motion to approve the Ordinance 2014-O-14. Mayor Pro Tem Scott seconded the motion. The motion passed with Council Member Yarbrough and Graci and Mayor Pro Tem Scott voting for it and Council Member Beck opposed.
  
15. Public Hearing on Proposed Ordinance No. 2014-O-9, amending the Village's Zoning Ordinance 2004-O-32 and 2006-O-59, Regarding the Correction of Misnumbered and Unclear Numbering.  
Barbara Wilson explained this was a correction of three sections receiving the same number.  
The Public Hearing began at 8:45 pm.  
No Public Comments were received.  
The Public Hearing closed at 8:46 p.m.  
Council Discussion:  
Council Member Beck asked that misnumbering be spelled correctly.



16. Discussion and Possible Action on Ordinance No. 2014-O-9, amending the Village's Zoning Ordinances 2004-O-32 and 2006-O-59, regarding the Correction of Misnumbered and Unclear Numbering.  
Council Member Beck made a motion to approve the Ordinance 2014-O-9 correcting the misnumbering with the spelling correction above. Mayor Pro Tem Scott seconded the motion. The motion passed unanimously.
17. Discussion and Possible Action on Ordinance No. 2014-O-10, Amending the Village's Zoning Ordinances 2004-O-32 and 2007-O-78, regarding the Correction of Miss-numbered and Unclear Numbering.  
Barbara Wilson explained the correction that was needed.  
The Public Hearing opened at 8:44 p.m.  
There were not any comments.  
The Public Hearing closed at 8:44 p.m.  
Allison Thrash, Chair of Planning and Zoning Commission recommended the adoption of this Ordinance to the Council.
18. Discussion and Possible Action on Ordinance No. 2014-O-10, amending the Village's Zoning Ordinances 2004-O-32 and 2007-O-78, regarding the Correction of Misnumbered and Unclear Numbering.  
Mayor Pro Tem Scott made a motion to approve Ordinance 2014-O-10. Council Member Beck seconded the motion. The motion passed unanimously.
19. Public Hearing on Proposed Ordinance No. 2014-O-8, amending the Village's Ordinance 2004-O-32, regarding the Definition of Pumping Plant, Pumping Station and Public Water System of the Village's Zoning Ordinance by the Planning and Zoning Commission.  
Barbara Wilson explained the Ordinance defining Pumping Plant and Pumping Station.  
Allison Thrash, Chair of Planning and Zoning Commission recommend the adoption of the Ordinance to the Council.  
The Public Hearing began at 8:48 p.m.  
There were not any citizens comments.  
The Public Hearing closed at 8:49 p.m.
20. Discussion and Possible Action on Ordinance No. 2014-O-8, Regarding the Definition of Pumping Plant, Pumping Station and Public Water System of the Village's Zoning Ordinance.



Council Member Beck commented Planning & Zoning had previously approved this definition. He asked that corrections be made to line 75 changing use to used and on line 102 adding verbiage of heavy industrial.

Council Member Beck made a motion to approve Ordinance 2014-O-8 with the spelling corrections and additions. Council Member Graci seconded the motion. The motion passed unanimously.

21. Discussion and Possible Action authorizing funding for the 2014 Community Survey, not to exceed \$2500.00.

Allison Thrash, Planning & Zoning Chair, said the Commission has been working on the comprehensive plan and cleaning up of the ordinances. The recommendation from Planning and Zoning is to approve the funding for the pending survey not to exceed \$25,000.00.

Citizens comments:

There were not any comments.

Council Member Beck asked about the Survey Monkey if we had a level yet. Planning and Zoning Commission is asking for Platinum level of Survey Monkey. Barbara Wilson gave the benefits of the platinum level of Survey Monkey. Council Member Yarbrough made a motion to authorize the funding not to exceed \$2500.00 for the 2014 Community Survey. Council Member Beck seconded the motion. The motion passed unanimously.

A 5 minute break taken at 9:03 p.m. Council called back into session at 9:09 p.m.

22. Discussion and Possible Action on Fiscal Year 2014.15 Budget.

Mark Scott, Chair of Financial Committee and Kit Hopkins, member of the Finance Committee, explained the proposed budget that was presented. Kit Hopkins went over revenue and expenses. Council asked questions regarding budget items of council training and road work. Mark Scott gave an example of the difference between tax rate of .1300 and tax rate of .1346. He and the Council would like to see the tax rate stay the same next year at .1300. Mayor Pro Tem Scott made a motion to have a proposed tax rate of .1300 for the fiscal year 2014.15. Council Member Graci seconded the motion. The motion passed unanimously.

Citizen's Comments:

Nancy Carufel, 8138 Joy Rd., Volente, TX asked the Council to look at a senior tax freeze. She also would like the Village to set a budget and live in that amount.



**23. Adjourn**

Council Member Beck made a motion to adjourn. Council Member Yarbrough seconded the motion. The motion passed unanimously.

Approved this 5th day of September, 2014.

Frederick Graber, Mayor

Barbara Wilson, Acting Secretary

1  
2  
3  
4  
5  
6  
7

**MINUTES OF THE  
Special Called Meeting of the  
City Council  
16100 Wharf Cove, Volente Texas 78641  
Wednesday, October 1, 2014 at 6:00 p.m.**

8  
9  
10

**1. Call to Order of the City Council.**

Mayor Graber calls the meeting to order at 6:09 pm

11  
12

**2. Roll Call.**

Council Members Jan Yenawine and Judy Graci present. Mayor Pro Tem Mark Scott and Mayor Frederick Graber present. Council Member Beck and Council Member Yarbrough absent at call to order but arrive during Agenda item 3.

13  
14  
15  
16

**WORK SESSION AGENDA ITEMS**

17  
18  
19

**3. Work Session of the City Council to discuss a Short Term Rental Ordinance.**

20  
21

**a) Staff presentation**

Barbara Wilson, City Administrator:

22  
23  
24

Details Briarcliff's experience with their STR Ordinance, where HOA sued STR operator, but lost on deed restrictions. Court awarded \$40k to attorney fees, court costs fees, etc. Only \$2400 to HOA.

25  
26

Asks Council to look at the Federal standards on housing and definitions of family, emailed to council members prior to meeting.

27  
28

Cities in which the proposed STR Ordinance is based on may have police force or be zoned differently. Rollingwood prohibits STRs all together.

29  
30

Tom Buckle, City Attorney, says prohibiting STRs altogether could be discriminatory.

31  
32  
33

There is a Health and Safety concern regarding septic systems and STRs, the Fire Code is also considered a Health and Safety concern.

34  
35

Council Member Graci:

Asks Buckle about zoning and if R-1 can do anything prohibiting STRs.

36  
37  
38  
39

Buckle responds, R-1 cannot prohibit STRs because zoning is land use, not who pays whom money. STRs are using the property as residential, despite the amount of time for which they're being used.

40  
41

Council Member Yenawine:

If the LCRA bases septic permit analysis on expected home-use, a shocked septic could contaminate the wells.

42  
43  
44

Buckle says you can regulate the number of people in STRs based on Health and Safety. Septic could determine occupancy. LCRA expert testimony may be

45 required to prosecute. Sewer and water facility restrictions can be put in place,  
46 which may limit guests at STRs.

47  
48 Tom Buckle says a police department for enforcement is not necessary,  
49 violations can be collected through neighbor testimony and employee  
50 observation.

51  
52 Council member Yenawine:  
53 Can we require licensing for STRs to follow the same rules as commercial  
54 licensing?  
55 Buckle, STRs are neither residential nor commercial. Size of septic is the issue,  
56 not zoning.  
57 Yenawine, if a STR operator said I want design (a septic system) for 60 people  
58 and the LCRA approves the plan, if they go over 60 then can a code enforcer say  
59 there is a violation?  
60 Buckle, yes and if prosecuted than can be counted as violation of ordinance.

61  
62 Mayor Pro Tem Scott:  
63 LCRA regulations could help define occupancy, but guests are not considered  
64 occupants of the STR. How do you enforce a cap on the number of guests?

65  
66 Council Member Yarbrough:  
67 Every property has to have a septic inspection, they count bedrooms but do not  
68 limit number of people in the bedrooms. A Continued Use Certification from  
69 LCRA shows if a septic system is adequate for the number of bedrooms and  
70 square footage. Owners need to have personal responsibility. The LCRA should  
71 not be involved in the Ordinance.

72 Mayor Graber: Then how would people in an STR be limited if not by septic?  
73 Yarbrough: Beck and I conversed, and met with the STR operators last night. We  
74 reviewed leases, and drafted a Code of Ethics (Behavior) for STRs. The STR  
75 operators are fine with limiting the occupancy to 2 people per bed, no sleeping  
76 on floor or couch. Fold out couches and futons would be considered beds.

77  
78 Council Member Graci:  
79 Do you mean limiting occupancy to the number of bedrooms, or number of  
80 BEDS?

81 Yarbrough: Number of beds.

82  
83 Council Member Beck:  
84 Are we aware of any STR septic's blown out? We seem to be grasping for straws  
85 for control instead of addressing the issues up front with Operators  
86 Barbara Wilson, City Administrator, responds that this is not a nuisance  
87 consideration but instead a Health and Sanitation consideration. In determining  
88 a septic permit, the LCRA wants to know square footage, and whether it's for

89 residential or commercial use. This may result in reclassification of homes to  
90 Hotel/Motel classifications and subsequent septic expansion. Septic systems all  
91 around the lake have been blown out; 4 bedrooms in Lago Vista (21 days per  
92 month rented during season, 15 people at a time). This septic would have passed  
93 for residential use, but is being used commercially. LCRA counts toilets, sink,  
94 W&D hook-ups for consideration as well.

95  
96 Council Member Graci:

97 I've been reviewing other cities STR agreements and have not seen one as of yet  
98 that deals with LCRA. They DO limit number of occupants during the day and  
99 limit number of people staying overnight; usually 2 per bedroom NOT bed.

100 Tom Buckle:

101 Texas Property Code prohibits leasing out structures to more than 2 adults per  
102 bedroom, statewide.

103  
104 Council Member Yarbrough:

105 Texas Property Code is included in David Dire's lease for his STR, and talks about  
106 eviction from his STR.

107 Buckle, yes this Texas Property Code requires an owner to give a notice to  
108 vacate. If the rental is month to month, 30 days' notice is required prior to  
109 terminating. On one day rental, one day notice. Weekly, 7 day notice, etc.

110  
111 Council Member Graci:

112 How will noise be handled, current Noise ordinance deals with heavy  
113 construction, could amplified sound be added to the noise paragraph in the  
114 proposed ordinance. In Lakeway, if there are 2 noise related complaints from 2  
115 different people within a 2-year period then an outdoor amplified sound permit  
116 would be required. Graci fills in Yarbrough and Beck (who were not present at  
117 call to order) on Buckle's comments that a Police Department would not be  
118 necessary. Violations could be regulated without a lot of cost. Number of  
119 occupants and noise problems are two main issues to control.

120  
121 Mayor Pro Tem Scott:

122 Yes, noise and nuisance, trash, are main issues. Trying to tackle these through  
123 septic and other things is skirting. How do we control the main issues? Are the  
124 violations made against the Property Owner or the person making noise?

125 Buckle, you can bring prosecution against occupant and owner. You need  
126 witnesses to be the complaining neighbors.

127 Scott: Can we nominate citizens to be volunteer code enforcers?

128 Buckle, yes you can have someone that's a citizen but you would have to  
129 designate them as an Agent of the Village.

130  
131 Council Member Beck:

132 The issue that has brought citizens forward is consistently noise, light possibly.  
133 Much secondary to that is the issue of trash. Not so much Health and Safety as  
134 instead disruption of peace. Details past experience with Party Boats, could STRs  
135 have the same resolution between VOV and Operators of STRs.

136 Mayor Graber:

137 I was not invited to the meeting with STR operators. Did all of the owners show  
138 up?

139 Beck: Anne Steichen invited and scheduled the meeting with STR operators.  
140 David Dire, Cecil Martin, and Rick Redmond were in attendance. Ed Reugg and  
141 Mario and his Administrative Assistant have had prior conversations with us  
142 about this Code of Conduct.

143 We challenged all Operators to come up with Code of Conduct to self-regulate so  
144 that we don't have the issue of enforcement. Discussed Beds vs Bedrooms,  
145 parking restrictions, noise (amplified music couldn't begin before 11am, end at  
146 10 weekdays, end at 11 pm weekends, etc.), STR operators need 2 people's  
147 names (available by public record) so that citizens can immediate contact  
148 someone. Operators are willingly providing all lease information and contact  
149 information so that VOV has the opportunity to enforce with the owner any  
150 violation of Code of Conduct.

151  
152 Council Member Graci:  
153 The problem is there are some responsible owners, and then there are some  
154 who are not. Some owners are motivated by money; more people means more  
155 money. Cities have STR ordinances for a reason. Having an ordinance gives ability  
156 to enforce, more so than pleading over phone for change. Jonestown's  
157 ordinance, as example, has maximum number of people during day and  
158 maximum number for overnight. If it becomes needed we could also hire off  
159 duty commissioned Police Officers (Jonestown). But you have to have an  
160 ordinance for them to enforce.

161  
162 Council Member Ken Beck:  
163 Has concern that the Village's reaction to situations is to immediately put an  
164 ordinance into effect for enforcements. Instead suggests working with Operators  
165 to see if they will make correction to behavior first.

166 Barbara: Coordinated Party Boat rental meetings, 80% compliance but 20% that  
167 are still causing problems.

168  
169 Mayor Graber: Was there any talk of regulating occupants in the STR owner's  
170 meeting? Were there any citizens present?

171 Beck: no citizens were present, this was just an initial meeting of STR operators.

172  
173 Council Member Yarbrough:  
174 Operators' intent from STR Operator meeting was to pull together something for  
175 the community to consider at the Town Hall meeting. Operators need to be

176 contacted in order to help enforce complaints. There is a broader problem than  
177 STRs to consider, with regard to noise.

178 Mayor Graber: So are you looking for a nuisance ordinance?

179 Yarbrough: I don't know that an ordinance is necessary, but there is no  
180 enforcement for anyone with a complaint to call.

181

182 Council Member Yenawine:

183 The meeting Anne Steichen put together was for STR Operators to come  
184 together, not for an open meeting for everyone to attend. That's the Town Hall  
185 Meeting. We can have a Code Enforcement person that strictly enforces  
186 whatever is passed and handles communication between complainers and  
187 violators, issuing tickets if necessary.

188

189 Tom Buckle, you can rely on citizens and neighbors coming in and filing  
190 complaint.

191 Graber: So to revoke a STR permit requires 3 complaints or 3 convictions?

192 Buckle, would have to be 3 events, each warranting a prosecution, to get license  
193 revoked. Or 3 types of violations, (example nuisance, and traffic, noise) to revoke  
194 license. 3 or 4 neighbors would need to come together and file complaints to  
195 ensure prosecution has enough evidence to pursue a case. Complaints go to  
196 Barbara, Barbara to Buckle, Buckle evaluates, then YES there is trial and  
197 prosecution. Financial penalties are per incident, resulting in a loss of license  
198 after 3 convictions.

199

200 Council Member Beck:

201 Should a chance be given to people in the party rental or operators to get things  
202 under control before penalizing?

203

204 Mayor Pro Tem Scott:

205 If Travis County is called on noise complaint, will they be forced to witness  
206 complaint?

207 Barbara: Title 9, section 40.1 Texas Penal Code, says they must file an affidavit  
208 with the complaint, and it has to be witnessed and signed. They keep the tapes  
209 for 2 weeks, but paperwork is not completed usually because of time  
210 constraints. After two weeks, there is often no record of the complaint.

211

212 Council Member Yenawine:

213 I'm against neighbors enforcing, there should be a designated Code Enforcement  
214 person. It may require someone local or a designated Council Member that can  
215 be called so that it is documented. If the Code Enforcement Officer or Sheriff  
216 tells a party operator to shut down, then the party starts back up, are those 2  
217 different complaints?

218 Buckle, only if the day changes. (11 pm, then 1 am).

219 Yenawine, neighbors should not be enforcers and owners should not be  
220 penalized for 1 incident alone.

221  
222 Mayor Graber: The complaint process is coming together but what about  
223 immediate relief for citizens suffering from the nuisance?  
224 Buckle, that cannot be done, there has to be the judicial process. In response to  
225 working with STR operators, the responsible owners are usually compliant and  
226 the judicial process weeds out non-compliant operators.

227  
228 Council Member Yarbrough:  
229 Collected leases from STR Operators, the leases are more explicit than Council  
230 has been yet. STR Operators are willing to work with Council. Operators are best  
231 and first line of defense regarding nuisances. STR operators are willing to  
232 network to shut down parties out of control, whether or not it is their personal  
233 STR property.

234  
235 Council Member Ken Beck:  
236 Contacted Commissioner Daugherty about the Sheriff’s department on how  
237 deputies will perform out here. I am awaiting a call back for specifics.  
238 Tom Buckle mentions that Sheriff is an elected official, and enforcement may  
239 change with the change of person in power.

240  
241 Barbara Wilson:  
242 In the proposed Ordinance, compliance with other organizations regarding  
243 Health and Sanitation (LCRA, Fire Department) is required in order to be  
244 complaint with the STR Ordinance.  
245 Buckle, Volente should have a nuisance and noise ordinance in place to enforce  
246 with STR operators. The language here should act as a template for the City.

247  
248 Council Member Yenawine:  
249 Proposes waiting until after Town Hall meeting before going through ordinance  
250 line by line.  
251 Buckle, agrees. The Town Hall meeting could change the point of view of Council.  
252 It may be premature to get to a final consensus on the ordinance. Divergent  
253 opinions between Council may change with Saturday’s meeting.

254  
255 Mayor Graber details the plans and format for Saturday’s Town Hall meeting.

256  
257 **REGULAR AGENDA ITEMS**

- 258  
259 **4. Discuss and Consider Possible Action on an update regarding the cost and distribution**  
260 **of the 2014 Community Survey (Mayor Graber).**

261  
262 Mayor Graber:

263 Details the history arriving to present. At the last meeting I volunteered to take on  
264 getting the 2014 Community Survey up and going via Survey Monkey, I created a digital  
265 version of the 2004 Survey, converted it to a word doc, and began discussions with  
266 Survey Monkey for its upload and launch. But in speaking with representatives at  
267 Survey Monkey, they stated that the premium service we subscribed to did not include  
268 programming the survey, but rather only increased the response time that customer  
269 service would respond to programming questions. They stated they could program it  
270 for us, but it would cost thousands. They also said they had no ability to upload the  
271 survey hard copies that are mailed in and would have to be entered manually. Survey  
272 Monkey will provide the raw data, but won't generate the analytics. With this news, I  
273 contacted Council Member Graci to help find firms and gather bids for the cost of  
274 completing the Survey knowing it needed to come back to Council for direction.  
275 The bids were reviewed by Council.

276 Mayor Graber suggested verbiage be included in the cover letter encouraging residents  
277 to complete the survey online to save the Village money. Stresses that the survey needs  
278 to be kept to 3<sup>rd</sup> party management to eliminate any chances the data could be  
279 compromised.

280  
281 Mayor Pro Tem Scott:  
282 What is the total damage above and beyond cost of Survey Monkey and what happens  
283 when we want to do another simple survey?

284 Mayor Graber: Quick surveys could be easily done through Survey Monkey. The  
285 premium was to have support on phone within 5 minutes.

286 Council Member Yarbrough:  
287 All of our extensive research into this with Survey Monkey seemed to tell us differently.  
288 Council Member Beck: While I believed that we would still have to input the questions  
289 for Survey Monkey, I did think they would have performed the analytics.

290  
291 Mayor Pro Tem Scott:  
292 So this \$4,000 estimate is beyond the \$2,000 we expected?

293 Mayor Graber:  
294 Theoretically, but the number depends upon how many surveys are mailed in versus  
295 being completed online.

296 Council Member Yarbrough:  
297 Which one of the proposed companies has been worked with before?

298 Mayor Graber:  
299 Tammadge (proposed cost of \$4,250), This Company works with Survey Monkey all the  
300 time and are used to these issues.

301 Council Member Graci:  
302 Do we want to consider having Village staff or the \$5/hour person input the hard copy  
303 survey responses, but have the programming done by one of the firms?

304 Consensus among Council is that it is better to keep the Survey with a single 3<sup>rd</sup> party  
305 company, and out of the office.

306

307 Council Member Graci:

308 Would this additional money be coming out of general savings?

309 Mayor Graber:

310 Yes, the additional money would come from savings.

311 Barbara reminds Council that this is coming from FY 2014-2015, in which the cost of the  
312 survey is not anticipated.

313

314 **Mayor Pro Tem Mark Scott makes a motion to authorize the Mayor to enter into an**  
315 **agreement with Tammadge Market Research to complete the community survey, not**  
316 **to exceed \$4,200, including uploading written responses at \$15 per survey. Seconded**  
317 **by Council Member Jan Yenawine. Council Members Jan Yenawine, Judy Graci, and**  
318 **Mayor Pro Tem Scott vote in favor. Council Members Babs Yarbrough and Ken Beck**  
319 **vote no.**

320

321 Council Member Beck:

322 States that while he is in favor of completing a Community Survey, he is against this  
323 particular survey. The Village could possibly solicit volunteers to enter people's surveys  
324 online for other citizens to save the Village some costs.

325 Council Member Yarbrough:

326 Also opposed because of the costs and the particular survey at hand.

327

328

329 **5. Discuss and Consider Possible Action to allow site work at Friendship Park by**  
330 **volunteers at no cost to the Village. (Mayor Graber)**

331

332 Mayor Graber:

333 The Environmental Committee met on Saturday (September 27, 2014) and decided a  
334 consensus on the park needs to be developed. TX DOT would not allow entrance to park in  
335 one location because of fear of cars mistaking it as an entrance to Reed Dr. With this  
336 information, we're looking for parking, entrance and handicapped access off of the Reed Dr.  
337 side of the park. There are also slope and drainage issues and a site plan needs to be  
338 engineered before the Committee can move forward with further park recommendations.  
339 Barbara, there is a bid for \$1,500 from Carey Witt and his Engineering firm (Geo Solutions)  
340 to create a site development plan and placement for parking and handicapped access.  
341 Robert Nelson calculated it could be 100 ft. or more of ramp (12 ft. sideways for every foot  
342 upwards). Once Carey Witt has determined the best solution, a recommendation will be  
343 brought back to Council for consideration then bids would need to be collected from  
344 construction firms.

345 Buckle, Parks fund can be allocated to pay for this and the costs of construction.

346 \$1,500 covers planning so that project can be bid for construction.

347 Graber: Details the security fence around plot for play scape, cedar/limb type fence around  
348 entire park.

349

350 Council Member Yarbrough suggests getting a detailed bid of what all the \$1500 includes,  
351 and to get a full site plan of park so that it can be built at once.

352 Barbara: Bid includes site plan with conceptual of drainage, LCRA, etc.  
353

354 Council Member Yenawine suggests a meeting in which the community can decide  
355 placement of play scape, etc.  
356

357 Council Member Yenawine makes motion to accept Carey Witt’s proposal to create a site  
358 development plan for Friendship Park not to exceed \$1,500. Seconded by Council  
359 Member Yarbrough. Carries Unanimously.  
360

361 **6. Adjourn**

362 Meeting adjourned at 7:47 pm.  
363

364 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
365

366 Signed:  
367

368 \_\_\_\_\_  
369 Mayor, Frederick Graber  
370

371 Attest:  
372

373 \_\_\_\_\_  
374 Julia Vicars, Acting City Secretary

1  
2  
3  
4  
5  
6  
7

**MINUTES**  
**of the**  
**TOWN HALL MEETING**  
**at the Volente Fire Hall**  
**15403 Yenawine Way, Volente Texas 78641**  
**Saturday, October 04, 2014**

8  
9  
10  
11

**1. Call to order of the City Council (Mayor Graber)**

Meeting called to order by Mayor Graber at 10:12 a.m.

12  
13  
14  
15

**2. Roll Call**

Roll called by Barbara Wilson, City Administrator. Council Members Babs Yarbrough, Judy Graci, Jan Yenawine, Ken Beck, Mayor Pro Tem Mark Scott, and Mayor Frederick Graber in attendance. Tom Buckle, City Attorney also in attendance.

16  
17  
18  
19

**3. Open Town Hall Meeting on Short Term Rentals**

**a. Presentation by Staff and the City Attorney**

20  
21  
22  
23  
24  
25  
26  
27

Mayor Graber stands at podium to deliver opening speech detailing the issues at hand regarding STRs. Mayor Graber states that property owners within the Village will be receiving the Community Survey by the end of the following week. Mayor Graber explains the format for the meeting, so the community will understand the order in which things will proceed. Mayor Graber then reads additional statements addressing STRs (see attached). Council will have another Workshop to address any new ideas and could take action as soon as October 21, 2014 at the regular City Council meeting.

28  
29  
30

Tom Buckle, City Attorney delivered to the community the four options for handling STRs. *(see attached)*

31  
32  
33  
34  
35  
36  
37  
38

Walter Groman, Chief of the Volente Fire Department, gives detailed list of the Fire Department's concerns with Short Term Rentals, including houses needing prominently displayed signage inside with emergency contact information and Fire Department's phone number, smoke detectors (regularly maintained), and carbon monoxide detectors. He states that the Fire Code prohibits more than 50 people gathering without a permit, which could assist in breaking up large parties. He expresses concerns about clientele of the STRs blocking emergency vehicle access both on the property and on the street.

39  
40  
41  
42

Barbara Wilson, City Administrator shows two tables from the LCRA with differences listed between home and commercial septic gallons pumped. *(see attached)* This illustrates also the differences between a Hotel and Residential septic system, which may come into play if an STR Operator is required to re-zone.

43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

**b. Citizen comments/Public Communications**

Anne Steichen, 15807 FM 2769:

Runs B&B in town and assisted in the execution of a STR Operator Meeting. Those in attendance were in agreement that they could come up with a Code of Conduct, similar to the resolution with the Party Boat issue. Suggests waiting to make a decision on this Ordinance until after the Community Survey Results are in.

Walt Reed, 7400 Reed Dr:

Expresses desire for a process in which community can take action when a disturbance occurs to achieve immediate relief from the nuisances offenses. Wants disturbances documented so that the prosecution process may begin. Would like to see immediate consequences for actions which are validated by Volente's Municipal Court. Suggests a seconded offense should mean a revocation of permit.

Kristi Belote, 15809 Buddy Ln:

Just returned from STR in Santa Fe, NM. Zoning all around the plaza is zoned just for Short Term Rentals with a limit on number of permits for Operators and a waiting list in place. Has concerns with proposed Noise and Nuisance Ordinance because 50 feet would not be realistic, due to topography of the area, and would restrict those who live here full time. Asks of Tom Buckle, City Attorney, if the STR permit would be a legal document that the operator would be signing. Buckle, responds yes. She asks if we can create a noise ordinance to mirror Travis County's Noise Ordinance, would it be enforceable by Travis County in the Village of Volente? *Tom Buckle answers that it would depend upon the present Sheriff. Usually Travis County will not enforce in municipal locations. Buckle states that Texas counties have very few regulatory powers and that the Sheriffs would be enforcing State laws.*

David Dire, 7621 Dobie Dr :

Attended STR operator meeting held by Anne Steichen and members of Council. States the operators that attended were Cecil Martin, Rick Redmond and himself, and that he sees the need for criteria and agreed to pursue a code of conduct. He details conclusions decided upon in meeting, including a Code of Conduct for the operators of STRs, as follows:

Occupancy, overnight guests, should meet the occupancy of 2 people per bed (including hideaways or futons), only people in beds. No floor sleeping, etc.

Daytime Guests: However many people allowed for overnight occupancy times 2. Ex (4 overnight guests, no more than 8 day guests) If more than 2x guests, port-a-potty is required.

Parking: parking regulations described in lease. Vehicles, boats, jet skis all identified before arrival of guests.

Hours of Noise: noise cut-offs at night to avoid disturbing neighbors. No noise before 11 AM, outside noise and activity allowed until 10PM weekdays, 11 PM weekends.

Outside lighting: Not allowed.

85 Emergency Contact: someone local should be around to address it and call operator to fix  
86 disturbances.

87 Trash: Clean up enforced in lease; not just at STR but also at neighbor's property if trash  
88 overflows.

89 Conduct: No rudeness, profanity, unlawful activities.

90 Asks the Council to consider giving this Code of Conduct and lease enforcement a chance before  
91 taking further action.

92 *Tom Buckle, City Attorney, responds to Dire:*

93 *The STR industry representatives should work with the Village and that many of the items agreed*  
94 *to within their code of conduct could be used to develop the ordinance.*

95

96 Allison Thrash, 15100 FM 2769:

97 States the Community Survey may reveal opinions on this issue. The Village mission statement,  
98 brochures, etc. all reflect the first community survey desires of the citizens that Volente was a  
99 quiet, peaceful, family-oriented place. It should not be the responsibility of surrounding  
100 neighbors to have to police the activities of the STRs. That should be the responsibility of the  
101 owner who is being paid. Clarifies for the citizens that the Village of Volente does not have a  
102 Nuisance Ordinance in place, and the Noise Ordinance only covers industrial noise. Past  
103 experiences have shown neighbor-to-neighbor enforcement does not resolve issues.

104

105 Nancy Carufel, 8138 Joy Road:

106 Wants STR Operators to have a chance to write up their own rules and monitor themselves like  
107 with the Party Boats. Believes there are already too many ordinances in place and that an  
108 Ordinance will not take care of the people who are causing issues without enforcement.

109 *Tom Buckle, City Attorney responds that a Code Enforcement Officer can enforce any ordinance*  
110 *adopted by the Village of Volente. This would keep enforcement costs at a minimum since a*  
111 *Police Department would not be required. Disturbances reported to City Staff, and verified, can*  
112 *also act as the necessary material for prosecution.*

113

114 Michele Hirschhorn, 7316 Reed Dr:

115 Fears STRs are going to change the community drastically and a Noise Ordinance is a "fear  
116 tactic". Neighbor to neighbor has been tried already and is not working. Volente needs  
117 protection for its residents. Does not feel there are too many ordinances, and that we want to  
118 protect what we have in Volente. She is a proponent for this Ordinance, and any others that  
119 will protect the Community and its way of life.

120

121 Scott Attwood, 16515 Jackson:

122 Details past experience with unsuccessfully trying to resolve issues directly with an STR  
123 Operator. States no compromise was ever able to be reached. Asks of Tom Buckle, City  
124 Attorney, if STRs are being taxed for their Hotel type operations, why are they not considered a  
125 business.

126 *Tom Buckle answers yes, they are required to pay State taxes, but the Municipality is not currently*  
127 *taxing them.*

128 States STRs are a business. Party houses are the issue; large pools and large houses invite large  
129 groups. The original community survey said 80% of residents did not want a tourist town.

130 Believes STRs do not benefit the community, but if they have to exist should be taxed upon by  
131 the Village and the money should benefit the residents who have to live alongside them.

132

133 **Jay Fox, Septic contractor for Rick Redmond spoke to STRs and Septic Ramifications:**

134 When an owner puts in an application for a septic, it goes to LCRA. LCRA requires the septic be a  
135 certain size based on the size of home, bedrooms, and square footage. The septic system is  
136 designed for usage not to exceed a certain number of gallons per day. Typically, residential  
137 systems do not have equalization tank (tank to distribute effluent to the field over a number of  
138 days). Aerobic systems use oxygen to dissolve contaminants coming into tank. There could  
139 arise problems with STRs shocking their septic system or worse. For enforcement, LCRA will  
140 enforce any issues that arise with septic.

141

142 **Linda Attwood, 16515 Jackson St:**

143 Asks of Council to consider how STRs benefit our community, if at all. Has concerns with septic  
144 issues from large crowds because the STR next door has had major septic problems. Would like  
145 Council to have LCRA to come out and talk to community about the Health and Safety issues  
146 associated with STRs.

147

148 **Austin Cameron, Owner and Operator of VIP Marina in Volente:**

149 Agrees there should be something in place to deal with egregious problems but LCRA charges  
150 for every inspection, even if no problem is found, which could be a big economic hardship for  
151 Operators. VIP Marina sometimes rents boats to guests of area STRs, and in his experience this  
152 has been mostly family units. Agrees that major party houses need to be stopped, but not by  
153 passing more ordinances.

154

155 **Jack Hirschhorn, 7316 Reed Dr.:**

156 Feels non-residents should not have say in this decision. Believes that Volente needs to stay a  
157 residential area. States that if residents want to keep VOV the way it is now, Ordinances need to  
158 be passed to keep it that way.

159

160 **Rick Redmond, 16107 FM 2769:**

161 Says his commercial business on Lake Travis is based on tourism, which has increased perhaps  
162 because of Volente's deeper water levels. Believes property values have gone down because of  
163 ordinances passed by Council. Redmond is in favor of the Code of Conduct to give operators a  
164 chance to resolve issues themselves.

165

166 **David Springer, Lime Creek Rd:**

167 STRs operating in residential neighborhoods, instead of commercial zones, is the issue.  
168 Encourages residents to call in complaints to the Village offices to help resolve any issues.

169  
170 Cecil Martin, 7418 Reed Dr.:  
171 Agrees that if residents do not raise a complaint, then ordinances will not matter. Wants STRs  
172 taxed the same as commercial entities within the Village. Thinks peer pressure is the way to get  
173 compliance from bad owners.

174  
175 Bill Connors, 8016 Lakeview St:  
176 Asks of some of the residents who have had trouble with STRs what their experiences have been  
177 with Travis County Sheriff's Office. States he is opposed to the ordinance because of lack of  
178 enforcement and lack of immediate relief for residents. Details a Nuisance Property Law in place  
179 in Travis County that could possibly be useful for Volente. Concerns about septic issues and  
180 neighbor's intake fields. Asks of Barbara, would the LCRA shut down STRs with septic issues or  
181 prohibit use.

182 *Barbara answers LCRA would make STR operators re-permit and may red tag the property or*  
183 *require a larger septic tank.*

184 Connors would like to see prosecution of operators take place by utilizing the Municipal Court in  
185 Volente.

186 *Tom Buckle, City Attorney, adds that there is a criminal system and a civil system. Travis County*  
187 *cannot enforce the civil system, but they will enforce on the criminal side.*

188  
189 Libby Davis, FM 2769:  
190 Details past years of experiences with neighbor to neighbor interactions and how they may have  
191 gone awry but that it was part of the way of life of Volente, and that should not change.

192  
193 Kristi Belote, 15805 Buddy Ln.:  
194 Asks of Tom Buckle, City Attorney, could our permit and fines be based on the size (square  
195 footage) of the house?

196 *Buckle responds yes, within statutory limits.*

197 Suggests STRs basing the permit fee and fines on the size of the house.

198 *Buckle adds that penalties are governed by State law but the permit fee could certainly be*  
199 *adjusted to size of house.*

200 Wants to exhaust all other options at hand before getting to the point of passing an Ordinance.

201  
202 4. Close Town Hall Meeting

203  
204 Mayor Graber gives concluding comments and thanks the public for their input. Mayor Graber  
205 believes the City Council is ready for another work session before the Regular Council Meeting  
206 on the 21<sup>st</sup> of October.

207  
208 5. Adjourn

209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226

Adjourned at 12:34 pm

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Frederick Graber

\_\_\_\_\_  
Julia Vicars, Acting City Secretary

DRAFT

**MINUTES**  
**OF THE SPECIAL CALLED MEETING**  
**Of the**  
**CITY COUNCIL**  
**OF THE VILLAGE OF VOLENTE, TEXAS**  
**THURSDAY, OCTOBER 16, 2014 at 6:00 P.M.**  
**City Hall, 16100 Wharf Cove, Volente, Texas.**

1  
2  
3  
4  
5  
6  
7  
8  
9     **1. Open Special Called Meeting.**

10 Mayor Graber calls the Meeting to order at 6:02 PM

11  
12     **2. Call Roll.**

13 Roll called by Barbara Wilson, City Administrator. Council Members Babs Yarbrough, Jan Yenawine,  
14 Judy Graci, Ken Beck, Mayor Pro Tem Mark Scott, and Mayor Frederick Graber all present.

15  
16     **3. Discussion and Possible Action on Ordinance of the Village of Volente, Texas amending the**  
17 **Village’s Zoning Ordinance (Ordinance No. 2004-O-32), codified at Article 30, Sections 30.105**  
18 **and 30.133 of the Village’s Zoning Regulations; providing the definitions of Short Term Rental;**  
19 **defining, regulating and restricting the use of Short Term Rental usage in Zoning categories; and**  
20 **providing for legislative findings, purpose, penalty provisions, severability, effective date, and**  
21 **public notice and meeting requirements.**

22  
23         **a. Staff Presentation**

24  
25             Mayor Graber discusses the history of numerous STR meetings and public input  
26 since April and culminating in this ordinance’s decisions.

27  
28             Barbara Wilson, City Administrator, goes over the proposed ordinance.  
29 Council Member Judy Graci points out that the notice a property owner must give to  
30 neighbors (line 88 of proposed STR Ordinance) does not include the verbiage of  
31 what the notice would say.

32             Council Member Babs Yarbrough says that residents receiving a notice that a STR  
33 will be next door may have an immediate negative effect, causing more harm than  
34 good.

35             Council Member Judy Graci, the benefit of the notice is to provide neighboring  
36 residents with the name of an authorized agent, owner of unit, telephone numbers  
37 for 24 hour contact, a number to call and report violations, and the max number  
38 occupants and number of vehicles allowed, all of which will give the neighbor the  
39 information they need if an issue arises.

40 Council Member Babs Yarbrough states that every STR owner has a list of all other  
41 owners. If the owner next door cannot be reached, then the other owners would  
42 call. STR owners have agreed to call and scrutinize each other as detailed in their  
43 Code of Conduct. This notice to neighbors is not going to provide immediate relief or  
44 end a party.

45 Mayor Graber reminds Council that whether or not to adopt an ordinance will be a  
46 discussion for the Council meeting. Today is focused entirely on the proposed  
47 ordinance language.

48  
49 Council Member Jan Yenawine would like to add to line 31 "health and safety issues  
50 for both neighboring residents and rental clientele".

51 Mayor Pro Tem Mark Scott agrees.

52  
53 Barbara Wilson, City Administrator, asks Council if the notice would be required to  
54 be sent out to residents within 200 feet or 500 feet? (line 88)

55 Council Member Jan Yenawine agrees with 500 feet, adding that limiting the  
56 notification to 200 feet would not get the notice out to enough residents around the  
57 STR.

58 Mayor Graber agrees. 500 feet allows all potentially impacted residents to receive a  
59 notice.

60 Council Member Judy Graci is also in agreement with 500 feet.

61 Council Member Ken Beck states that the meeting with STR owners resulted in not  
62 only a Code of Conduct but also multiple names and numbers of other Operators  
63 relatively close to each rental. States that he is in favor of the written notification  
64 because it supports open communication between Operators and residents.

65 Council Member Jan Yenawine states that the Operators' agreement cannot be  
66 enforced and our Ordinance needs to be kept simple. A telephone number for  
67 contacting rental owner needs to be available to residents. When an operator  
68 applies for a permit, then a contact number for themselves or a responsible party  
69 needs to accompany the application.

70 Council Member Judy Graci details what the notification would include.

71 Name of an authorized agent, a telephone number for 24 hour availability,  
72 Enforcement telephone number at which members of public may report violations,  
73 and the maximum number of overnight guests permitted to stay in the unit separate  
74 from the maximum number allowed during the day.

75  
76 Council Member Jan Yenawine states that if too large a crowd can make the septic  
77 system fail (line 106), and an applicant's license is suspended if the septic does not

78 comply with LCRA or OSSF then Code Enforcement can shut down a party based on  
79 licensed number of people permitted and the septic capacity, as permitted by LCRA.  
80 Council Member Ken Beck states those are two different issues being combined.  
81 LCRA says nothing about the number of people who can stay overnight, and I don't  
82 see a need to have LCRA involved in the Ordinance at all.

83 Council Member Babs Yarbrough talked to LCRA inspector who said septic  
84 inspections are complaint driven right now. Sees no need for LCRA to come out and  
85 uncover septic systems without cause.

86 Council Member Jan Yenawine states that the Ordinance should fall back on LCRA's  
87 criteria for septics which limits our STRs to 3 people per bedroom. The LCRA will  
88 verify the number of people on an operator's application with the septic on file,  
89 then approve that number of allowed guests or not.

90 Council Member Babs Yarbrough says LCRA will have to come out to inspect. They  
91 will not let you know over the phone.

92 Council Member Judy Graci says there has already been clarification that State Law  
93 is 3 people per bedroom, so we should not go over that. Most other Ordinances say  
94 people per bedroom, plus a maximum of 2 additional overnight guests.

95 Council Member Ken Beck says that he would be more comfortable with LCRA  
96 involved if we set a number of guests per bedroom. Complaint driven inspections for  
97 septic system issues would continue.

98 Mayor Pro Tem Mark Scott states that there have been documented issues with  
99 septics and STRs. LCRA will pull up research in office and LCRA will use a formula for  
100 calculating number of people the current septic will handle. Asks Barbara if we make  
101 a form for LCRA will they review it for free?

102 Barbara, when I spoke to LCRA yesterday, I got verbal confirmation that a STR septic  
103 did fail and they have required remedial action from LCRA and different usage and  
104 the owner has agreed. LCRA does have plans on every septic in the Village. After  
105 submitting to LCRA the application and the number of guests the STR operator  
106 wants, the LCRA would review their records. They said that OSSF and LCRA would  
107 respond with a letter or email of what the cost for this process would be.

108 Mayor Pro Tem Mark Scott states that the Ordinance cannot have requirements  
109 involving LCRA until we know more details about that option.

110 Barbara responds that the Village will need confirmation of exactly what the cost to  
111 the applicant would be. LCRA is willing to work with the Village on this issue, since  
112 they have had to intervene and enforce a change of use for a septic stemming from  
113 neighbor complaints.

114 Council Member Babs Yarbrough says that the mentioned situation proves that  
115 LCRA involvement should be limited to a complaint driven, as needed basis. Adding

116 that including on front page “all ordinances including LCRA and OSSF Septic  
117 regulations” (line 79) would cover septic issues without involving LCRA further.

118 Tom Buckle says he would like it listed as a separate line.

119 Mayor Pro Tem Mark Scott suggests adding a #2 line, “all structures for STR must  
120 comply with....”

121  
122 Council Member Jan Yenawine suggests limiting the number of people permitted to  
123 stay overnight to the state standard of three per bedroom.

124 Tom Buckle, City Attorney, adds that there should be a definition of adults as being  
125 over age 16.

126 Council Member Judy Graci states she would prefer 2 people per bedroom with a  
127 max of 2 additional overnight guests, which is more fitting for a residential area.

128 Council Member Babs Yarbrough suggests a compromise of 2 people per bedroom  
129 and 3 additional guests.

130 Council Member Judy Graci agrees.

131 Council Member Ken Beck asks that the language of guests being defined as over  
132 age 16 be implemented to ensure children could still be guests without adding to  
133 the count.

134 Council Member Jan Yenawine agrees to 2 per bedroom and 3 additional guests, age  
135 16 or over.

136  
137 Mayor Graber states that Council is now on section C of the proposed Ordinance.

138 Mayor Pro Tem Mark Scott proposes excluding (d) and (f) until LCRA has something  
139 definite in place.

140 Council Member Ken Beck agrees.

141  
142 Council Member Ken Beck suggests including a calculation of how many daytime  
143 guests are permitted. (e)

144 Tom Buckle agrees, adding that this point is where the Fire Code should be  
145 referenced.

146 Council Member Judy Graci details guest numbers from other cities’ Ordinances.

147 After discussion it is agreed upon to allow 10 additional guests during the day.

148 Barbara Wilson suggests writing this in so that it states a maximum of 10 additional  
149 guests during the day or the maximum number of guests permitted without  
150 exceeding the Fire Code.  
151

152 Barbara Wilson reminds Council that the proposed amount for the first year of  
153 permit is \$150 with \$50 renewal fee. Barbara details an example of the complaint  
154 process and the fees that the Village would incur during the judicial process.

155 Tom Buckle responds that the amount the Village would incur is handled by the  
156 fines assessed. Attorney fees would not be covered, but could be awarded to the  
157 Village to be paid by the guilty party.

158 Council Member Judy Graci says that some of the other area ordinances require a  
159 STR to come in and re-notify neighbors giving them another notice with updated  
160 information before renewal of the permit.

161 Council Member Babs Yarbrough suggests that this information be posted on the  
162 website and that STR Operators are required to notify the Village office within 30  
163 days of a change that affects the contact information.

164 Mayor Graber asks of Tom Buckle if posting people's information as a record online  
165 is legally sound if the party agrees to the posting online.

166 Tom Buckle responds yes, since it is a business listing.

167  
168 Council Member Ken Beck asks if clarification needs to be made on point f.

169 After discussion by Council, removing item f is agreed upon as well as the removal of  
170 item g.

171  
172 Barbara Wilson reads aloud item h.

173 Tom Buckle, says the verbiage needs to read "administratively incomplete"

174 Council Member Ken Beck adds that the only party that should determine if an  
175 applicant is acceptable for licensing is City Council. If the applicant disagrees then  
176 P&Z can see if their application is incomplete or not, but that is all.

177 Barbara, item 3, there's not a good way to address this but it needs to be raised  
178 concern of driveways

179 After discussion Council agrees to change the verbiage.

180  
181 Barbara Wilson asks of Council if the wording on item 3 is acceptable.

182 Council Member Jan Yenawine states that parking on one side of street should be  
183 allowable but there still must be 20 feet on the roadway.

184 Council Member Ken Beck says requiring this of only STR Operators would be  
185 discrimination. It would have to be required of every homeowner in the Village of  
186 Volente and be put in all of our Ordinances.

187 Tom Buckle responds that this should be in each ordinance. Adding that this can be  
188 used as a guideline for remodeling all ordinances.

189 After discussion by Council it is agreed upon that item 3 is approved, eliminating the  
190 defined footage.

191  
192 Mayor Graber asks of Council why is 3 convictions more acceptable than 2.

193 Council Member Jan Yenawine says that in the first year there is a learning curve.

194 Three incidents could stem from one party.

195 Tom Buckle reminds Council that it is not 3 events, but instead 3 violations. One bad  
196 rental could rack up three violations quickly.

197 Council Member Babs Yarbrough asks if it is three violations per year?

198 Council responds yes and after discussions 3 violations resulting in loss of license is  
199 agreed upon.

200  
201 Barbara Wilson brings up (8) Effective date.

202 Council Member Ken Beck asks if there are grandfathering provisions.

203 Tom Buckle responds grandfathering provisions could apply but this section is just  
204 for licensing. In the permit this verbiage can be added to permit pre-existing  
205 bookings.

206 Barbara Wilson asks for clarification that on the application the verbiage would be  
207 added that if an Owner can prove existing bookings, they would be allowed those

208 Tom Buckle says that yes, you can

209  
210 Barbara Wilson asks Council about how they would like the signage to be required in  
211 the application.

212 Mayor Graber states that at a hotel all relevant information is on the back of the  
213 front door. It makes sense that STRs would have the same signage.

214 Barbara adds that on the application a Knock box and a sign with address and  
215 emergency phone numbers on the inside of the front door is required.

216 Council Agrees.

217  
218 Council Member Judy Graci suggests adding the definition of a bedroom, "a  
219 bedroom is a room that is designed to be used as a sleeping room and for no other  
220 primary purpose"

221 Council Member Ken Beck asks of Tom Buckle if this is necessary.

222 Tom Buckle responds that while it is optional, the issue could arise of an Operator  
223 using dining rooms, etc. as bedrooms.

224 Council agrees that the definition of bedroom be added to the definitions section of  
225 the proposed Ordinance.

226

227 Council Member Ken Beck asks if there can be a restriction on the number of STRs  
228 allowed in Volente

229 Tom Buckle responds that Council should be careful considering New Mexico has  
230 that allowance but Texas does not.

231 Council Member Ken Beck details the cap in the City of Austin.

232 Tom Buckle responds that if there is a cap in the City of Austin, then he is more  
233 agreeable with putting a cap in Volente.

234 Mayor Pro Tem Mark Scott says he would prefer not adding a cap now, but instead  
235 amending the Ordinance later if issue arises.

236 Barbara Wilson reminds Council that the City of Austin has 63 different zoning  
237 categories.

238 Council Member Judy Graci details Rollingwood's ban on STRs. Says that since the  
239 public seems to be against STRs all together, Council should at least discuss banning  
240 them.

241 Tom Buckle responds that while you can ban STRs, it leaves the Village open for  
242 lawsuit. He adds that Rollingwood has not enforced the Ordinance at all, and doing  
243 so would open them up to liability as well.

244 Council Member Jan Yenawine states that STRs are already in existence in Volente  
245 and we should try to regulate rather than ban.

246

247 Council Member Judy Graci asks Tom Buckle if there needs to be a Noise and  
248 Nuisance Ordinance in place, as he suggested, to address the issues that arise with  
249 major parties.

250 Mayor Graber asks if this is within the STR Ordinance or as a separate Ordinance.

251 Council Member Judy Graci responds that this would be a separate Ordinance.

252 Tom Buckle says that the verbiage is in the STR Ordinance and there is the  
253 requirement of compliance with all other ordinances if a new one is adopted.

254 Mayor Graber asks that discussion of a proposed Noise or Nuisance Ordinance take  
255 place at a later City Council Meeting.

256

257 4. Adjourn.

258 Council Member Babs Yarbrough makes a motion to adjourn. Seconded by Jan Yenawine.

259 Carries unanimously. Meeting adjourns at 7:47 PM

260

261

262

263

264

265 Approved this \_\_\_\_\_ day of November, 2014.

266

267 Signed:

268

\_\_\_\_\_  
Mayor Frederick Graber

270

271 Attest:

272

273

\_\_\_\_\_  
Julia Vicars, Acting City Secretary

275

276

DRAFT

**MINUTES  
OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE VILLAGE OF VOLENTE, TEXAS  
TUESDAY, OCTOBER 21, 2014  
7:00 P.M.**

**Council Members Present**

- Frederick Graber, Mayor
- Mark Scott, Mayor Pro Tem
- Judy Graci, Council Member
- Jan Yenawine, Council Member
- Ken Beck, Council Member
- Babs Yarbrough, Council Member

**Absent**

**Others Present**

Tom Buckle, Attorney

1. Call to order of the City Council.

The meeting was called to order by Mayor Graber at 7:03 p.m.

2. Call Roll.

Julia Vicars calls roll, all present.

3. Pledge of Allegiance and Reading of the Village Vision Statement.

All stood for the Pledge of Allegiance and the Vision Statement was read aloud by Mayor Graber.

4. Citizens/ Public Comments.

Anne Steichen, 15807 FM 2769:

Expresses concern that the whole STR community is being punished based on the bad behavior of one or two STR Operators. Asks the Council to think about the rules in the ordinance.

David Dire, 7621 Debbie Dr.:

Refers to the Administrative Ordinance and the time frame in which the proposed STR Ordinance was made available to the public. Feels the Council is rushing this decision.

Cecil Martin, 7418 Reed Dr.:

References the Vision Statement and expresses concern that the STR Ordinance does not match Volente's ideals.. Wants the Council to focus on enforcement of laws.

Nancy Carufel, Joy Rd:

Against any new ordinance in the Village.

5. Mayor's Report. (Mayor Frederick Graber)

Mayor Graber states that the Short Term Rental work session on Oct 16<sup>th</sup> was very productive and incorporated Citizen input from the Town Hall meeting. Reports that 2014 Community Surveys were sent out to the primary owner and address of record on the Travis CAD database list effective Oct 1, 2014. Recently purchased properties may not have been recorded on the TCAD system. Both the TCAD

48 system and ABOR (Austin Board of Realtors) database have several months of lag time. Residents who  
 49 feel they should have received a survey, but did not, should contact the Village office.  
 50 States his pleasure with the progress of the Administrative Ad Hoc Committee and that several of the  
 51 agenda items tonight had been successfully flushed out through meetings that included Mark Scott, Ken  
 52 Beck, Kit Hopkins, Barbara Wilson and himself.

53  
 54 6. Financial Reports ( Mayor Pro Tem Mark Scott)

55 Mayor Pro Tem Mark Scott suggests moving this item to follow Agenda item #17. Council agrees.

56 7. Staff reports from City Administrator & City Secretary

57 a. Construction Report

58 Currently 21 construction projects, some under the old fee standards and some under the  
 59 new fee schedule.

60 b. Projects

61 Under a new program, Capital Metro proposes giving the Village vans for Village resident  
 62 use.

63 Continuing to attempt to recoup 30k annually in sales taxes collected by Cap Metro and not  
 64 returned for Volente use. This should be resolved by the end of the year.

65 Continuing to recreate Templates lost when Joan's computer became infected with the  
 66 CryptoLog virus

67  
 68 8. Discussion and Possible Action on appointing Julia Vicars, as the Acting City Secretary until a permanent  
 69 City Secretary is hired. (Mayor Graber)

70  
 71 Mayor Graber states that Julia Vicars was hired as Temporary City Secretary, which requires a formal  
 72 appointment.

73  
 74 **Council Member Jan Yenawine makes a motion to approve Julia Vicars as Acting City Secretary.**  
 75 **Seconded by Babs Yarbrough. Passes by unanimous vote.**

76  
 77 9. Public Hearing on the Variance Requests from Tana Busch, 8114/8116 Joy Road for a variance from the  
 78 Water Quality and Subdivision Ordinances regarding Non-Point Source Pollution Control Management  
 79 Performance Standards for the Re-subdivision of 8114 and 8116 Joy Road, Section 32.109 (c) and a  
 80 variance from the Subdivision Ordinance regarding Statutory Procedures and Zoning Requirements.  
 81 Reference Subdivision Ordinance, Section 31.1115. (Mayor Graber)

82  
 83 *Babs Yarbrough recuses herself from this agenda item. She will be speaking as the Authorized Agent for*  
 84 *the applicant.*

85  
 86 a. Open Hearing

87  
 88 Nancy Carufel, Joy Rd:

89 Attended BOA meeting on this variance request. Expresses concern that this is a confusing  
 90 issue for what should be a simple process and needs to be simplified.

91  
 92 Council Member Jan Yenawine questions the material in the packet, feeling it is incomplete.  
 93 Concerned Council does not have enough information to make decisions with.  
 94

Council Member Ken Beck states he would like for Council to hear the results of both the Board of Adjustments and the Planning and Zoning Commission before discussion on the Variance Request.

b. Presentation and Recommendation from the Planning and Zoning Commission (Allison Thrash, Chair of Planning and Zoning Commission)

Allison Thrash, chair of P&Z, recognizes this process should be simplified. This property has three lots, and proposes it be combined into one. Combining these lots gets the property closer to the vision of Volente. These lots were subdivided prior to incorporation. Structures and improvements were built prior to incorporation. The applicant recently received a variance from the Board of Adjustments and was granted historical PUEs from Planning and Zoning. The property exceeds the 20% impervious cover limit by 7.4%, but their mitigation went above and beyond what is required. Future buyers and owners will have to abide by the Zoning Ordinances as they stand now. To not approve this application would have created an economic hardship for all parties involved and it is the recommendation of the Planning and Zoning Commission that it be approved by Council.

c. Citizen / Public Comments

Babs Yarbrough, Agent for the Applicant:

This process was started in April at which point only 1 lot was homesteaded. Applicant wished to combine the lots to take full advantage of the homesteading. The Applicant's septic is approved by LCRA. The utility companies have released easements. The contract on the house is contingent upon the approval of these requests.

David Dire, 7621 Debbie Dr.:

States the expense and lengthy process involved in residents trying to resubdivide small properties into a single large property does not benefit the community.

Carey Witt, Applicant's Engineer:

Water quality has been addressed. The goal for the applicant was to combine three non-conforming lots into one lot, as close to compliance as possible. States this is good for both the Village and the owner; it creates a legal plat and reflects the removal of public utility easements.

d. Close Hearing

Mayor Graber closes the Public Hearing at 7:43 p.m.

10. Discussion and Possible Action to Approve the Variance Requests from Tana Busch, 8114 Joy Road for a variance from the Water Quality and Subdivision Ordinances regarding Non-Point Source Pollution Control Management Performance Standards for the Re-subdivision of 8114 and 8116 Joy Road, Section 32.109 (c) and a variance from the Subdivision Ordinance regarding Statutory Procedures and Zoning Requirements. Reference Subdivision Ordinance, Section 31.115. (Mayor Graber)

Council Member Ken Beck makes a motion to approve this package of multiple Variance Requests, to allow the combination of these three lots into one. Seconded by Jan Yenawine. Council Members

143 Jan Yenawine, Judy Graci, Ken Beck, Mayor Pro Tem Mark Scott, all vote in favor. Council Member  
 144 Babs Yarbrough abstained from the vote, as she is the Authorized Agent for the Applicant.  
 145  
 146

147 11. Public Hearing on 2014-O-11 Ordinance of the Village of Volente, amending the Village's Zoning  
 148 Ordinance (Ordinance No. 2004-O-32), codified at Article 30, sections 30.105 and 30.133 of the  
 149 Village's Zoning Regulations; providing the definitions of Short Term Rental; defining, regulating and  
 150 restricting the use of Short Term rental usage in Zoning categories; and providing for legislative  
 151 findings, purpose, penalty provisions, severability, effective date, and public notice and meeting  
 152 requirements. (Mayor Graber)

153  
 154 a. Open Hearing

155  
 156 Mayor Graber opens the Public Hearing at 7:50 p.m.  
 157

158 b. Presentation

159  
 160 Council Member Judy Graci explains how LCRA and TCEQ calculate capacity. Details other cities'  
 161 treatment of Short Term Rentals, and cites a number of cities that completely prohibit Short  
 162 Term Rentals (STRs) within R-1 zoned areas. Exhibits a version of the proposed Ordinance that  
 163 has been edited to provide strict regulations and enforcement as requested by many residents.

164 Tom Buckle, City Attorney, says that to prohibit STRs the zoning ordinance would have to be  
 165 amended to directly prohibit any occupancy of less than 30 days. Suggests that the Village of  
 166 Volente first try regulating Short Term Rentals through the Zoning regulations and if that doesn't  
 167 resolve the problems, the Village can take further steps to prohibit them within R-1 zoned areas.

168 Council Member Judy Graci adds that this Ordinance is not meant to punish all Operators for the  
 169 bad behavior of a few. Responsible STR Operators who are not causing problems should be  
 170 minimally affected by this Ordinance. By putting this Ordinance into place, Volente has a means  
 171 to regulate and enforce regulations upon those who, through their actions, require  
 172 enforcement.

173 Council Member Babs Yarbrough comments that in looking through this revision some details  
 174 that were eliminated at past meetings have been included again. Opposed to items that step too  
 175 far into the private business dealings of a Short Term Rental Operator.

176 Council Member Ken Beck states that a Public Hearing is open and specific discussion of  
 177 revisions should be held until Agenda item twelve.

178  
 179 c. Citizen / Public Comments

180  
 181 Kristi Belote, 15805 Buddy:  
 182 Commends Council for their progress on the Ordinance but suggests waiting to take action  
 183 until the Community Survey results are back.  
 184

185 David Dire, 7621 Debbie Dr.:

186 Asks Council to consider giving STR Operators a chance to self-regulate and deal with only  
187 the issues at hand; noise, trash, and parties are the issues, not septic systems and taxes.  
188 Adds that a lot of the problems Council is speaking to could be better solved with a  
189 Nuisance Ordinance, rather than a STR Ordinance.

190  
191 Cecil Martin, 7418 Reed Dr.:

192 States that because of Volente’s location and landscape, tourism is destined to happen.  
193 Believes that the community is not opposed to STRs because he feels the community is  
194 against more government involvement. Adds that the problems are not STR problems but  
195 instead Noise and Nuisance problems. Spoke to the need for citywide regulations and  
196 stated that if those were in place, we might not be where we are today. Agrees we need to  
197 approve common ordinances in place in most General Law villages, but doesn’t think that  
198 means moving forward with this.

199  
200 Nancy Carufel, Joy Rd.:

201 Asks that Council give STR Operators and their Code of Conduct a chance. Worries  
202 enforcement will not be possible since Volente has no means of immediate enforcement or  
203 an active court.

204  
205 Allison Thrash, 15100 FM 2769:

206 The Code of Conduct looks good, but relying on neighbor-to-neighbor interactions to  
207 resolve issues puts us right back to where we are now. The issue of enforcement is a serious  
208 issue, and needs to be addressed. Suggests adding to the Short Term Rental Ordinance  
209 times that outdoor noise are permitted and times that outdoor noise would have to end.  
210 Reminds the public that amendments to Ordinances are possible, so as time goes on this  
211 Ordinance, if passed, may change.

212  
213 Linda Attwood, 16515 Jackson St:

214 Feels most residents are opposed to STRs. Expresses concern for septic systems in the area  
215 and the health issues that come along with blown septic systems.

216  
217 Kit Hopkins, 15943 Booth Circle:

218 States she moved to Volente because of a desire to live in a residential community, never  
219 thinking that a Short Term Rental could potentially be next door. Adds that Council should  
220 be concerned about angry residents when an Ordinance is not enforced and it impacts a  
221 resident’s property rights and enjoyment of Volente.

222  
223 Carey Witt, 7328 Reed Dr.:

224 Would like to see STRs only in commercial zoning and out of R-1. Adds that immediate  
225 enforcement will not be possible until Volente has a police force.

226  
227 Barbara Wilson, City Administrator, references emails from Residents who could not attend.  
228 Estimates that 60 residents have emailed in since the start of discussions on a Short Term  
229 Rental Ordinance. Says the clear majority of those that emailed in do not want STRs at all,  
230 but if that is not possible, then they request that STRs be regulated strictly.

231  
232 d. Close Hearing

233 Mayor Graber closes the Public Hearing at 8:38 p.m.

234 12. Discussion and Possible Action to Approve Ordinance 2014-O-11 of the Village of Volente, amending  
235 the Village's Zoning Ordinance (Ordinance No. 2004-O-32), codified at Article 30, sections 30.105 and  
236 30.133 of the Village's Zoning Regulations; providing the definitions of Short Term Rental; defining,  
237 regulating and restricting the use of Short Term rental usage in Zoning categories; and providing for  
238 legislative findings, purpose, penalty provisions, severability, effective date, and public notice and  
239 meeting requirements. (Mayor Graber)

240  
241 Mayor Graber reminds the residents in attendance that all discussion is now Council and Staff only.

242  
243 Council Member Jan Yenawine, states that he is a big proponent of property rights and that the impact  
244 of STRs on neighbors is what is being discussed, not an Operators right to run a business. Feels STR  
245 Operators have been self-serving with no concern or acknowledgement of other residents, the wells,  
246 or the health and safety issues that have arisen. A Code of Conduct is great, but not enforceable. By  
247 law, an Ordinance is required for enforcement. This Ordinance should not be difficult to comply with.  
248 Issues from Short Term Rentals have been ongoing for a year, and Operators have not yet stopped the  
249 issues. Council is now forced to put an Ordinance in place to resolve these issues and protect  
250 residents.

251  
252 Council Member Babs Yarbrough, can sympathize with residents who feel like there may have been  
253 other ways to solve this issue but approves of the latest version of the proposed Ordinance.  
254 Understands that lack of communication between the public and Council may have been an issue, but  
255 adds that Council has worked hard to try to make both sides happy. Mentions cleaning up some  
256 definitions in the proposed STR Ordinance, and asks what the risk of lawsuit would be if this Ordinance  
257 were to be passed.

258 Tom Buckle, City Attorney, responds that a lawsuit can be filed by anyone but since Council has come  
259 up with reasonable regulations the risk is limited.

260  
261 Council Member Ken Beck states that he is also a proponent of property rights. That being said,  
262 community rights override property owner's rights in some cases. The challenge becomes finding a  
263 compromise between the two. In favor of managing STRs, not banning them, which is why he  
264 participated in meetings with STR Operators. Agrees that throughout the year long process in which  
265 STRs have been discussed there could have been improvements made with communications between  
266 Council and the Community. Believes more edits need to be made to the proposed Ordinance before  
267 taking action. Worries that taking action now may be hasty, with Council members changing in one  
268 month's time. The dynamics of the community do not allow the luxury of time for STR Operators to  
269 self-regulate so the need arises for both STRs to self-police and for Council to move forward with an  
270 Ordinance. Adds that enforcement will be a top priority of the incoming Council, and a plan will be  
271 made of how to enforce Ordinances and utilize the Municipal Court.

272  
273 Mayor Pro Tem Mark Scott says that he agrees with a lot of Council Member Yenawine's statements.  
274 Believes enforcement can be done through citizen complaints and witness testimony. Adds that the  
275 current Council has put in a lot of work on this Ordinance, so it would be best suited to make a  
276 decision now, with the current Council. Asks of Attorney Tom Buckle the enforceability of Operators  
277 Code of Conduct.

278 Tom Buckle responds that the Code of Conduct cannot be enforced. It can, however, be given to  
279 applicants of a STR Operator permit for review. And Operators themselves can form a committee, like  
280 a Chamber of Commerce, to assist with regulating and policing themselves. It is in Operators' self-  
281 interest to have all Operators remain complaint. If the regulations are not working with a specific  
282 Operator, and the Operators Committee could not get them to comply, then other actions would need

283 to be taken. The Operators Committee and the Village of Volente could work together to ensure that  
 284 Operators are meeting the required regulations.

285  
 286 Council Member Judy Graci details the edits she made to the proposed Ordinance. Adds that  
 287 enforcement is available for this Ordinance by using Code Enforcement. Is in favor of having STRs get  
 288 together and manage themselves, but STR Operators come and go. These are the parameters in which  
 289 the STR operators should abide, and it needs to be on the books to be enforceable.

290  
 291 Tom Buckle, Commends Judy for re-wording the Whereas clauses and asks the Council to consider  
 292 substituting her clauses into the proposed Ordinance.

293  
 294 Council Member Judy Graci asks that Council look at the number of allowed guests, feeling that the  
 295 number agreed upon during their work session was too high.

296  
 297 Council Member Babs Yarbrough thanks Judy for her hard work. Thinks that Council should stick with  
 298 the number of guests per bedroom agreed upon during the work session. Approves of Tom's  
 299 suggestion that The STR operators work side by side with the Village of Volente to enforce this  
 300 ordinance adding that scrutiny amongst the Operators to protect their own business will be the  
 301 Village's best ally.

302  
 303 Discussion occurs amongst Council on the specific details of the proposed Ordinance and the edits to  
 304 be made.

305  
 306 **Mayor Pro Tem Mark Scott makes a motion to adopt the Ordinance language from the work session**  
 307 **with the addition of edits to the whereas clauses and addition of the words "conditional use" as well**  
 308 **as addition of a posted address, leaving the number of occupants as was worked out in the work**  
 309 **session, and adding "general health and welfare" to line 38. Seconded by Jan Yenawine. Motion**  
 310 **carries with votes of approval from Council Member Jan Yenawine, Mayor Pro Tem Mark Scott and**  
 311 **Council Member Judy Graci. Council Members Ken Beck and Babs Yarbrough vote no.**

312  
 313 13. Discussion of Draft Nuisance Ordinance. (Council Member Judy Graci)

314  
 315 Council Member Judy Graci expresses the need for Council to have a Nuisance Ordinance on the  
 316 books. This is a simple ordinance with just the definition of Nuisance.

317  
 318 Tom Buckle, City Attorney, adds that this Ordinance is common in other municipalities and has been  
 319 upheld in the courts.

320  
 321 Council Member Ken Beck states that he would feel more comfortable adding this as an amendment  
 322 to the Noise Ordinance with the addition of the hours in which outdoor or amplified noise would be  
 323 allowable. States that the hours in which loud noise takes place seems to be more important than the  
 324 level of noise to the public. Also, the level of noise is difficult to prove and prosecute but the hours are  
 325 clear cut and enforceable.

326  
 327 Council Member Babs Yarbrough expresses concern for there not being a measurable way to  
 328 determine if noise is out of control.

329 Tom Buckle responds that the decision is up to a judge and jury to determine if the noise is  
 330 unreasonable.

331

- 332 Kristi Belote, 15805 Buddy:  
 333 Asks Council how loud noises would be enforced and what would be required for a complaint.  
 334 Tom Buckle, City Attorney responds that the noise level would have to be within reasonability. Council  
 335 cannot infringe upon people enjoying their property within reason. Prosecution would require  
 336 multiple complaints, deemed reasonable by a prosecutor.  
 337 Allison Thrash, Chair of Planning and Zoning, states that she is in favor of this being added to the Noise  
 338 Ordinance as it pertains to property rights. Decibel meters would not be easily applied to our  
 339 topography so using complaints and other means as evidence makes more sense for Volente.  
 340  
 341 Mayor Pro Tem Mark Scott says neighbor to neighbor interaction can be a huge tool with enforcing  
 342 this. Adding that residents should use this as a means to resolve issues and not in a malicious manner.  
 343 Council Member Jan Yenawine responds that one complaint will not result in a court case. It's going to  
 344 take several people complaining to show that there was a nuisance. There are protocols the  
 345 prosecutor has to follow before it goes to court.  
 346  
 347 Council Member Ken Beck adds that reasonability by a reasonable adult comes into play. This is not  
 348 meant to restrict normal residential activities, such as lawn maintenance.  
 349  
 350  
 351 14. Discussion and Possible Action to Approve the Investment Policy for the Village of Volente. (Mayor Pro  
 352 Tem Mark Scott)  
 353  
 354 Mayor Pro Tem Scott delivers the presentation of the Investment Policy. Minor changes were  
 355 proposed and agreed upon.  
 356  
 357 **Council Member Jan Yenawine makes a motion to adopt the Investment Policy with the changes**  
 358 **Mayor Pro Tem Mark Scott has made. Council Member Ken Beck seconds. Carries unanimously.**  
 359  
 360  
 361 15. Discussion and Possible Action to Approve the Job Description of the City Secretary Position.  
 362 (Mayor Graber, Mayor Pro Tem Scott & Council Member Ken Beck)  
 363  
 364 Council Member Ken Beck states that the drafting of this job description has been worked on for quite a  
 365 while and it takes the duties required and spreads them out over several brackets. Details the  
 366 proposed job description. Adds that this job description is general and can be edited to become more  
 367 specific as needed. There should be a revision date added to the description.  
 368  
 369 Mayor Graber asks if Certificates, Licenses and Registrations (on page 5) is listed as preferred, but is not  
 370 necessary?  
 371 Council Member Ken Beck affirms that these are not necessary, but are preferred.  
 372  
 373 **Jan Yenawine makes a motion to approve the Job Description for the City Secretary position. Council**  
 374 **Member Babs Yarbrough seconds. Carries unanimously.**  
 375  
 376 16. Discussion and Possible Action to Repeal Ordinance 2011-O-122, related to the Personnel Policy  
 377 Manual adopted in April, 2011, and Replacing it in it's entirety with Approval of Ordinance 2014-O-12;  
 378 adopting the Personnel Policy Manual of the Village of Volente; and providing for legislative findings,  
 379 purpose, savings clause; severability, public notice and meeting requirements, and an effective date.  
 380 (Mayor Graber, Mayor Pro Tem Scott & Council Member Ken Beck)

381  
 382 Council Member Ken Beck states the current personnel manual was passed in 2011 but was not labeled  
 383 properly which resulted in some confusion on the policies in place. Research has been done and PTO  
 384 shows that there are 10 days for 13-36 months of employment. Vacation and sick time are separated.  
 385 Most companies now combine them together and call them PTO. Other than that, the Personnel Manual  
 386 is complete and up to date.

387 Mayor Graber adds that since Kit Hopkins worked closely on this, he would like her input to be heard.

388 Kit Hopkins adds that most corporations allow a prorated amount for an hourly employee if that  
 389 employee is part time. Full time hourly employees receive the same PTO time as a salary employee.

390 Council Member Ken beck asks for another week to ensure that the Personnel Manual is up to date and  
 391 no other edits are necessary.

392 Council Member Ken Beck makes a motion to table the Personnel Manual at this time until further  
 393 research is done on the issue of paid time off. Seconded by Council Member Jan Yenawine. Carries  
 394 unanimously.

- 395 17. Discussion and Possible Action to Approve a Resolution to Adopt the following administrative policies:  
 396 a. The Financial Controls and Spending Policy  
 397 b. The Authorized Signatory Policy  
 398 c. The Expense Reimbursement Policy  
 399

400 Council Member Ken Beck details the modifications to the Administrative Ordinance that allow  
 401 trips and training by Council and staff. Expense reimbursement applies to both Council and staff.  
 402

403 Mayor Pro Tem Mark Scott adds that these changes help with addressing how bills are paid and  
 404 puts all the policies in writing so there is no question.  
 405

406 Council Member Ken Beck makes a motion to approve by resolution the three above mentioned  
 407 policies. Seconded by Jan Yenawine. Carries unanimously.  
 408

409 AGENDA ITEM #6:

410 Discussion and Possible Action to Approve the closing of the unaudited 2013/2014 Fiscal Year and  
 411 acknowledge a Net Loss of \$14,285.97 due primarily to not acquiring the \$25,000 Grant Funding that was  
 412 anticipated when the Annual Budget was adopted.

413 (Mayor Graber, Mayor Pro Tem Scott)  
 414

415 Kit Hopkins, 15943 Booth Circle:

416 There's \$6,500 revenue not included, from mixed beverage and sales tax revenue, that has come in  
 417 since these reports were created.  
 418

419 Mayor Pro Tem Mark Scott goes over line by line the financial reports with differences between  
 420 expected and actual.  
 421

422 Barbara Wilson, City Administrator, points out there is an increase in property tax being disputed, so  
 423 there was a delay in revenue.  
 424

425 Council Member Ken Beck is impressed with the shape that the budget is now in, and expresses thanks  
426 to those who worked on it.

427

428 Council Member Jan Yenawine makes a motion to approve the unaudited 2013/2014 Fiscal Year, as  
429 a preliminary report. Seconded by Council Member Ken Beck. Carries unanimously.

430

431 18. Discussion and Possible Action to Approve the appointment of a new General Assembly  
432 Representative for Capital Area Council of Governments. (Mayor Graber)

433

434 Barbara details the dues needed for this and the benefits to enrolling. It is a Council action because an  
435 elected official has to be voted in.

436

437 Mayor Pro Tem Mark Scott makes a motion to appoint Council Member Ken Beck as Volente's  
438 General Assembly Representative for Capital Area Council of Governments. Council Member Jan  
439 Yenawine seconds. Carries unanimously.

440

441 The Staff and Mayor present the following agenda items (19 thru 24) to be considered as consent items by the  
442 City Council to be enacted by one motion. If a citizen or City Council Member requests discussion on an item,  
443 it will not be approved on consent, it will be moved to the end of the agenda and considered at that time.  
444 City Council Members may add additional items to be considered for the consent agenda.

445

446 19. Approval of Correction to Original Agenda item for the September 23, 2014 meeting in which Rhett  
447 Scudder was listed as moving to place one on Planning and Zoning Commission. Correction should read  
448 that Rhett Scudder is moving to place two on the Planning and Zoning Commission. (Staff)

449

450 20. Discussion and Possible Action to Approve appointing Scanlan, Buckle & Young as City Attorney for the  
451 Village of Volente and authorizing the Mayor to sign the contract for provision of legal services. (Mayor  
452 Graber)

453

454 21. Discussion and Possible Action to Approve designating the Hill Country News as the Village newspaper  
455 for public notices and other related matters. (Mayor Graber)

456

457 22. Discussion and Possible Action to Approve appointing TRE Engineering, Marc Dickey as the City Engineer  
458 and authorizing the Mayor to sign the contract for provision of engineering services. (Mayor Graber)

459

460 23. Discussion and Possible Action to Approve appointing Neffendorf, Knopp, Doss and Company, P.C. as the  
461 Village Auditor and authorizing the Mayor to sign the contract for provision of auditing services. (Mayor  
462 Graber)

463

464 24. Discussion and Possible Action to Approve the Re-Appointment of Denise Thrash, Esq. as Municipal  
465 Judge for the Village of Volente. (Mayor Graber)

466

467 Council Member Jan Yenawine makes a motion to approve items 19-24. Seconded by Council  
468 Member Ken Beck. Carries unanimously.

469

470 25. Adjourn.

471

The meeting adjourns at 10:34 p.m.

472

473

474 Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

475

476 Signed:

477

478 \_\_\_\_\_

479 Frederick Graber, Mayor

480

481 Attest:

482

483 \_\_\_\_\_

484 Julia Vicars, Acting City Secretary

**MINUTES  
Of the  
CITY COUNCIL**

**OF THE VILLAGE OF VOLENTE, TEXAS  
TUESDAY, NOVEMBER 4, 2014 at 6:00 P.M.  
City Hall, 16100 Wharf Cove, Volente, Texas.**

1  
2  
3  
4  
5  
6  
7  
8 **1. Open Special Called Meeting. (Mayor Frederick Graber)**

9 Mayor Frederick Graber calls the meeting to order at 6:00 p.m.

10  
11 **2. Call Roll. (Acting City Secretary Julia Vicars)**

12 Council Members Babs Yarbrough, Jan Yenawine, Judy Graci, and Ken Beck, Mayor Pro Tem  
13 Mark Scott and Mayor Frederick Graber are all present.

14  
15 **3. 2014 Community Survey. (Mayor Frederick Graber)**

16 **a. Survey Recipients**

17 There have been 153 responses to date which comes to slightly over 30% of the  
18 amount of surveys sent out. The deadline was extended to November 1<sup>st</sup> to allow  
19 more time for residents to complete the survey, and a postcard notifying residents  
20 of this extension was mailed out. 463 surveys were sent out to primary owners of  
21 tax parcels from the TCAD database as of October 1<sup>st</sup>, 2014. The surveys were sent  
22 to the mailing addresses of record; There are 188 homes with homestead  
23 exemptions and 210 addresses with at least one registered voter listed. If mail was  
24 returned, Julia Vicars reached out to those residents and either delivered, emailed  
25 instructions to complete the survey online, or sent the hard copy out again.

26  
27 **b. Preliminary Data.**

28 33% of the owners that were sent surveys have returned responses. That is an  
29 outstanding response rate. There were five parcels in which more than 1 response,  
30 or a duplicate response, was received. In verifying TCAD database against the Austin  
31 Real Estate database, both were shown to have a lag time of updating sales. An  
32 unexpected surprise in comparing the two databases, was discovering seven  
33 confirmed properties within Volente's boundaries that were not listed on Travis  
34 County's database as being part of our taxing jurisdiction. This resulted in Volente  
35 not collecting taxes for those properties probably since incorporation. It is too early  
36 to know how this will be handled, but just for the past several years, those seven  
37 properties should have provided an additional \$6,000. That is not an insignificant  
38 amount.

39

- 40 c. Number of Written Responses and Direction on Additional Data Analysis.  
41 Mayor Frederick Graber states that it is notable that 52 of the surveys were  
42 submitted by mail, about 1/3 of the responses. He poses to Council the question of  
43 how they would like to see the data analyzed. He lists multiple categories that can  
44 be used to sort responses, and is open to suggestions of categories not mentioned.  
45
- 46 d. Funding for Completion and Additional Data Results.  
47 Mayor Graber states that the amount spent on the Community Survey thus far is  
48 within 80 dollars of the estimated expenditure. He then details the categories and  
49 amounts of costs incurred with the Community Survey.  
50
- 51 Mayor Pro Tem Mark Scott asks if the data and responses will come as an Excel  
52 spreadsheet that we can then categorize and complete analysis of in-house.  
53 Mayor Graber responds that he would like to see the data remain with a third party  
54 to eliminate the chances of data being compromised.  
55
- 56 Council Member Babs Yarbrough asks if a list of all the categories for analysis, along  
57 with their costs, available for review.  
58 Mayor Graber responds that the data should be available within one week and will  
59 be coming in the same format as the original Community Survey's data was  
60 compiled.  
61
- 62 Council Member Jan Yenawine responds that he would like the data analysis to be  
63 kept simple; showing what the residents of Volente want for the Village.  
64 Council nods in agreement.  
65
- 66 Council Member Judy Graci suggests seeing the results from unimproved property  
67 owners vs. improved property owners; raw land vs. homes built.  
68 Council nods in agreement  
69
- 70 Council Member Ken Beck asks how the results will be paid for.  
71 Council Member Judy Graci agrees, stating if we are approving any extra expense,  
72 Council needs to see what the totals would be.  
73 Mayor Graber states that Council is required to set the parameters of any additional  
74 spending to get the results and analytics from Tammadge.  
75 Mayor Pro Tem Mark Scott suggests waiting until the original data, like was  
76 presented with the original Community Survey, is presented.  
77

78 Council Member Babs Yarbrough says she was under the assumption that that the  
79 \$4,200 included a full complete survey. Now, in asking for extra money, we need to  
80 see what exactly is costing us extra money and for how much.

81 Mayor Graber responds that the original survey cost over \$11,000.

82 Council Member Babs Yarbrough states that it was proposed from Planning and  
83 Zoning at a much smaller cost, then Council was told that it was a non-budgeted  
84 expense. Has concerns over how much more the Community Survey will cost and  
85 what the Village is receiving for that cost. Wishes that when the \$4,200 was  
86 approved there would have been more detail about what all was covered and what  
87 was excluded from that cost.

88 Mayor Graber responds that at the time the amount was approved there was no  
89 way to anticipate how many people would be sending their responses in as hard  
90 copies, and how many would respond online.

91 Council Member Ken Beck adds that the Village is already operating under a budget  
92 for the current fiscal year and where the Village stands with planned spending needs  
93 to be understood before approving any other costs. States that he is unwilling to  
94 approve any additional money to be spent until the results from Tammadge are  
95 available and a detailed list of the cost for analysis is presented.

96 Council Member Jan Yenawine states that the cost of the survey pales in comparison  
97 to the guidance it will give Council. Adds that he is against spending money on  
98 excess analytics that are not of benefit to Council.

99 Council Member Judy Graci adds that she would like to see the responses of the  
100 residents of Volente who are here and registered voters in comparison to the  
101 responses of owners with property not yet developed. States that there will not be  
102 another Community Survey in the near future and some additional analytics may be  
103 helpful to get while we can, adding that the cost needs to be determined before  
104 deciding.

105 Council Member Ken Beck acknowledges Graci's statement and agrees that it would  
106 be valuable to have more information but would like to know exact costs before  
107 committing to anything.

108 Mayor Pro Tem Mark Scott suggests that even before requesting any additional  
109 analytics we first see the initial results [the same format as the Original Community  
110 survey results were given].

111 Council Member Judy Graci agrees but would like to see the cost from Tammadge  
112 for the one category of analysis she would like to see (improved vs. unimproved  
113 land).

114  
115

116 David Springer, Lime Creek Rd:

117 Suggests that the Village could compile the raw data into their own database, but  
118 having that data in house could cause confidentiality issues.

119 Mayor Graber responds that was the reason for his hesitation to bring data back  
120 into the Village office.

121 David details the options available to Council to determine which land is unimproved  
122 vs improved, and waterfront vs non-waterfront.

123 Council thanks him for his input.

124  
125 Mattie Adams, 15941 Booth Circle :

126 States that with so much discussion of analytics and concern about the cost of  
127 additional analytics, that Council consider approving their additional data requests,  
128 not to exceed \$400.

129  
130 Nancy Curafel, 8138 Joy Rd.:

131 States that she doesn't see an advantage to looking at responses from improved vs  
132 unimproved land, but that Council should have accurate numbers of the costs  
133 before spending any taxpayer money.

134 Council Member Jan Yenawine respond that he agrees with needing actual costs,  
135 but feels that it is important to see what residents with a homestead exemption are  
136 saying in comparison to those who maybe just own vacation homes in Volente. He  
137 adds that in order for Council to move forward with Ordinances and decisions,  
138 Council needs to have this information and responses from the people investing out  
139 here to ensure the Village is doing its best to meet their expectations.

140  
141 Kit Hopkins, 15943 Booth Circle:

142 States that the suggestion of using homestead exemption would not give Council  
143 what they seem to be seeking since she herself has invested and owned a house in  
144 Volente since 2010 but has a homestead exemption in Houston. Suggests instead  
145 that Council look to improved vs unimproved property.

146  
147 Council Member Jan Yenawine suggests meeting again when more information of  
148 the costs associated with analytics is available.

149 Council Member Judy Graci suggests going back to Tammadge now and asking for  
150 specific costs on the analytics of improved vs. unimproved land, and any other  
151 categories the Council would like specific pricing on.

152 Council agrees on seeking additional information on the cost for improved vs.  
153 unimproved land, with no other categories requested.

154  
155 Mayor Graber states that he will get more detailed information from Tammadge on  
156 the specific costs of analysis.  
157

158 4. Direct items to be reviewed by the Planning and Zoning Commission:  
159 (Council Member Judy Graci)

- 160 a. Clarification and Correction of Section 33.320 Application for Building Permit  
161 Approval Ordinance 2004-O-19 and Ordinance 2007-O-75 of the Site Development  
162 Ordinance.  
163

164 Council Member Judy Graci states that this would be sent to Planning and Zoning to  
165 clear up typos in the Ordinance as well as small issues (20 square feet should be 200  
166 square feet for detached storage structures, etc.)

167 Barbara Wilson adds that this ordinance uses the word accessory but other  
168 Ordinances use the term portable so cleaning it up and making it uniform would be  
169 a good idea for clarification.

170 Council Member Babs Yarbrough asks the differences between accessory and  
171 portable.

172 Barbara Wilson answers that portable is defined as less than 200 square feet while  
173 accessory is 200 plus square feet. Portable structures can be within setbacks,  
174 accessory structures cannot. There should be a consistency in the words used and  
175 definitions.  
176

- 177 b. Consider clarification and correction of Section 30.133 Conditional Use Permit of  
178 Zoning Ordinance No. 2004-O-32.  
179

180 Council Member Judy Graci states that sections of this Ordinance will require  
181 Planning and Zoning to recommend revisions, specifically of the definitions of  
182 authorized uses that a permit is available for as well as the procedures for obtaining  
183 a Conditional Use Permit.

184 Council Member Ken Beck asks if the intent is to coordinate with the STR Ordinance.  
185 Council Member Judy Graci responds that there would need to be a separate section  
186 for the process behind each different conditional use and the permit needed. Some  
187 are needing to be streamlined while others are okay as they stand.

188 Council Member Babs Yarbrough suggests that Planning and Zoning streamline what  
189 seems reasonable.

190 Council agrees.  
191

192 Council Member Ken Beck asks if Planning and Zoning is currently working on other  
193 Ordinances.

194 Barbara Wilson answers yes.

195 Council Member Ken Beck asks that Council receive a list of all the tasks Planning  
196 and Zoning has on their plate so that Council may give direction in prioritizing them.

197  
198 Council Member Jan Yenawine suggests that Planning and Zoning suggest a new  
199 definition of Bed and Breakfast that is better and clearer than the current definition.  
200 Council agrees.

201  
202 Council Member Judy Graci adds that a lot of the Conditional Uses under this  
203 Ordinance require public hearings and have to obtain a Conditional Use Permit, so  
204 revision is necessary to ensure consistency.

205 Council Member Ken Beck suggests that if these are added to Planning and Zoning's  
206 workload a condition be made that Council receives from Planning and Zoning the  
207 list of what they are working on.

208 Council Member Judy Graci states that there is a meeting shortly and if STRs are  
209 expected to be operating in compliance with the Ordinance in 90 days then this will  
210 have to begin undergoing review by Planning and Zoning as soon as possible since it  
211 will likely take 3 months.

212 Council Member Ken Beck states while that may be true, Council should review the  
213 workload and prioritize what needs to be addressed first then return the list to  
214 Planning and Zoning.

215  
216 **Council Member Jan Yenawine makes a motion to give the two above mentioned**  
217 **items to Planning and Zoning for consideration and ask that they provide Council a**  
218 **list of their present workload and prioritization including these two new items.**  
219 **Seconded by Council Member Ken Beck. Carries unanimously.**  
220

221 5. Approval of the Meeting Minutes from September 23, 2014.

222  
223 Council Member Jan Yenawine details the minor corrections he would like made to the  
224 minutes.

225  
226 Mayor Graber asks if there are any other additions or changes?

227 *None given by Council.*  
228

229 Council Member Ken Beck expresses appreciation for the minutes capturing the citizens  
230 comments so well.

231  
232 **Council Member Ken Beck makes a motion to approve the minutes with adjustments made**  
233 **from Council Member Jan Yenawine. Seconded by Council Member Jan Yenawine. Carries**  
234 **unanimously.**  
235

236 6. Adjourn.

237  
238 Motion to adjourn by Council Member Jan Yenawine. Seconded by Council Member Ken Beck,  
239 Carries unanimously. Meeting adjourns at 6:45 PM.  
240

241 Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

242

243 Signed:

244

245 \_\_\_\_\_

246 Frederick Graber, Mayor

247

248 Attest:

249

250 \_\_\_\_\_

251 Julia Vicars, Acting City Secretary

DRAFT

# Village of Volente

## ORDINANCE NO. 2014-O-17\_

### **AN ORDINANCE UNDER TITLE IV PUBLIC HEALTH AND SAFETY CHAPTER 45 ADOPTING THE COMMON LAW NUISANCE STANDARD WITHIN THE VILLAGE OF VOLENTE; PROVIDING FOR PROHIBITIONS; ENFORCEMENT, FINES AND CRIMINAL PENALTIES; SEVERABILITY; PUBLIC NOTICE; OPEN MEETINGS; AND, EFFECTIVE DATE.**

**WHEREAS**, the Village of Volente desires to protect its citizens from excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within its corporate boundaries; and

**WHEREAS**, the Village of Volente finds that at this time the adoption of the common law nuisance standard as set forth in this Ordinance will help protect its citizens from excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within the Village of Volente; and

**WHEREAS**, excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances are a hazard to the public health and welfare, safety, and the quality of life; and

**WHEREAS**, the people have a right to and should be ensured an environment free from nuisances that may jeopardize their health or welfare or degrade their quality of life.

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

**Section One:** The Village of Volente adds Title IV Health and Safety Chapter 45 to its Code of Ordinances by adopting the following common law nuisance standard within its corporate boundaries.

**Section Two:** Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

**Section 45.01:** Purpose and Scope

This Ordinance is adopted to prevent excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within the corporate limits of the Village of Volente to promote the

health, safety, welfare, convenience and enjoyment of the citizens of Volente

**Section 45.02:**

It shall be a violation of this Ordinance to cause or be responsible for the production of a Nuisance within the Village's corporate boundaries. A Nuisance is condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. Nuisances include but are not limited to, sounds, noises, odors, dust, and lights at levels that are unreasonable and which disturb persons of ordinary sensibilities, or that unreasonably interfere with the normal use and enjoyment of properties beyond the boundaries of the property on which the activity producing the condition occur.

**Section 45.03: Enforcement**

**a. Penalties and Injunctive Relief**

(1) The Village may bring a civil action for the enforcement of this ordinance in a Travis County District Court pursuant to the provisions of Chapter 54.012 *et seq.* of the Texas Local Government Code for civil penalties and injunctive relief.

(2) The Village may bring a criminal action in its municipal court against any person who violates any provision of this ordinance. Upon conviction, the person shall be fined for each offense a sum of not less than one hundred dollars and not more than one thousand dollars.

(3) Each day of violation of any provision of this ordinance shall constitute a separate offense.

**b. Notice of Violation**

Violation of any provision of this ordinance shall be cause for a notice of violation to be issued by the representative of the Village.

**Section 45.04: Severability**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**Section 45.05: Effective Date**

This Ordinance shall take effect after any required posting and publication of this Ordinance.

**Section Three: Public Notice and Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance 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.

**PASSED AND APPROVED** this \_\_\_\_\_ day of November, 2014 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Frederick Graber, Mayor  
Village of Volente

ATTEST:

\_\_\_\_\_  
Julia Vicars, Acting Village Secretary

# TRAVIS CENTRAL APPRAISAL DISTRICT

**BOARD OFFICERS**  
RICHARD LAVINE  
CHAIRPERSON  
KRISTOFFER S. LANDS  
VICE CHAIRPERSON  
ED KELLER  
SECRETARY/TREASURER



MARYA CRIGLER  
CHIEF APPRAISER

**BOARD MEMBERS**  
TOM BUCKLE  
BRUCE ELFANT  
SHELLDA D. GRANT  
DENNY HANILL  
ELEANOR POWELL  
RICO REYES  
BLANCA ZAMORA-GARCIA

November 3, 2014

Village Of Volente  
The Honorable Frederick Graber, Mayor  
16100 Wharf Cove  
Volente, TX 78641

Dear Mr. Graber,

The deadline has passed for the jurisdictions in the eastern part of Travis County to make nominations for their representative member of the Board of Directors of the Travis Central Appraisal District. The term for the prospective member's service will be two years, starting in January 1, 2015. The following are the nominations and sponsoring jurisdictions for the Eastern Travis County member for our Board:

## BALLOT

_____ Tom Buckle	City of Jonestown & City of Bee Cave
_____ Tom Moody	City of Cedar Park

This letter serves as a ballot, and is being sent to the presiding officer of each city and school district in eastern Travis County. We have also included some additional information on both nominees. **On or before December 8, 2014 your jurisdiction should vote and return the ballot to the Chief Appraiser of the appraisal district at the following address:**

Marya Crigler  
Travis Central Appraisal District  
P.O. Box 149012  
Austin, TX 78714-9012

On or before December 15, 2014 I will inform you of the results of the election and send you a complete list of the Board members. If you have any questions, please feel free to call me at (512) 834-9317, ext. 337.

Sincerely,

Marya Crigler  
Chief Appraiser  
Travis Central Appraisal District



## Licenses / Admissions / Memberships

- Licenses: State Bar License for State of Texas (1970)
- Admissions: United States District Court, Western District of Texas, (1980); Southern District of Texas, (1985)
- Professional Memberships: State Bar of Texas, 1970 to present; Travis County Bar Association, 1972 to present; Texas Bar Foundation, 1987 to present; Austin Bar Foundation, 2004 to present.
- Memberships: State Bar District 9 Grievance Committee Member 1986 to 1993; City of Jonestown Planning & Zoning Commission Member 1998 to 2005; City of Jonestown City Council Member 2005-2006; 2007 to 2013.
- Board of Directors: State Bar of Texas, Environmental Law Section, 1979 to 1982; Chair 1981-1982; Legal Aid Society of Central Texas, 1974- 1978, President, 1978; Travis County Bar Association 1974; Twilight Concerts, 2005 to present, Family Eldercare, 2006 to 2012; Travis County Appraisal District, 2010 to present.
- Officer: Treasurer, State Bar of Texas, Environmental Law Section, 1982 to 1983; Vice Chairman, Environmental Section of State Bar, 1984; Chairman Elect, Environmental Section of State Bar, 1985; Chairman, Environmental Section of State Bar, 1986; Chairman, State Bar District 9 Grievance Committee, January 1992 to June 1993; Chairman, City of Jonestown Planning & Zoning Commission 2000 to 2005; Mayor Pro Tem, City of Jonestown, 2007 to present; Treasurer, Family Eldercare 2008 and 2009.
- Assistant City Attorney: City of Westlake Hills, Texas, 1979 to 1985; City of Lakeway, Texas, 1981 to 1990; City of Sunset Valley, Texas 1982 to 1990.
- City Attorney: City of Jonestown, Texas, 1985 to 1995; City of Lakeway, Texas, 1990 to 2007; City of Sunset Valley, Texas, 1990 to present; Village of Volente, Texas, 2004 to present.

Thomas E. Moody  
2619 Izoro Bend  
Cedar Park, Texas 78613  
Phone (512) 249-5728  
Cell (512) 417-9515  
t.e.moody@sbcglobal.net.

October 30, 2014

---

DATE OF BIRTH: June 2, 1945

EDUCATION: Sam Houston State University (1963-1967)  
B.S. – Industrial Technology

COMMUNITY:

Member of St. Phillips United Methodist Church, current Commissioner on Travis County ESD # 14 Board of Directors, Past President of TC Twin Creeks Community HOA, President/Board Member of several HOA's, in my duties with D. R. Horton, Inc., Transportation Committee member for RECA of Austin and Government Relations Committee member for Austin Home Builders Association. Past Chairman, Northwest Austin Chamber of Commerce; Member, Real Estate Council of Austin (Transportation Committee); Member Austin Home Builders association (Governmental Affairs Committee); Past Member, Austin Contractors and Engineers Association; Past Vice-President, Rosenberg/Richmond Area Jaycees; Past Various Committees Chairman, Rosenberg/Richmond Chamber of Commerce and Fort Bend Chamber of Commerce; Lifetime Member, Fort Bend Chamber of Commerce; Member and Past Chairman, Board of Directors and Board of Trustees, First United Methodist Church of Rosenberg

WORK EXPERIENCE:

(August 2005 – present) D.R. Horton, Inc., Austin, Texas

Currently performing duties of **Land Development Project Manager**, in charge of land development on several single family residential and condominium projects. Duties include: land acquisition, entitlement procurement, construction of infrastructure,

(1967 – 2005) **Civil Engineering Sr. Project Manager (Houston and Austin)**

In charge of land development design and construction for single family residential development projects. Authored and obtained TCEQ approval of engineering reports for Municipal Utility District Creation Reports and Bond Issues; worked on projects in Houston, Leander, Hutto, Austin, Kyle, Cedar Park and Lakeway. Managed an Austin based civil engineering office, for land development, from 2002 to 2005.