

**Notice of the Village of Volente Special Called Council Meeting,
Monday, April 25, 2011, 7:00 P.M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

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

A. ITEMS OPENING MEETING

1. Call to order. Mayor Justine Blackmore-Hlista
2. Roll Call City Secretary
3. Pledge to the Flag and reading of the Village Vision Statement:

B. CITIZEN COMMUNICATIONS: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting. Three (3) minute time limit.

C. GENERAL BUSINESS AND ACTION ITEMS

4. Consideration and possible approval of:
 - a. 3/22/11 minutes & 4/8/11 minutes
 - b. Financial reports for March
5. Discussion and possible action on issues with Isle Estates development. (P&Z Chair Ken Beck)
6. Information update from Planning & Zoning and clarification of storm water detention and waiver from non point source ordinance. (P&Z Chair Ken Beck)
7. Discussion and possible action regarding options for homeowner improvement of public right of way Amos Drive.
8. Update on discussions with WTP4 team regarding Bullick Hollow Rd duct bank work (Mayor Blackmore-Hlista)
9. Review of complaint from Nancy Womack regarding impact of neighbor's watering on aquifer and stacking of brush.
10. Discussion regarding PEC electrical upgrade options and their potential impacts. (Councilmember Wilder and Councilmember Graci)
11. Discussion regarding pool equipment screening regulations within Volente (Mayor Blackmore-Hlista)
12. Review of trash clean up day.

D. Adjourn

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

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

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

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

Jennifer Zufelt, City Secretary

I certify that the attached notice and agenda of items to be considered by the Village Council was removed by me from the Village Office window on _____ day of _____, 2011 Jennifer Zufelt, City Secretary _____

Volente Vision Statement

We the Citizens of the Village of Volente believe in:

- Civic Pride
- Environmental Awareness
- Minimal Government
- Diversity and Friendship
- Privacy and Individuality

We are dedicated to remaining united and working together as friends, neighbors, and citizens for the protection and preservation of the natural beauty and uniqueness of our country Village and family way of life.

We will endeavor to protect the quality of life for future generations and ourselves. We envision a cohesive lakeside Village that promotes harmony and diversity of community, inclusive of all socio-economic strata and age groups. We will protect our environment and ensure responsible and appropriate land use. We will keep our right to remain private in our daily lives, but at the same time promote civic pride and sense of community.

We believe in minimal government regulation and taxation. As empowered citizens we will constructively participate in, question, and oversee our elected government. We understand the community will be provided to protect this vision and our core values.

**Village of Volente rescheduled Regular Council Meeting,
Tuesday, March 22, 2011, 7:00 P.M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

MINUTES

A. ITEMS OPENING MEETING

1. **Call to order.** Mayor Justine Blackmore-Hlista called the meeting to order at 7:08 PM.
2. **Roll Call:** Those in attendance were Mayor Pro Tem Graber, Councilmember Scott, Councilmember Graci and Mayor Blackmore-Hlista. Councilmember's Hammond and Wilder were absent.
3. **Pledge to the Flag and reading of the Village Vision Statement:** Mayor Blackmore-Hlista led the Pledge and read the Vision Statement.

B. CITIZEN COMMUNICATIONS: Nancy Carufel, Joy RD, asked council to consider dividing the Village into precincts or wards so that more of the Village would be represented on Council. She also stated that David Dire, Debbie Drive, who spoke to Council last month, had some very good ideas.

Jan Yenawine complimented Council on a job well done regarding the Volente Brochure.

C. GENERAL BUSINESS AND ACTION ITEMS

Due to a lack of a quorum, items were only discussed. No action was taken.

4. Consideration and possible approval of:
 - a. **2/15/11 minutes:** Discussion of minutes and an error was found.
 - b. **Financial reports for February:** Reports reviewed, Councilmember Scott felt we were in good shape with our funds.
 - c. **Investment Policy:** Councilmember Scott presented some revisions to the document for Council to consider. He will be taking his Public Funds investment training online.
 - d. **Farmers Market report:** No discussion
 - e. **Travis County quotes for herbicide and mowing.** Council reviewed the proposed cost and felt it was very good.
 - f. **Bulky Items Clean up Day.** The fee will be \$1000 for curb side pickup and will try to schedule for a Saturday in April. Mayor Blackmore-Hlista suggested to schedule toward the end of April so residents can be notified in enough time.

5. Discussion and possible action to approve ordinance adopting personnel policy manual for the Village of Volente. Tabled

6. Discussion regarding the adoption of streets for maintenance by the Village.

Discussed an issue that has been brought up for a second time since the Village incorporated and that being undeveloped ROW/roads. A resident has asked if they pay to pave Amos Street, will the Village take over the maintenance. Jan Yenawine stated the Council can choose to do that but the street should be built to Village standards. There is only one house on Amos. The same situation was addressed regarding Ray Vista a few years ago. Yenawine also stated that if they use it for a drive emergency equipment should be able to access it easily.

7. Discussion and possible action regarding Lime Creek RD shoulder repair and Debbie Drive repair.

Council reviewed the proposal and felt it was a good price for the work. Councilmember Hammond and Mayor Pro Tem Graber will follow up.

8. Discussion regarding enforcement of noise ordinance.

Mayor Pro Tem Graber introduced Joshua Ledger, who is an acoustics noise specialist. He has worked with noise issues in the City of Austin and has reviewed our noise ordinance stating it was a very good one. Discussion ensued regarding local noise such as loud music from outdoor bands and how to enforce. Several suggestions were given in regard to issuing citations, one option being that after three citations than daily fines are assessed to them or take them to municipal or district court. Noise meter equipment was discussed as well as doing a noise nuisance ordinance and a having a certified noise control officer. Mayor Pro Tem Graber will follow up and research Lakeway and Jonestown ordinances.

9. Discussion and possible action to review appointments for the Planning & Zoning Commission and Board of Adjustment.

Mayor Blackmore-Hlista stated she had visited with P&Z Commissioners and that Silvia Brunet-Jones would not be able to continue as her schedule had changed and that Tony Vacca the alternate for BOA has moved out of state. Council members are encouraged to seek members.

10. Discussion and possible action to purchase storage unit and place on ESD property behind Fire Hall.

Council reviewed the proposed cost of 20' storage. Council asked for the cost of a used one and if they have a rent to own option. Mayor suggested to search for other dealers also.

11. Discussion and possible action to cancel the May 14, 2011 General Election and accept the unopposed candidate certification.

City Secretary presented Council with the certification of unopposed candidates. No action to approve the cancelation document because of no quorum.

D. Adjourn:

Mayor Blackmore-Hlista declared the meeting adjourned at 8:40 PM.

Justine Blackmore-Hlista, Mayor

Jennifer Zufelt, City Secretary

**Village of Volente Special Called Council Meeting,
Friday, April 8, 2011, 8:00 A.M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

MINUTES.

A. ITEMS OPENING MEETING

1. Call to order.

Mayor Justine Blackmore-Hlista called the meeting to order at 8:05 AM

2. Roll Call

Those in attendance were Mayor Blackmore-Hlista, Mayor Pro-Tem Graber, Council members, Graci, Hammond, Scott and Wilder.

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

Mayor Blackmore-Hlista led the pledge. The Vision Statement was not read.

B. CITIZEN COMMUNICATIONS:

No citizen comments

C. GENERAL BUSINESS AND ACTION ITEMS

4. Consideration and possible approval of:

a. 2/15/11 minutes.

Councilmember Hammond made a motion to approve the minutes. Councilmember Scott seconded. The motion passed unanimously.

b. Financial reports for February

Councilmember Wilder made a motion to accept the report. Councilmember Scott seconded. The motion passed unanimously.

c. Investment Policy

Councilmember Graci made a motion to accept the updated investment policy, the internal control and procedure manual and authorized the Mayor to sign the authorized the depositories, financial institution counterparties document. Mayor Pro-Tem Graber seconded the motion. The motion passed unanimously.

d. Farmers Market report

Councilmember Hammond reviewed the report and stated he hoped to get the next festival scheduled for May 15th and he is trying to raise funds to offset the cost as the music is most of the expense. Mayor Blackmore-Hlista felt it is a community building event.

e. Travis County quotes for herbicide and mowing.

Councilmember Hammond made a motion to approve the quotes from Travis County for herbicide treatment and mowing. Councilmember Wilder seconded. The motion passed unanimously.

f. Bulky Items Clean up Day.

Councilmember Graci made a motion to hold the cleanup day on Saturday April 23rd. Councilmember Hammond seconded. The motion passed unanimously.

5. Discussion and possible action to approve ordinance adopting personnel policy manual for the Village of Volente.

Councilmember Wilder made a motion to adopt the ordinance adopting the personnel policy. Councilmember Scott seconded. The motion passed unanimously.

6. Discussion and possible action regarding Lime Creek RD shoulder repair and Debbie Drive repair.

Much discussion ensued. Councilmember Hammond stated this is a three step process: immediate repair of the damaged edges of Lime Creek RD, coordinate with Travis County to have the overlay done as soon as R. Nelson Concrete has done the prep work.

Much discussion also ensued regarding Debbie Drive and that the road will be overlaid and no drainage work will be done. Councilmember Scott made a motion to authorize \$25, 000 cap for the prep and paving of Debbie Drive. Councilmember Wilder seconded. The motion passed unanimously.

7. Discussion regarding citations and enforcement of noise ordinance. Council member Graber stated that Joshua Leasure with JE Acoustics, is willing to train, at no charge, some volunteers who can record and take measurements when a complaint is called in. The training takes approximately two – three hours. Councilmember Graber will contact a couple of volunteers to see if they would be interested.

8. Discussion and possible action to cancel the May 14, 2011 General Election and accept the unopposed candidate certification.

Councilmember Wilder made a motion to approve the ordinance to cancel the May 14, 2011 election and accept the unopposed candidate certification. Councilmember Scott seconded. The motion passed unanimously.

D. Adjourn

Councilmember Hammond made a motion to adjourn. Councilmember Graci seconded the motion. The motion passed unanimously. The meeting adjourned at 9:00 AM.

PASSED AND APPROVED THIS _____ DAY OF APRIL, 2011

Justine Blackmore-Hlista, Mayor

Jennifer Zufelt, City Secretary

Village of Volente
Revenue & Expense Budget vs. Actual
October 1, 2010 through April 11, 2011

	Oct 1, '10 - March 31, 11	Budget	% of Budget
Income			
1030 · Savings account Interest	157.63	500.00	31.53%
4010 · Real Property Tax - Current Yr	185,159.60	180,614.00	102.52%
4020 · Penalties & Interest	458.03	0.00	100.0%
4025 · Grants	0.00	40,000.00	0.0%
4030 · Mixed Beverage Sales Tax	1,879.30	3,000.00	62.64%
4040 · Franchise Fees	17,142.63	26,000.00	65.93%
4050 · Sales & Use Taxes	16,620.55	23,000.00	72.26%
4060 · Municipal Court Fees	0.00	100.00	0.0%
4400 · Building Review Fees.	10,113.00	10,000.00	101.13%
4401 · Subdivision Review Fee	0.00	10,000.00	0.0%
4402 · Sign Permit Fees	610.00	1,500.00	40.67%
4800 · Noise Study	0.00	5,150.00	0.0%
4810 · Energy Grant	0.00	23,000.00	0.0%
4930 · Parkland Fee Account	0.00	10,000.00	0.0%
4998 · Farmers Market	1,154.80	0.00	100.0%
4999 · Uncategorized Income	784.12	1.00	78,412.0% refunds & printing reimbursements
Total Income	234,079.66	332,865.00	70.32%
Expense			
10000 · Bank service charges	100.31	0.00	100.0% reimbursed in uncategorized
5020 · Wages Reg Employees	20,930.99	41,639.00	50.27%
5025 · Part Time Office Assistant	0.00	5,000.00	0.0%
5026 · Employment Taxes	1,721.49	4,000.00	43.04%
5027 · Payroll Services	494.40	1,000.00	49.44%
5028 · Emp Benefits Ins	3,305.57	5,550.00	59.56%
5100 · Attorney	4,223.41	48,000.00	8.8%
5113 · Development Inspection Serv Rei	1,170.00	10,000.00	11.7%
5114 · Development Plan Review Reimb	2,487.92	10,000.00	24.88%
5115 · Professional Services Non Reimb	1,459.41	15,000.00	9.73% comp consultant & engineer

Village of Volente Revenue & Expense Budget vs. Actual

October 1, 2010 through April 11, 2011

	Oct 1, '10 - March 31, 11	Budget	% of Budget
5120 · Special Engineering Consultant	1,000.00	10,000.00	10.0% utility consultant
5121 · Contract Police Services	0.00	6,000.00	0.0%
5122 · Code Enforcement Wages	0.00	10,000.00	0.0%
5125 · Audit	0.00	5,500.00	0.0%
5126 · Grant Writer	0.00	100.00	0.0%
5127 · Tax Collection - Travis Co	1,051.68	1,787.00	58.85%
5128 · Advertising/Public Notices	374.46	1,000.00	37.45%
5130 · SpecialConsultant/Engineer	0.00	18,000.00	0.0%
5136 · Noise Consultant	0.00	5,150.00	0.0%
5137 · Comp Plan Consultant	0.00	0.00	0.0%
5210 · Election Expense	0.00	1,000.00	0.0%
5211 · Events			
5201 · Farmers Market	5,098.36	0.00	100.0%
5211 · Events - Other	0.00	2,500.00	0.0%
Total 5211 · Events	5,098.36	2,500.00	203.93%
5212 · Office Supplies - General	509.36	1,500.00	33.96%
5213 · Office Supplies printing			
5215 · Brochure - Printing	1,500.00	0.00	100.0%
5213 · Office Supplies printing - Other	1,363.87	1,750.00	77.94%
Total 5213 · Office Supplies printing	2,863.87	1,750.00	163.65%
5214 · Office Supplies - Postage	479.88	1,750.00	27.42%
5216 · Equipment Rental	1,990.93	3,300.00	60.33%
5217 · Office Equipment & Furniture	48.70	1,175.00	4.15%
5218 · Website Maintenance	300.00	300.00	100.0%
5219 · Books & Publications	0.00	250.00	0.0%
5220 · Dues, Fees, & Subscriptions	807.00	1,000.00	80.7%
5221 · Firehall Rental	303.75	2,000.00	15.19%
5222 · Utilities - Electric	473.72	1,500.00	31.58%
5223 · Telephone Internet			
5223 · Telephone Internet - Other	860.72	1,800.00	47.82%

Village of Volente Revenue & Expense Budget vs. Actual

October 1, 2010 through April 11, 2011

	Oct 1, '10 - March 31, 11	Budget	% of Budget
Total 5223 · Telephone Internet	860.72	1,800.00	47.82%
5240 · Insurance, Liab/workers comp	1,014.17	2,550.00	39.77%
5250 · Municipal Court Expenditures	0.00	8,000.00	0.0%
5260 · ROW Herbicide	1,270.37	2,000.00	63.52%
5261 · Mowing	614.06	2,500.00	24.56%
5262 · Roads & ROW	0.00	6,000.00	0.0%
5263 · Street Signs (New & Repairs)	775.27	1,500.00	51.69%
5264 · Tree Trimming	0.00	11,500.00	0.0%
5265 · Cap Metro Road Project	0.00	40,000.00	0.0%
5266 · Energy Grant Project	10,124.00	23,000.00	44.02%
5267 · Parkland	0.00	10,000.00	0.0%
5281 · Training & Ed - St	0.00	1,000.00	0.0%
5282 · Training & Ed - Council	305.00	1,764.00	17.29%
5900 · Lake Travis Economic Developmen	5,000.00	0.00	100.0%
6000 · Reserve	0.00	5,500.00	0.0%
Total Expense	66,935.39	284,865.00	23.5%
1045 · Lime Creek Escrow Interest	24,419.86	0.00	100.0%

March 31, 2011 Bank Balance:

1020 · 4677 Parkland fee acct	61,250.00
1040 · Savings Account	447,288.03
1010 · General Fund -Capital One - Other	<u>291,306.73</u>
TOTAL	799,844.76

Volente Planning and Zoning

Memo

To: Volente Village Council

From: Ken Beck, Chair, P&Z

Date: April 21, 2011

Re: Impervious cover Issues

Isle Estates is a new subdivision off Mary street owned by Rick and Brian Redmond along with others. It was developed using Garrett-Ihnen as the engineering firm. There are eight one acre lots platted around a cul-de-sac that enters off Mary Street. As the subdivision was created the developers created and paved the cul-de-sac, as well as paved Mary from the point where Brian George's work ended all the way to Lime Creek. The developers are now closing on the lots and are coming forward to resolve issues with Impervious Cover on the individual lots.

1. Stormwater Detention Waiver – our ordinances allow Volente to grant a waiver from the creation of stormwater detention if certain conditions are met – such as a maximum of 20% IC for the entire subdivision. This subdivision did qualify and was granted this waiver. However, with this waiver the subdivision may generate more stormwater run-off than existed prior to development. With a number of the other items below, this could even increase based on what they are requesting. Is this what is desired by the Village and is this waiver still applicable?
2. In the Village's Water Quality ordinances, section 32.110 (c) states that "Existing roads adjacent to the development and not constructed as part of the development at an earlier phase" will NOT be considered Impervious Cover. Because the developer paved and finished Mary Street, our engineer, David Simons, determined that the section of Mary Street that fronts on the development would have to be considered part of the impervious cover calculation. Is this what we intend? The street has been platted since the 40's and is part of the defined village infrastructure. If we want to motivate a developer to finish and pave one of our defined roads, do we want to penalize them by including the road in their IC calculations?
3. If the subdivision is looked at as the 8 platted lots and the cul-de-sac, then this entire entity has to have 20% or less impervious cover. This will limit the individual lots to less than 20% IC because of the impact of the paved cul-de-sac. This should/must be noted on the plat of the subdivision so that individual lot owners do not expect to use the standard village restriction of 20%. The village could allow some increase if the owner followed provisions which are presented in point 4 below.
4. At least two nearby villages, Bee Caves and Dripping Springs, include in their ordinances provisions for Rainwater Harvesting and other techniques to "encourage the use of innovative strategies and opportunities for meeting water quality standards and lessening demand on water for irrigation or other water uses that would otherwise use either surface water or groundwater resources." Both allow IC limits to be increased up to 5% if this is done, including

PHONE

FAX

WEB

[Street Address] [City] [State] [Postal Code]

[Your Phone]

[Your Fax]

[Web Address]



showing how the water will be used, not just collected. Rainwater Harvesting also addresses the most destructive form of stormwater run-off – the regularly occurring ½ to 1 inch rains that occur quickly. These would be captured and stored. P&Z would like to see these provisions offered in our ordinances, and I would like to suggest that this is also a good option to present to the Isle Estates developers as a way for the individual lots to come close to the village desired limit for IC.

5. Based on the P&Z's study over the past six months, the predominance of villages around Lake Travis have an IC limit of 25% rather than 20%. We are recommending to the council that our ordinances grant a 25% IC limit to lots of less than one acre (this means only existing platted lots as our ordinances now do not allow the creation of a lot less than one acre) as a means by which to make Volente's small irregular lots, many of them on the water, more able to be developed.

My recommendation to the council is that we propose to the developer of Isle Estates that their IC calculation not take into account Mary Street. This would allow the individual lots IC limits to increase and the aggregate runoff to increase for the subdivision, but we include with that the requirement for each of the lots to implement rain water harvesting as a means to mitigate the impact of these changes.

Regards, Ken Beck

To: Village of Volente councilmembers
From: Mayor Blackmore-Hlista
Date: April 22, 2011

Re: Improvements to Amos Drive

Dear Council,

As we discussed at our last council meeting, there are several unimproved public rights of way platted as roads within the Village of Volente. When Volente incorporated, Volente accepted these unimproved public rights of way "as is". Our subdivision and site development ordinances require that improvements to public rights of way bring the right of way up to the standard of a public road. These engineering standards are rigorous, and incorporate requirements from the City of Austin Transportation Criteria Manual. When P&Z developed these standards after incorporation, they did so after much research. The rigorous standards are designed to ensure safety, protect water quality and protect the roadways from damage.

However, when a home is built on the unimproved right of way it may be a burden to the homeowner to drive along an unimproved road to reach their home. An individual homeowner may be interested in improving the right of way, but is unlikely to bear the cost of improving the right of way to public road standards as required by our ordinances.

We have such a situation on Amos Drive. The homeowners (Pamela and Richard Marjetic) would like to improve the public right of way to their house by paving it at their expense. They would be willing to take on this expense if the Village would be willing to accept Amos Drive for maintenance.

After reviewing the situation, I asked Village engineer David Simons for input to determine what options are available that would allow the Marjetics to improve access to their home without imposing a significant financial burden on them and without creating significant liability for the Village. His input is captured in the accompanying memo. The memo says "DRAFT", but I have contacted David and he said the memo is complete. He will remove the "DRAFT" notation when he is back in the office on Monday.

Since Amos Drive is not the only such public right of way, we must consider this situation in the context of developing Village policy, which is always a non-trivial matter. However, for the Marjetics, this is an immediate issue that needs to be resolved as quickly as possible. I ask that all councilmembers appreciate the fact that the Marjetics have been very patient and are trying to improve a public

right of way such that everyone comes out a winner. I look forward to working with them to figure this out, and sincerely thank them for their efforts.

Sincerely,

Justine

JAY ENGINEERING COMPANY, INC.

P.O. Box 1220
Leander, TX 78646

(512) 259-3882
Fax 259-8016

Texas Registered Engineering Firm F-4780

April 5, 2011

Hon. Justine Blackmore-Hlista, Mayor
Village of Volente
15403 Yenawine Way
Volente, TX 78641

Re: Amos Drive Paving Options

Dear Mayor Blackmore-Hlista:

Amos Drive was dedicated as a 50' public right-of-way in Lake Travis Subdivision No. 3. A portion of the right-of-way was paved in the past with an asphalt-based material from Lots 24/25 of Lake Travis Subd. No. 3 east to Booth Circle. (The remainder of the Amos Dr. R.O.W. to the west of Lots 24/25 is unpaved.) The pavement serves as a driveway to a single family residential house on Lots 24 and 25. The pavement is in generally poor condition with some potholes, raveling of the pavement, and minor buckling. Based on inspection of the potholes, the pavement structure appears to be a relatively thin layer of asphalt/aggregate mixture, perhaps ½ inch thick, on top of existing natural limestone rock (or perhaps on some base material). The pavement was reportedly constructed by an owner of Lots 24 & 25 and Travis County apparently did not object to its use as a private driveway. No public maintenance of the driveway has occurred.

The existing pavement does not meet Village standards for driveways or local streets in public rights-of-way. The Village's Site Development Ordinance specifies directly, or indirectly by reference to City of Austin standards, the following summarized standards:

- Residential Driveways in Public Right-of-Way – minimum 12-foot width for single family residences, 5-inch thick concrete reinforced with #3 rebar at 18 inch centers each way, 2 inch sand cushion beneath the concrete. (The City of Austin has a "temporary" driveway detail that consists of flex base and hot-mix asphaltic concrete of the same thicknesses as the Village's minimum standard for Local Streets.) Joint use driveways are required to have a minimum width of 24 feet.
- Local Streets – minimum 24-foot pavement width, 18 inch ribbon curbs, minimum 1.5 inch hot mix asphaltic concrete, minimum 8 inch flexible base.
- Emergency Vehicle Access – the minimum driveway width may be increased up to as much as 24 feet and turnarounds may be required if emergency vehicle access is necessary.

Some City of Austin standard construction details are attached to this letter to illustrate how pavements are typically constructed. (Pavement widths in the detail sheets may vary from the Village's standards.)

The current owner of Lots 24 & 25 has expressed a desire to repair and/or improve the existing pavement and turn the responsibility for maintaining the pavement over to the Village. The

existing pavement cannot be resurfaced to bring it into compliance with the Village's standards, therefore acceptance of the pavement for public maintenance is problematic. Potential options for allowing improvements to the pavement include the following:

1. Repair Existing Driveway - the owner of Lots 24 & 25 could make repairs to the existing pavement and remain responsible for the maintenance of the driveway. The Village could consider a license agreement with the property owner that allows private construction in the public right-of-way and defines the responsibilities of both parties.
2. Construct New Driveway - the owner of Lots 24 & 25 could remove the existing pavement, reconstruct it to Village driveway standards for public rights-of-way and remain responsible for maintenance of the driveway. The Village could consider a license agreement with the property owner that allows private construction in the public right-of-way and defines the responsibilities of both parties.
3. Construct New Street - the owner of Lots 24 & 25 could remove the existing pavement, construct a new pavement to the Village's local street standard (24 feet wide with ribbon curbs) and the Village could accept the roadway for public maintenance. The roadway should be constructed from Booth Cir. across the entire Amos Dr. frontage of Lots 24 & 25. Engineered plans should be required for public streets.
4. Construct New, Partial-Width Street - the owner of Lots 24 & 25 could remove the existing pavement, construct a new pavement to the Village's local street standard, but only construct a portion of 24 foot-wide street (12 feet or 15 feet for example) with ribbon curb on one side of the street. If additional development occurs along Amos Dr. in the future, the remainder of the roadway could be constructed at that time. The roadway should be constructed from Booth Cir. across the entire Amos Dr. frontage of Lots 24 & 25. The Village could accept the partial-width roadway for maintenance. Engineered plans should be required for public streets.

Existing drainage patterns along Amos Dr. and Booth Cir. could be altered by any of these options. If engineered plans that account for drainage are not required with Options 1 or 2, then additional requirements that improvements must follow existing surface elevations and must not alter drainage patterns should be included. If emergency vehicle access is required, please consult with the appropriate emergency services personnel to determine any additional pavement width, turnaround, and clearance requirements.

Please call if you have any questions or need additional information.

Yours truly,

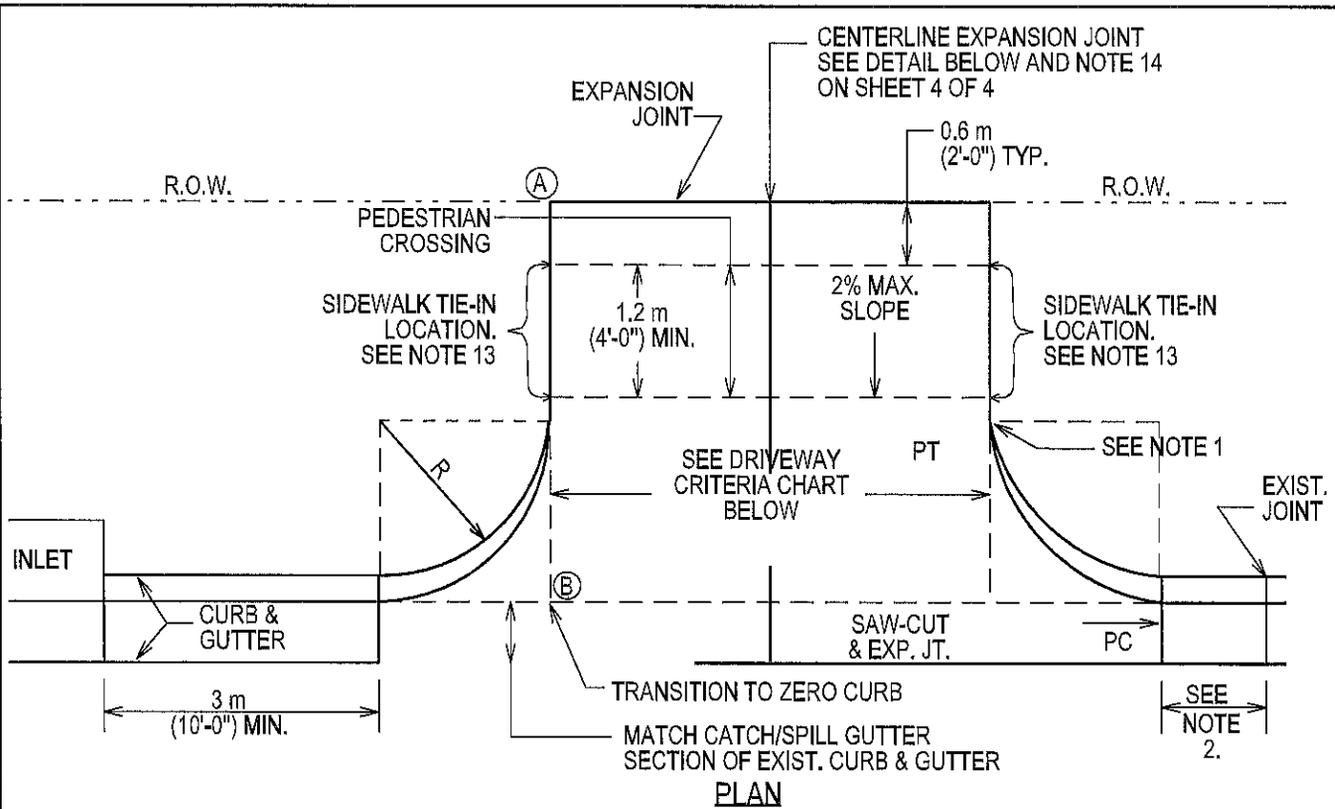
David Simons, P.E.

DFS/s

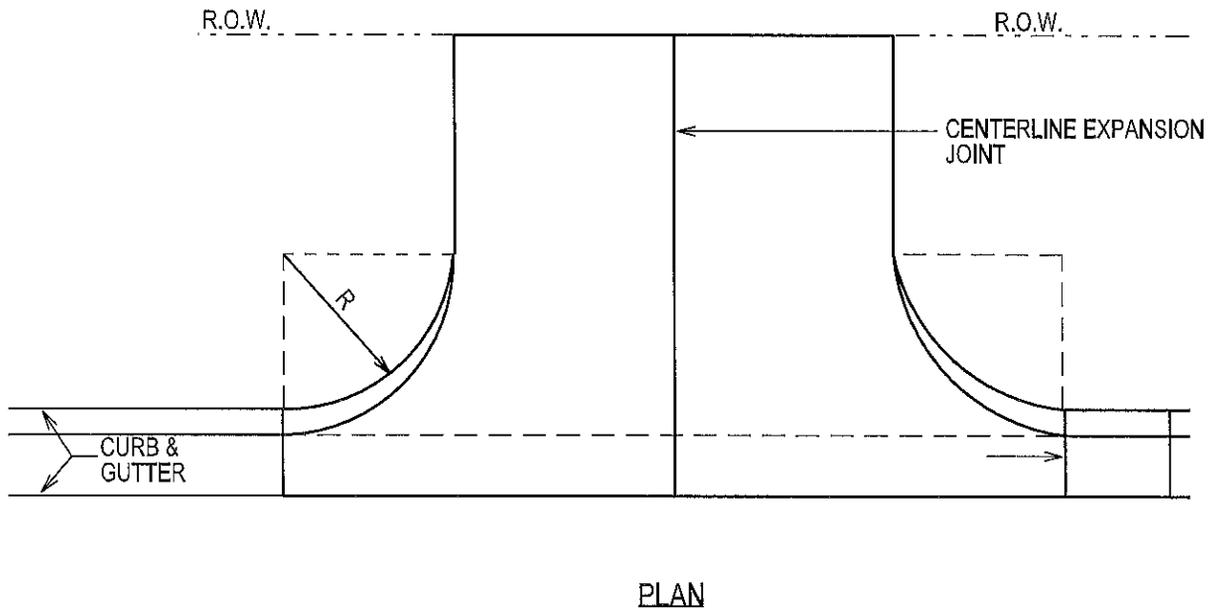
Attachments

PN: 166-900-10

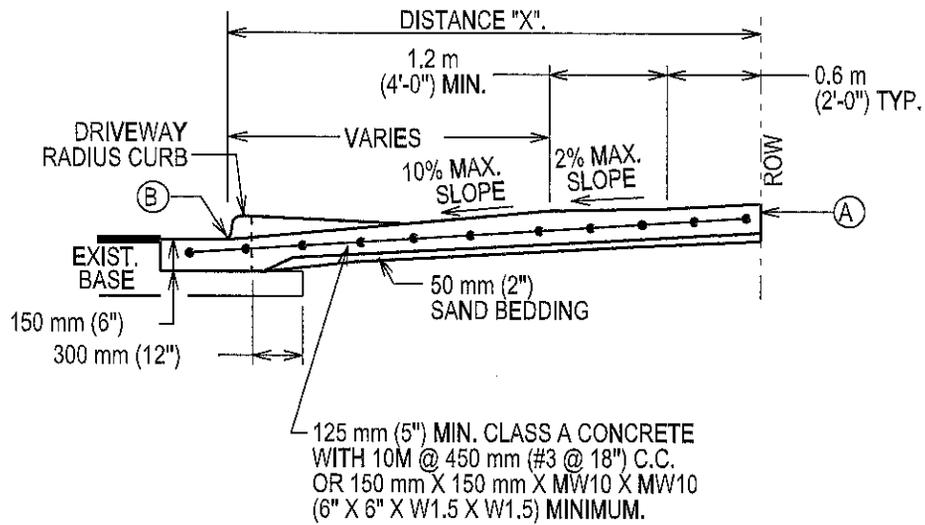
The logo for Jbaco, featuring the letters 'Jbaco' in a stylized, rounded, lowercase font.



NOTE: ALL DRIVEWAYS SHALL BE SLOPED TOWARDS THE STREET FROM THE R.O.W. LINE. ELEVATION OF POINT A ABOVE POINT B IS, TYPICALLY A MINIMUM OF 150 mm (6") PLUS 20 mm/m (4" RISE/FOOT) OVER DISTANCE "X" IN METERS (FEET).



CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS		TYPE I DRIVEWAY (1 & 2 FAMILY RESIDENTIAL USE ONLY)	
RECORD COPY SIGNED BY SAM ANGOORI	10/19/09	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 433S-1
	ADOPTED		1 OF 4



REINFORCEMENT SHALL ACCURATELY PLACED AT SLAB MID-DEPTH AND HELD FIRMLY IN PLACE BY MEANS OF BAR SUPPORTS OF ADEQUATE STRENGTH AND NUMBER THAT WILL PREVENT DISPLACEMENT AND KEEP THE STEEL AT ITS PROPER POSITION DURING THE PLACEMENT OF THE P.C. CONCRETE. IN NO INSTANCE SHALL THE STEEL BE PLACED DIRECTLY ON THE SUBGRADE OR SAND CUSHION LAYER.

CROSS SECTION

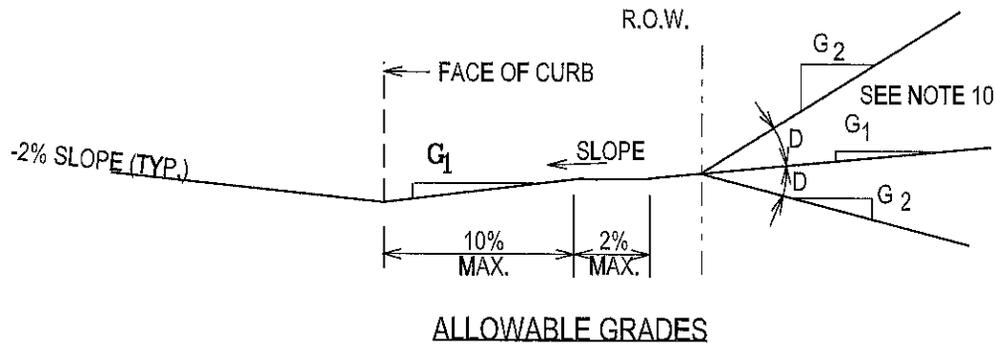
CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS		TYPE I DRIVEWAY (1 & 2 FAMILY RESIDENTIAL USE ONLY)	
RECORD COPY SIGNED BY SAM ANGOORI	10/19/09	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 433S-1
	ADOPTED		2 OF 4

DRIVEWAY CRITERIA	WIDTH METERS (FEET)		
	MIN.	*OPT.	MAX.
SIN. FAMILY	3.66 (12)	5.50 (18)	11.80 (25)
DUPLEX	4.56 (15)	5.50 (18)	11.80 (25)
TOWN HOME	4.56 (15)	5.50 (18)	11.80 (25)

*OPTIMUM

USE	RADIUS DIMENSION METERS (FEET)		
	MIN.	*OPT.	MAX.
SINGLE FAMILY	1.5 (5)	1.5 (5)	3.0 (10)
DUPLEX	1.5 (5)	2.4 (8)	3.0 (10)
TOWN HOME	1.5 (5)	2.4 (8)	3.0 (10)

*OPTIMUM

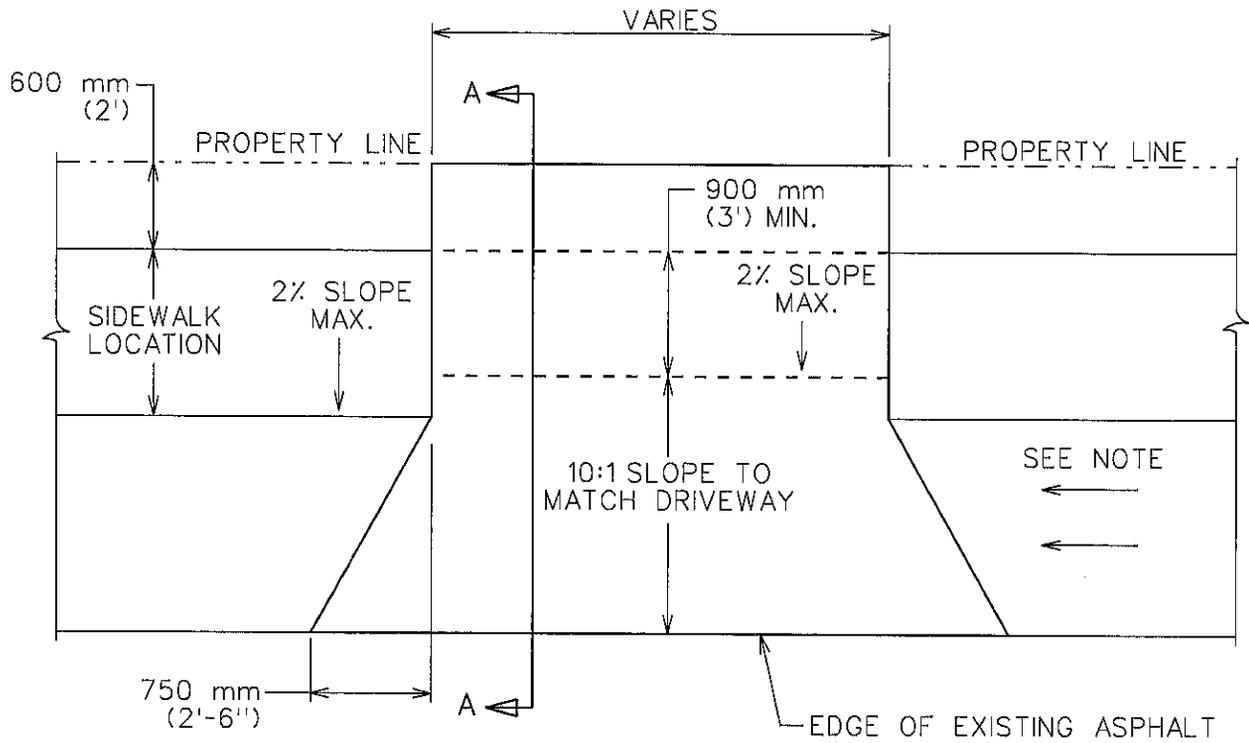


CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS		TYPE I DRIVEWAY (1 & 2 FAMILY RESIDENTIAL USE ONLY)	
RECORD COPY SIGNED BY SAM ANGOORI	10/19/09	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 433S-1 3 OF 4
		ADOPTED	

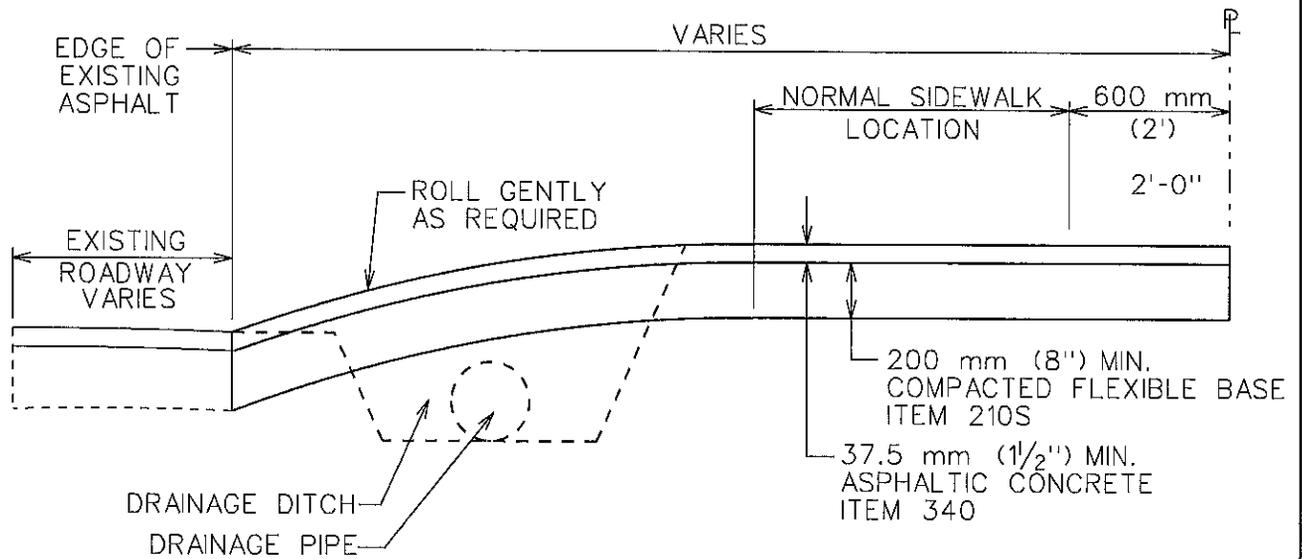
NOTES:

1. "ZERO" CURB AT PT OR SIDEWALK EDGE, WHICHEVER IS ENCOUNTERED FIRST. THE DRIVEWAY EDGE SHALL BE SMOOTHLY TRANSITIONED INTO THE SIDEWALK BEGINNING AT THE RADIUS PC LINE.
2. IF DIMENSION IS LESS THAN 1.5 METERS (5 FEET), REMOVE CURB AND GUTTER TO EXISTING JOINT AND POUR MONOLITHICALLY WITH THE DRIVEWAY.
3. IF THE BASE IS OVER EXCAVATED WHERE THE CURB AND GUTTER WAS REMOVED, BACKFILL WITH CONCRETE MONOLITHICALLY WITH THE DRIVEWAY.
4. ALL DRIVEWAYS MUST BE CONSTRUCTED WITHIN THE STREET FRONTAGE OF THE SUBJECT PROPERTY AS DETERMINED BY EXTENDING THE SIDE PROPERTY LINES TO THE CURB.
5. DRIVEWAYS SHALL NOT EXCEED 70% OF A LOTS' STREET FRONTAGE.
6. TYPE I DRIVEWAYS ARE TO BE LOCATED NO CLOSER TO THE CORNER OF INTERSECTING RIGHTS-OF-WAY THAN 60% OF PARCEL FRONTAGE OR 15 METERS (50 FEET); WHICHEVER IS LESS.
7. DRIVEWAYS SHALL NOT BE CONSTRUCTED WITHIN THE CURB RETURN OF A STREET INTERSECTION.
8. SINGLE FAMILY LOTS LIMITED TO ONE DRIVEWAY EXCEPT FOR APPROVED SEMICIRCULAR DRIVES.
9. WHEN TWO DRIVEWAYS ARE USED (ONE PER UNIT; TWO MAXIMUM) FOR DUPLEXES AND TOWN HOMES, SINGLE FAMILY STANDARDS SHALL APPLY.
10. WHILE THE PROPERTY OWNER REMAINS RESPONSIBLE FOR GRADE BREAKS WITHIN PRIVATE PROPERTY, THE FIRE DEPARTMENT SHOULD BE CONSULTED WHERE THE DRIVEWAY IS ESSENTIAL TO EMERGENCY VEHICLE ACCESS AND "G2" IS GREATER THAN 15%. "G1" PLUS "D" SHOULD NOT EXCEED 15%.
11. SEE TRANSPORTATION MANUAL SECTION 5 FOR OTHER DRIVEWAY REQUIREMENTS.
12. USE 12 mm ($\frac{1}{2}$ ") ASPHALT BOARD, OR OTHER APPROVED MATERIAL, FOR CURB AND GUTTER EXPANSION JOINTS.
13. THE SIDEWALK, REGARDLESS OF ITS LOCATION WITH RESPECT TO THE CURB OR PROPERTY LINE, SHALL BE CONNECTED TO THE DRIVEWAY AT THESE LOCATIONS.
14. PLACE AN EXPANSION JOINT DOWN THE CENTER OF ALL DRIVEWAYS.
15. WATER METER BOXES AND WASTEWATER CLEAN OUTS ARE PROHIBITED FROM BEING LOCATED IN DRIVEWAY AREAS.

CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS		TYPE I DRIVEWAY (1 & 2 FAMILY RESIDENTIAL USE ONLY)	
<i>RECORD COPY SIGNED BY SAM ANGOORI</i>	<i>10/19/09</i>	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 433S-1 4 OF 4
_____ ADOPTED			



PLAN

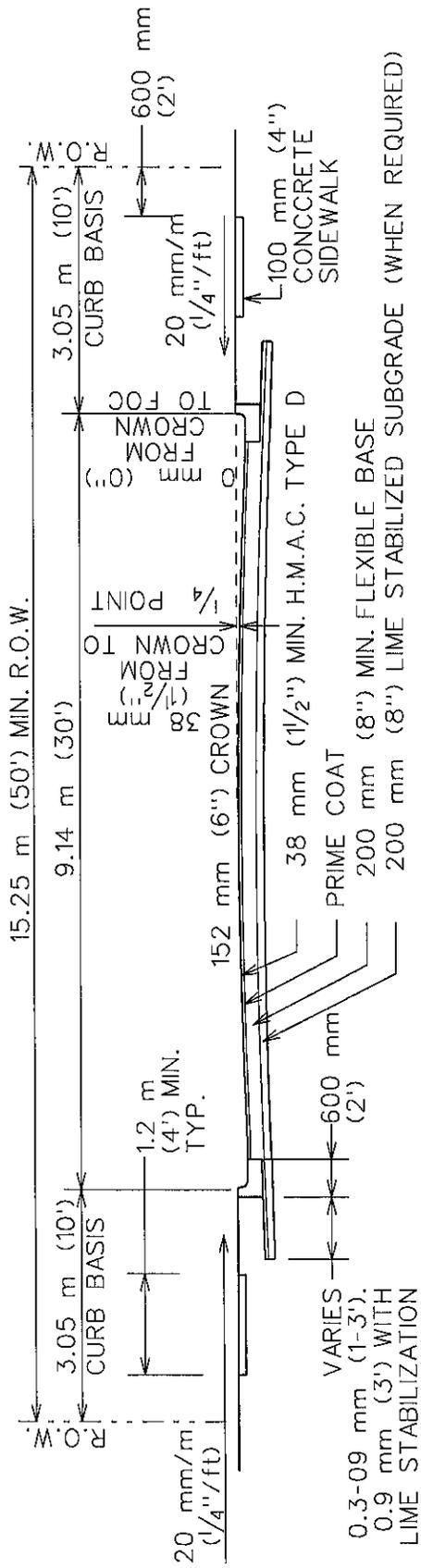


SECTION A-A

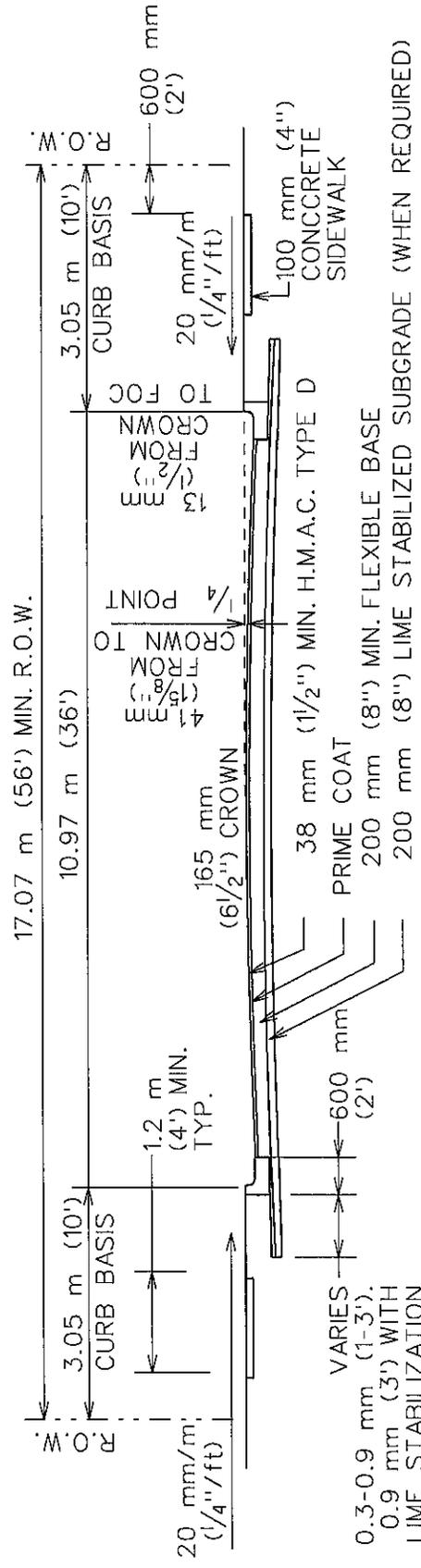
NOTE:

DRIVEWAY APPROACH SHALL BE SHAPED TO ALLOW FOR DRAINAGE OR A DRAINAGE PIPE UNDER DRIVEWAY APPROACH MAY BE REQUIRED.

<p>CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS</p>		<p>TEMPORARY DRIVEWAY</p>	
<p>RECORD COPY SIGNED BY LEON BARBA</p>	<p>5/23/00 ADOPTED</p>	<p>THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.</p>	<p>STANDARD NO. 433S-3</p>



DESIGN FOR LOCAL STREETS (SF-1 OR SF-2 ZONING)



DESIGN FOR LOCAL STREETS (SF-3 THROUGH SF-6 ZONING)

NOTES:

1. ALL UNPAVED AREAS WITHIN THE LIMITS OF CONSTRUCTION SHALL BE SODDED OR SEEDED AS INDICATED.
2. BASE COURSE TO EXTEND BEYOND CURB 0.3 m (1') FOR SOILS WITH PLOF 20 OR LESS, 0.9 m (3') FOR ALL OTHER SOILS.
3. 100 mm (4'') MINIMUM THICKNESS OF BASE UNDER CURB.
4. CROWN IS PARABOLIC.
5. PAVEMENT THICKNESS IS A MINIMUM, ACTUAL THICKNESS TO BE DETERMINED BASED ON COMPUTERIZED PAVEMENT DESIGN.

CITY OF AUSTIN DEPARTMENT OF PUBLIC WORKS		LOCAL STREET SECTIONS	
RECORD COPY SIGNED BY LINO RIVERA	9/29/99	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 1000S-10
ADOPTED			

DIVISION 4: SITE DEVELOPMENT DESIGN STANDARDS

Sec. 33.327 Public Streets

Amended 8/15/2005; Ordinance 2005-O-47

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village thoroughfare plan and shall be considered in their relation to existing and planned streets or driveways whether within the Village or within its ETJ, or within adjacent municipal or county areas, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All streets shall be designed in accordance with this article and the City of Austin, Texas Transportation Criteria Manual (latest edition).
- B. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation, shall be properly related to the thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times. The layout of the street network shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction, thereby helping to reduce storm water runoff and preserve natural, scenic characteristics of the land.
- C. Adequacy of Streets and Thoroughfares:
1. Responsibility for Adequacy of Streets and Thoroughfares: The applicant shall assure that site development is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-ways and street improvements, in accordance with the following policies and standards, and subject to the Village's cost participation policies on oversized facilities.
 2. General Adequacy Policy: Every subdivision and development shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the Village thoroughfare plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
 3. Road Network: New subdivisions and developments shall be supported by a road network having adequate capacity, and safe and efficient traffic circulation. The adequacy of the road network for developments of fifty (50) or more dwelling units, or for developments generating five hundred (500) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the Village's adopted thoroughfare plan, shall be demonstrated by preparation

and submission, prior to or along with the concept plan or preliminary plat application, of a traffic impact analysis prepared in accordance with subsection (f) below, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the Village may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed concept plan or plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the Village may require an update of the study for later phases of the development. If the concept plan or plat is in conformance with the thoroughfare plan and if the concept plan or plat is for a development of less than fifty (50) dwelling units or for a development generating less than five hundred (500) "one-way" trips per day, then a traffic impact analysis is not required. A traffic impact analysis is required for zoning changes or zoning amendments in accordance with the Village's zoning ordinance, regardless of the number of dwelling units or trips generated.

4. Approach Roads and Access: All subdivisions must have at least two (2) points of vehicular access, primarily for emergency vehicles, and must be connected to the Village's improved thoroughfare and street system by one (1) or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the density or intensity of the proposed development, if such need is demonstrated by traffic impact analysis.
 - a. "Two (2) points of vehicular access" shall be construed to mean that the subdivision development has at least two (2) roads accessing the subdivision or development from the Village's improved thoroughfare system, and the subdivision has at least two (2) road entrances. The council may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the Village's improved thoroughfare system provided that the median extends into the subdivision or development for an unbroken length of at least two hundred feet (200') to an intersecting internal street which provides at least two (2) routes to the interior of the subdivision or development. For example, the entrance street shall not be a dead-end or cul-de-sac, and it shall not create a "bottleneck" allowing only one emergency route into the interior of the subdivision.
 - b. The subdivision or development shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision or development shall have a minimum frontage on a dedicated street as required by applicable zoning or fifty feet (50'), whichever is

greater, unless other provisions have been authorized through site development approval.

5. Off-Site Improvements: Where traffic impact analysis demonstrates the need for such facilities, the applicant shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments. The Village may participate in the costs of oversize improvements with the applicant as set out herein, subject to the Village's cost participation policies on oversized improvements.

Notwithstanding anything to the contrary in this article, the applicant shall not be required to make a contribution to any capital improvements for which an impact fee may be charged under Chapter 395, Texas Local Government Code, unless and until the Village adopts an impact fee for such capital improvements.

6. Street Dedications:

- a. Dedication of Right-of-Way: The applicant shall provide all rights-of-ways required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads as shown in the thoroughfare plan or other valid development plans approved by the Village. In the case of perimeter streets, one half (1/2) of the total required right-of-way width for such streets shall be provided. However, in some instances more than half of the required width shall be required when a one half (1/2) street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the Village.
- b. Perimeter Streets: Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the subdivision or addition.
- c. Slope Easements: The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3') horizontal run to one foot (1') vertical height, or a three-to-one (3:1) slope.

7. Intersection Improvements and Traffic Control Devices: Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis required by subsection (f) below. Design standards shall be in accordance with Village standards and the City of Austin, Texas Transportation Criteria Manual (latest edition).

8. Phased Development: Where a subdivision or development is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements whether on-site or off-site, intended to serve each proposed phase of the subdivision or development. The council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the council determines to be necessary to adjudge whether the subdivision or development will be adequately served by streets and thoroughfares.

D Public Street Design Criteria: All public streets shall be designed in accordance with the City of Austin, Texas Transportation Criteria Manual (latest edition) and with the criteria so forth below, with the following criteria governing where there is a discrepancy with the City of Austin, Texas Transportation Criteria Manual:

1. Street Layout:

- a. Site development shall provide adequate streets for the proposed subdivision or development. The arrangement, character, extent, width, grade, and location of each street shall be considered in its relation to existing and planned streets, topographical conditions and public safety and convenience. Each street shall also be considered in its appropriate relationship to the proposed uses of land to be served by such street.
- b. Site development shall provide additional subdivision or development access to and from public streets as deemed necessary by the Village for reasons of health and public safety.

2. Relation to Adjoining Street System:

- a. *The Village shall require the subdivision or development to provide additional right-of-way as determined necessary by the Village and to construct or improve that portion of existing or platted streets to the end of the property line, including all underground utilities, bordering, abutting, or within a proposed subdivision or development.*
- b. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be constructed in accordance with the dimensional requirements and construction standards of this section.
 - a. *The Village may require the subdivision or development to construct or improve portions of existing or platted streets which do not border or abut the proposed subdivision or development but are impacted based on the findings of an applicable Traffic Impact Analysis.*

3. Projection of Streets:

- a. Where adjoining areas are not subdivided or developed, the arrangement of streets in the subdivision or development shall make provision for the proper projection of streets into such unsubdivided or undeveloped areas.
- b. Where adjoining areas are subdivided or developed, the arrangement of streets in the subdivision or development shall make provision for the proper projection of streets into such previously subdivided or developed areas.

4. Street Intersections: Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

5. Cul-de-sacs:

- a. In general, cul-de-sacs shall not exceed one thousand two hundred feet (1,200') in length, and shall have a circular turnaround based on the following standards:
 - (i) For single-family use development, a paved turnaround of at least one hundred feet (100') in diameter and a right-of-way of one hundred thirty feet (130') in diameter.
 - (ii) For non-residential and multi-family use development, a paved turnaround of at least one hundred twenty feet (120') in diameter and a right-of-way of one hundred fifty feet (150') in diameter.
- b. A cul-de-sac of length greater than one thousand two hundred feet (1,200') but in length not to exceed three thousand feet (3,000') may be constructed due to severe environmental and topographical constraints, if approved by the Village as a variance.

6. Eyebrows:

- a. "Eyebrow" corners are only allowed on a looped local street with maximum speed limit of twenty-five miles per hour (25 mph).
- b. The speed limit through eyebrow corners shall be twenty miles per hour (20 mph) and shall be posted with standard speed limit signage.
- c. The minimum centerline radius for the eyebrow shall be seventy-two feet (72 ft).

- d. From the point of intersection of the centerlines of the street sections leading into the turn, the radius to the right-of-way shall be fifty-five feet (55 ft) and the radius to the edge of pavement shall be thirty-five feet (35 ft).
 - e. The return radius of the eyebrow shall be fifty-five feet (55 ft).
 - f. The interior angle of the eyebrow shall be between eighty and one-hundred degrees (80° and 100°).
7. Public Street Classifications: Streets shall be classified and have pavement widths and rights-of-ways as follows:
- a. Arterial: A street between major activity centers carrying high volumes of through traffic with a minimum of five thousand (5,000) average daily trips.
 - (i) Minimum right-of-way of eighty (80') with four (4) paved lanes totaling fifty-two feet (52'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; no parking is allowed on this roadway section.
 - (ii) Alternate standard: Minimum right –of-way width of eighty feet (80') with two (2) paved lanes totaling fifty six feet (56') fact –to-face and standard six inches (6'') curb and gutter, no parking is allowed on this roadway section.
 - (iii) A fifteen foot (15') wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village. The Village shall base its decision on the results of applicable Traffic Impact Analyses, the number of driveways entering the roadway and other traffic considerations affecting the safety of the roadway.
 - b. Commercial Collector: A street that is the primary access to commercial developments. Classified as carrying low speed traffic with a minimum of one hundred (100) average daily trips.
 - (i) Minimum right-of –way of seventy feet (70') with two (2) lanes totaling twenty-eight feet (28'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section.
 - (ii) Alternate standard; Minimum right –of-way width of seventy feet (70') with two (2) paved lanes totaling thirty-eight feet (38') face

to face and standard six inches (6") curb and gutter; parking is allowed only on one (1) side of this roadway section.

- (iii) A fifteen foot (15') wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village.
- c. Residential Collector: A street between local streets and arterial or other collector streets. Classified as carrying low speed traffic with a minimum of five hundred (500) average daily trips.
- (i) Minimum right -of-way of sixty feet (60'), with two (2) lanes totaling twenty- six feet (26'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section .
 - (ii) Alternate Standard: Minimum right-of -way width of 60 feet with two (2) paved lanes totaling thirty feet (30') face to face and standard six inches (6") curb and gutter; parking is allowed only on one (1) side of this roadway section.
 - (iii) A fifteen foot (15) wide center turning lane may be required the length of the entire roadway section or portions thereof as required by the Village.
- d. Local: A street that is the primary access from residential districts to collector streets without being continuous through several districts. Classified as a low volume, low speed street.
- (i) Minimum of fifty feet (50') of right -of-way, with two (2) lanes totaling twenty -four feet (24'); one and a half foot (1.5') concrete ribbon curb required outside of pavement width; parking is allowed only on one (1) side of this roadway section.
 - (ii) Alternate Standard: Minimum right -of -way width of 50 feet with (2) paved lanes totaling twenty -seven feet (27') face to face and standard six inches (6") curb and gutter; parking is allowed only on one side of this roadway section.
 - (iii) For certain cul-de-sacs that only serve a small number of residences, a reduction in pavement width may be permitted by the Village subject to approval by the fire protection provider.

8. Street Names:

- a. Names of new streets must be acceptable to the Village and shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
 - b. All proposed street names shall be approved by Austin 911 Addressing prior to Village approval.
9. Street Signs: Street signs shall be furnished and installed at the developer's expense at all intersections within or abutting the subdivision or development. Such signs shall be of a type approved by the Village.
10. Local Residential Street Pavement Standards: All dedicated streets within a new subdivision or development shall consist of a base material with an asphalt surface or reinforced concrete pavement. Street paving shall be designed for a twenty year (20 yr) design life in accordance with AASHTO design standards, but in no case shall the base material or the surface material have lesser characteristics or thicknesses as specified below:

a. Base:

- (i) Flexible Base: The base material shall consist of crushed limestone and shall meet the following gradation requirements:

Retained on Two (2) Inch Sieve 0%
Retained on No. 40 Sieve 60 to 85%

Material passing the No. 40 sieve shall meet the following requirements:

The liquid limit shall not exceed 40
The plasticity index shall not exceed 12

The flexible base material shall be compacted to a minimum density of 98% standard proctor with a minimum compacted depth of eight inches (8"). Exceptions to the depth requirement may be made where the subgrade soil constants are such that the required stability may be met with a lesser depth; or

- (ii) Stabilized Base: The stabilized base material shall be a compacted stabilized soil-cement base with a density of not less than ninety-eight percent (98%) standard proctor and a minimum depth of six inches (6").

b. Surfaces:

- (i) Asphaltic Surface Types: Completed base material shall be surfaced with hot mix asphaltic concrete pavement, or an approved equal, which shall be laid at the rate of 150 pounds per square yard, providing a minimum pavement of one and one-half inches (1.5") depth; When asphaltic surfaces are to be used they shall be of lowest VOC content available; or
 - (ii) Reinforced Concrete: Reinforced concrete of six inches (6") depth, containing a minimum of five (5) sacks of cement per cubic yard and attaining a minimum compressive strength of three thousand pounds per square inch (3,000 psi) in twenty-eight (28) days with a minimum of #4 rebar at twelve inches (12") on center each way; or
 - (iii) Alternative Surfaces: Alternative street pavement strips at intersections (crosswalks) and selected utility facility locations may be submitted for consideration to the Village. Alternative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.
- c. Curbs and Gutters: Curbs and gutters are not allowable for water quality purposes unless authorized by the Village as a variance.
 - d. Design Standards: Design standards, unless specifically provided for herein, shall be standards that are found in the City of Austin, Texas Transportation Criteria Manual (latest edition).

11. Arrangement of Streets Not Shown on the Thoroughfare and Transportation Plan: For streets that are not shown on the Village thoroughfare plan, such as local residential streets, the arrangement of such streets within a subdivision or development shall:

- a. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
- b. Conform to a plan for the neighborhood approved or adopted by the council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
- c. Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
- d. Not conflict in any way with existing or proposed driveway openings.

12. Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots and shall not occur within the street intersection. In other words, the right-of-way width shall be the same on both sides of the street intersection.
13. Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage lots, which back onto the arterial, deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
14. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed by the Village under conditions approved by the council.
15. Intersecting, undivided streets with centerline offsets of less than one hundred and fifty feet (150') shall be avoided. Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes, with required transition and stacking distances, onto each divided roadway.
16. Major thoroughfare intersections shall be at ninety degree (90°) angles and tangent to the intersecting street for at least fifty feet (50'). Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than eighty degrees (80°).
17. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision or development in conforming with the other requirements of this article and the thoroughfare plan, and where the council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision or development in question. The council may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

If the applicant is responsible for one-half (1/2) of the street, then the applicant shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility unless the Village participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased

to the street's ultimate planned width. Improvements shall be made to all on-site facilities as defined in this article.

18. The maximum length of any block or street segment shall be two thousand feet (2,000') and the minimum length of any block or street segment shall be five hundred feet (500'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets.
19. The Village may approve variances for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:
 - a. Alternative designs which would reduce street or cul-de-sac length;
 - b. The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision or development in traveling to and from their homes; and
 - c. Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary or permanent points of emergency access, and additional fire protection measures.
20. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets which will eventually be extended into the adjacent subdivision or development, no more than one lot per side can front onto the dead-end street stub unless a temporary turnaround bulb, with an off-site easement, is provided at the end. A temporary dead-end street shall not exceed six hundred feet (600') in length, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in subsection (19) above. The Village may authorize the use of asphalt or other durable paving material than concrete for the arc, or "wing", portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later on. A note shall be placed on the final plat clearly labeling any dead-end streets, if any, that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
21. New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets.

Sec.33.328 Private Streets

- A. Subdivisions or developments having private streets may be established only under the terms set forth in this section, and pursuant to any other ordinances or guidelines for private street developments as may be adopted for use by the Village either as part of this article or as separate ordinances or policies. All private streets shall be designed and constructed in accordance with the Village's standards for publicly dedicated streets. The term "private street" shall be inclusive of alleys, if such are to be provided within the subdivision or development.
- B. Private Street Eligibility Criteria: Private streets shall be permitted only within a subdivision or development satisfying each of the following criteria:
1. The streets to be restricted to private use are not intended for regional or local through traffic circulation;
 2. The subdivision or development is located in an area that is surrounded on at least two (2) sides, meaning at least fifty percent (50%) of the perimeter, by natural barriers, such as creeks, flood plains, steep topological slopes, geologic formations or wildlife preserves, or by similar barriers created by man, such as a golf course or linear park. Non-qualifying barriers include screening walls, roadways, man-made drainage ditches or berms, utility easements and rights-of-ways;
 3. The subdivision or development is not located adjacent to an existing or approved public street subdivision or development that can be reasonably connected, even though the street connection would require construction of a bridge or culvert. In that instance, the two subdivisions or developments shall be connected as public street subdivisions or developments unless the bridge or culvert would be so expensive as to be impractical or unfeasible;
 4. A mandatory property owners or homeowners association, which includes all property to be served by the private streets, will be formed; and
 5. The subdivision or development conforms to any other special guidelines for private street developments as may be approved separately by the council.
- C. Private Streets: Certain Streets Excluded: Roads or streets that are shown on the Village thoroughfare plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the commission and council may deny the creation of any private street if, in their sole judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.

- D. Private Streets: Access Onto Public Thoroughfares: A private street subdivision or development shall provide a minimum of eighty feet (80') of access frontage on a public collector or arterial street for entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area. Primary access into a private street subdivision or development shall be from a major collector, which has a minimum right-of-way of eighty feet (80'), or from a larger roadway, as shown on the Village thoroughfare plan. Restricted access entrances shall not be allowed from residential collector streets, minor residential or local streets, or from alleys or private driveways or parking lots. No more than two (2) gated street entrances may intersect a thoroughfare within any one (1) mile segment.
- E. Private Streets: Parks, Greenbelts and Wildlife Preserves Excluded: A private street subdivision or development shall not cross or interfere with public access to or enjoyment of an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park or wildlife preserve as shown on the Village's parks and open space plan or as already dedicated for public use.
- F. Private Streets: Property Owners or Homeowners Association Required: Subdivisions or developments developed with private streets shall have a mandatory property owners association which includes all property and lots served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents shall be reviewed and approved by the Village to ensure that they conform to these and other applicable Village rules and regulations. The documents shall be filed of record with the Travis County Clerk prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance for private streets and appurtenances. The association may not be dissolved without the prior written consent of the council. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the council. The Village will not assist in enforcing deed restrictions.
- G. Private Streets: Private Street Lot: Private streets must be constructed within a separate lot owned by the property owners association. This lot must conform to the Village's standards for public street right-of-way. An easement covering the street lot shall be granted to the Village providing unrestricted access to and use of the property for any purpose deemed necessary by the Village. This right shall also extend to all utility providers operating within the Village and to other necessary governmental service providers, such as the U.S. Postal Service. The easement shall also permit the Village to remove any vehicle or obstacle within the street lot that may impair emergency access.
- H. Private Streets: Construction and Maintenance Cost: The Village shall not pay for any portion of the cost of constructing or maintaining a private street.
- I. Private Streets: Infrastructure and Utilities: Any public water, sewer and drainage facilities, street lights, and traffic control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to Village standards. All private

traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices," as amended, and to Village standards. All Village regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to developments with private streets, with the exception of those applying to street construction.

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s). "Gang-box" style metering stations shall not be permitted.

- J. Private Streets: Plans and Inspections: Development applications for subdivisions or developments with private streets must include the same plans and engineering information required for public streets and utilities. Village requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The Village may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.
- K. Private Streets: Restricted Access: The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained by the Village. Guard houses, access control gates, and cross arms, if used, shall be constructed per subsection (I) below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring Village and emergency access to the subdivision or development, preferably with an Opticom-type system for emergency access by the Village and other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure Village and emergency access into the subdivision or development shall be approved by the Village and by all applicable emergency services providers prior to Village approval of the site development construction. If the association fails to maintain reliable access as required herein, the Village may enter the subdivision or development and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this section which may not be amended without the written consent of the Village.
- L. Private Streets: Access Restricted Entrance Design Standards: Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two feet (22') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must be a minimum of fourteen feet (14') in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the device. All gates and cross arms must be of a break-away design. A minimum vehicle stacking distance of one hundred feet (100') shall be provided from the right-of-way line of the public road from which the private street subdivision or development is accessed to the first vehicle stopping point,

which is usually an access request keypad or telephone or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

A paved turnaround space shall be located in front of any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of such pavement width and having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:

1. Larger Passenger vehicles, such as vans and pick-up trucks;
2. Passenger vehicles with short trailers up to twenty-four feet (24') in length, such as small flatbed, camping or box-type trailers; and
3. The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street subdivision or development, such as utility service vehicles, postal or UPS delivery trucks, and two to three-axle flatbed or box-type trucks used by contractors and moving companies.

The Village may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s).

- M. Private Streets: Waiver of Services: The subdivision final plat, property deeds and property owner's association documents shall note that certain Village or public services shall not be provided for private street subdivision or development. Among the services which the Village will not provide are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accidental reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services, such as sanitation, also may not be provided.
- N. Private Streets: Petition to Convert to Public Streets: The property owners association documents shall allow the association to petition the Village to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the Village be obligated to accept said streets as public. Should the Village elect to accept the streets as public, then the Village has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the Village's acceptance of the streets. The Village shall be the sole judge of whether repairs are needed. The Village may also require, at the association's or

the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other common area. The association documents shall provide for the Village's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this section shall not be amended without the written consent of council.

- O. Private Streets: Hold Harmless: On the final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Village, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury, including death, arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision or development by the Village or governmental or utility entity. This plat language is available from the Village.

To: Village of Volente councilmembers
From: Mayor Blackmore-Hlista
Date: April 22, 2011

Re: Duct bank work on Bullick Hollow Rd

Dear Council,

I want to update you on discussions with the group planning the duct bank work on Bullick Hollow Rd for CoA WTP4. As you may recall, the WTP4 team has said that due to property easement restrictions, preserve constraints and topography in the area, they have to trench an electrical duct bank from WTP4 to the Bullick Hollow pumping station. Some of this construction must occur on or near Bullick Hollow Rd, necessitating some road closures during construction. Bullick Hollow Rd is within Travis County's jurisdiction, and Commissioner Huber's office directed the WTP4 folks to work with residents in the greater Volente area to minimize the impact.

Over the last several weeks, we have asked the WTP4 representatives to explore every possible solution that would avoid closing the road. Tunneling for the electrical equipment would be extremely costly for them. Putting the duct bank in an area that is completely off the road is not possible because of steep topography near the pump site and and preserve land restrictions. We asked them to do a traffic study so that we could understand the traffic patterns, to study the possibility of nighttime lane closures (as opposed to total road closures), to extend the climbing lane past the crest of the hill, to study impacts on emergency service response, and to consider that residents in this area are already being significantly impacted by the construction of Anderson Mill Rd.

In an ideal world, this situation might have been avoided with better planning and foresight on the part of the designers. Unfortunately this did not happen. At this point, I believe we must acknowledge that there are limited options and try to find a workable solution that minimizes the impact on our residents.

On Friday April 15, Ken Beck, Judy Graci and I met with WTP4 representatives to look at traffic counts and walk the road where the duct bank is to be constructed. Travis County engineer Steve Sun accompanied us. The traffic study counted cars for one 24 hour period in the middle of the week. While this seemed minimal to us, a Travis County rep confirmed that it is standard practice in the industry. The study shows significant traffic during peak rush hour, falling off after 7pm, with little traffic between 9pm and 6am. The WTP4 team also looked at the possibility of having flaggers with lane closures during this time. It appears that this option would require several flaggers, and would complicate the work leading to longer construction time. I think it would also frustrate drivers.

4/19/11

Received a complaint from Nancy Womack. 15202 FM 2769 who once again is complaining of no water. Her neighbor (Gallagher's at 15212 FM 2769) waters their landscaping which evidentially drains the water aquifer that the wells are on leaving her with little to no water. She complained of this last fall when the neighbor was putting the landscaping in and was watering. She wants to see if there is anything the Village Council could do about it. Last year I told her that we cannot regulate resident's water as they all have their own wells and suggested she visit with the neighbor about the situation. She said she had put a note on the mailbox about the issue to the neighbor but received no response.

Another issue she brought up was that when the neighbor had the landscaping put in the workers put all the brush in front of her property and she is concerned of the fire hazard.

She would like to speak to the Mayor or go before Council with this issue.

Her number is 512-258-9538.

To: Village of Volente councilmembers
From: Mayor Blackmore-Hlista
Date: April 22, 2011

Re: Pool equipment screening and noise

Dear Council,

I would like to discuss asking P&Z to research regulations pertaining to screening of pool equipment, in particular as it relates to noise from pool equipment. As you can see in our regulations, our regulations are mostly concerned with the visible aspects of screening. However, in the case of pool equipment, some of it can be quite noisy. I believe that some jurisdictions have requirements for simple measures that mitigate the noise.

While we have a noise ordinance, most builders do not consider the noise ordinance when planning and designing pool areas. In addition, enforcement of the noise ordinance after a home is constructed and a certificate of occupancy has been issued may be more difficult than ensuring that appropriate noise screening is in place during construction. I would like to ask our P&Z Commission to research the issue. Obviously, we do not want regulations that are onerous or impose a significant financial burden on the homeowner. On the other hand, we want to find a way to make sure that builders are aware of the issue up front.

P&Z may recommend that no action be taken, or that our screening regulations be amended. Any regulations that we adopt would only apply to future building permits, not existing pool equipment.

Sincerely,

Justine

Site Development Ordinance Sec. 33.339 Fencing, Walls and Screening Requirements

C. Fences in Single-Family Residential Areas:

1. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
2. Any fence or wall that faces a street shall be constructed of wood, ornamental iron, stone, concrete, stucco or brick façade. Wire fencing is permitted behind the foregoing materials. A fence that was in existence on or prior to the effective date of this article may be restored to its original condition, may be repaired, and may be extended by twenty-five percent (25%) of its length as measured on or before the effective date of this article.
3. Gates designed for vehicular access shall be set back from the property line a minimum of twenty-five feet (25').
4. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the Village's codes or ordinances pertaining to it.
5. Special purpose fencing, such as fencing around tennis courts, is permitted. If a chain link fence is used it shall be vinyl coated and colored black or dark green.

D. All mechanical and utility equipment, whether ground- or roof-mounted, shall meet all applicable front, side and rear setback requirements of the applicable zoning district, shall be of a neutral color, and shall be screened from view of any street or adjacent property up to and including a "line-of-sight" height of five feet (5') above the street right-of-way line or street easement line and all other boundary lines of the subject property. Roof-mounted equipment shall be located as close to the center of the building as reasonably possible, and shall be screened by a parapet wall of the same color and finish as the building facade or by some other architectural feature that is complementary to the design of the building facade. A dense, opaque evergreen landscaped screen shall screen ground-mounted equipment. A six-foot (6') tall solid masonry wall may be used in lieu of the landscaped screen provided that the exterior finish materials are neutral in color and are compatible with the color and finish of the building on the premises. Plans and specifications for screening and fencing around ground-mounted utility structures, including transformers and natural gas regulating stations, shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the Village for review and approval prior to construction of said screening or fencing.

IBC 2006 CODE FOR SWIMMING POOLS

Section 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

SWIMMING POOLS. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: A spa with a safety cover complying with ASTM F 1346.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.1.7 Gates. Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1008.1.8 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1372 mm) above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switch(es) shall be located at 54 inches (1372 mm) maximum and 48 inches minimum above the threshold of the door.
2. The pool shall be equipped with a power safety cover which complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

3109.4.1.9 Pool structure as barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

Court Opinions Texas Local Government Code - Section 214.101. Authority Regarding Swimming Pool Enclosures

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US Code

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- Art. IV - States' Relations
- Art. V - Mode of Amendment
- Art. VI - Prior Debts
- Art VII - Ratification

§ 214.101. AUTHORITY REGARDING SWIMMING POOL ENCLOSURES. (a) A municipality may by ordinance establish minimum standards for swimming pool fences and enclosures and may adopt other ordinances as necessary to carry out this subchapter. A municipal ordinance containing standards for a pool yard enclosure as defined by Chapter 757, Health and Safety Code, as added by Section 2, Chapter 517, Acts of the 73rd Legislature, 1993, must contain the same standards for that enclosure as are required or permitted by that chapter of the Health and Safety Code.

(b) A municipality that adopts an ordinance under this subchapter may repair, replace, secure, or otherwise remedy an enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare.

(c) A municipality may require the owner of the property on which the swimming pool or enclosure or fence is situated, after notice and hearing as provided in Sections 214.001(d) and (e), to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool that the municipality or an appropriate municipal official, agent, or employee determines violates the minimum standards adopted under this subchapter.

(d) If the enclosure or fence is on unoccupied property or is on property occupied only by persons who do not have a right of possession to the property, the municipality shall give notice to the owner, in accordance with the procedures set out in Sections 214.001(c) and (d), of the municipality's action to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool.

(e) If a municipality incurs expenses under this subchapter, the municipality may assess the expenses on, and the municipality has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the swimming pool or the enclosure or fence is situated. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the municipality for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded in the office of the county clerk in the county in which the property is situated. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the swimming pool or the enclosure or fence is situated, the amount of expenses incurred by the municipality, and the balance due. The lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the municipality's lien attaches.

(f) An ordinance adopted under this subchapter may provide for a penalty, not to exceed \$1,000, for a violation of the ordinance. The ordinance may provide that each day a violation occurs constitutes a separate offense.

(g) A municipal official, agent, or employee, acting under the authority granted by this subchapter or any ordinance adopted under this subchapter, may enter any unoccupied premises at a reasonable time to inspect, investigate, or enforce the powers granted under this subchapter or any ordinance adopted pursuant to this subchapter. After providing a minimum of 24 hours notice to the occupant, a municipal official, agent, or employee, acting under the authority granted by this subchapter or any ordinance adopted under this subchapter, may enter any occupied premises to inspect, investigate, or enforce the powers granted under this subchapter or any ordinance adopted pursuant to this subchapter. A municipality and its officials, agents, or employees shall be immune from liability for any acts or omissions not knowingly done that are associated with actions taken in an effort to eliminate the dangerous conditions posed by an enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare and for any previous or subsequent conditions on the property.

(h) The authority granted by this subchapter is in addition to that granted by any other law.

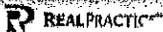
Added by Acts 1993, 73rd Leg., ch. 517, § 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 577, § 1, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 1420, § 12.107, eff. Sept. 1, 2001.

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