

# Village of Volente

<b>Budget III version 7</b>	<b>Revised budget assuming bookkeeper</b>
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Assumption: City Secretary is a half-time position and an outside bookkeeper is hired. Two packages of invoices etc. delivered to the Bookkeeper per month. And a generous estimate of Bookkeeper time (16 hr per month). The Quickbook file will be maintained on the City Server and the Bookkeeper will access it remotely, so the QB file is available to view (not update) in the City Office.

60200 · Postage and Shipping	1,500.00	1,920.00	2 round-trip deliveries round-trip a month @ \$40.00 per trip
64013 · Bookkeeping Service	0	8,640.00	16 hours a month @ \$45.00 per hour; will probably be less
50610 · Computer Software	4,100.00	4,770.00	QuickBook payroll \$370 and network modifications \$300

**66000 · Compensation and Benefits**

**66100 · Salaries and Wages**

- 66110 · Salaried wages
- 66120 · Paid Time Off - Salaried
- 66140 · Payroll Services
- 66100 · Salaries and Wages - Other

**Total 66100 · Salaries and Wages**

**66500 · Employee Related**

- 66510 · Employer Paid Health Ins
- 66515 · Employee Paid Health Ins
- 66520 · TMRS Retirement ER
- 66530 · Texas Unemployment Tax
- 66540 · Social Security ER
- 66550 · Medicare ER
- 66560 · Training & Ed - Staff
- 66590 · Employment Taxes

**Total 66500 · Employee Related**

	116,000.00	92,440.00
	116,000.00	92,440.00
	26,700.00	24,890.00
	142,700.00	117,330.00

Assumes 1/2 time city secretary at \$51k/yr

## Barbara Wilson

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**From:** Brent Piercey <bpiercey@gmail.com>  
**Sent:** Monday, September 22, 2014 3:35 PM  
**To:** Village Volente; mayor@volentetexas.gov; council.member1@volentetexas.gov; council.member2@volentetexas.gov; council.member3@volentetexas.gov; council.member4@volentetexas.gov; mayor.protem@volentetexas.gov  
**Subject:** STR Discussion this Week

Mayor, Council Members, Barbra,

I know that the Short Term Rental issue has been a hot topic in the city recently, and I felt it would be prudent for me to disclose my view on the issue. As you know, I live across the street from one of the properties under review in this discussion, and I have witnessed many of the issues brought up in relation to these rentals. I apologize that I have to send my view in writing - I will be unavailable during the scheduled council meeting.

We chose to live in Volente because of its location near the lake, and the lifestyle we get to enjoy here. We knew that this would attract other people, even those looking for a short dose of our beautiful landscape. As a resident, the issues most evident with the rental properties are the random people down our street and the lack of their investment in the neighborhood. People who rent don't care how we feel, or the impact they make on us because they will be gone in 3 days and as we've seen, this can cause issues. I've watched young men urinate on the trees in front of my house. I've watched intoxicated men and women stumble down the street and I've watched those same people get into cars and drive away as I usher my young children inside. These things are not what we signed up for in our neighborhood. It's sad to me to watch my neighbors struggle with noise and debauchery near where they live. We don't live next to a night club or pool party location, and we didn't choose to live next to a commercial operation aimed to turn a residential house into one of those things.

After discussing the negative aspects of rental properties, its valuable to note that not all renters are like this. We understand that some situations do not represent every renter or person who chooses to enjoy the lake near our house. The house in question is not a raging party every week and has its share of respectful tenants. My family and I have rented homes in the past for lake and beach vacations, and I'd like to think our neighbors in those situations appreciated our respect of their neighborhood. Not every short term rental needs to have more than 12 adults, nor do they all need to be elaborate gatherings.

With that, I would prefer that the current rules and regulations in place stay. We don't technically allow short term rentals in our city, and I don't know that I understand why we should officially allow it. We get no tax revenue, and anyone looking to purchase a house next to a large rental property would most likely see that as a negative fact, so property values will suffer, more so in my opinion than property value suffer because people cannot rent the house out. The current rules allow us to stop STRs if they are identified and become a problem, and in the best of times gracefully ignore the situation if it is not an issue.

That being said, I would encourage you to take the best interests of the residents to heart. If you believe the common consensus is to allow rentals in a controlled fashion, focus on protecting our rights as homeowners. We must have an easy, effective, and efficient way to lodge complaint and solve a situation. STRs shouldn't be event venues, and the number of people using them at any given time should be reasonably limited. If we have to create ordinance to allow renting, please think of that ordinance from a residents perspective first, followed by the business owner (or homeowner), followed by the visitor to our city. Based on my limited understanding of the current proposal, I'm not sure that is the case.

Thank you all for your service and your time. I respect your decision, and feel that you are listening to the many viewpoints on this issue.

Thanks,

Brent Piercey  
16508 Jackson St.

16513 Jackson Street  
Leander, TX 78641

Mario Mendias  
Mariomendias@me.com  
FAX 512.233.2657

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September 22, 2014

Village of Volente  
Attn: Barbara Wilson

*Re: Village of Volente Meeting – Sep 23<sup>rd</sup> - Revisions concerning short term rentals*

Dear Barbara Wilson,

It has again come to my attention, via Ed Ruegg, David Springer, and Anne Steichen that the Village of Volente is calling a meeting on Tuesday, September 23<sup>rd</sup>, 2014, to address the possibility of enforcing the single family R-1 zoning ordinance.

David Springer first brought this to my attention last week, after receiving an angry letter from Linda Attwood, my next-door neighbor about our STR. While I felt that many of the claims were unwarranted, once I'm brought into a situation such as this, I'm dedicated 100% to making it right. David and I conversed in depth via multiple emails, and together came up with a formidable list of precautions and processes to eliminate ANY issues with our few remaining rentals.

I have attached one of the emails that I wrote to Linda that summarizes these precautions for your viewing. I never received a response from Linda, despite asking her thoughts on this and multiple other emails. You'll note that one of the items included that if there was an issue on the property, David & I would personally walk the property immediately and address it. To the best of my knowledge, neither of us received any notification of issues this weekend.

My property manager, Joe, did run into Ms Attwood late this weekend at the store. She angrily approached him to complain about the rentals, the noise, and the disruption of her peace/privacy. Joe explained that our guests were not home on Friday evening, and that on Saturday, he did hourly perimeter checks starting early in the evening to ensure compliance. He kept his windows open at his residence (very close to the main house), and personally adjusted the volume via remote if he felt it was at all in question.

Ms Attwood insisted that it was noisy outside and that it was coming from MY residence. Joe explained that is WAS noisy, however, that was due to the party that was occurring on the docks at VIP Marina. Especially with the lake so low and the marina moved a lot closer to stay in high water, the noise echoes across the channel and you can hear it pretty much at ALL residences along this stretch of Jackson. Joe explained that he even walked down near the water to see what the ruckus was and reached out to his contacts at VIP (it was a UT grad party), but Linda insisted that it was all from our residence. Joe politely disagreed, and again stated that he had done frequent checks and not had any issues with the respectful group.

16513 Jackson Street  
Leander, TX 78641

Mario Mendias  
Mariomendias@me.com  
FAX 512.233.2657

At this point, I'm not really sure where to go from here. As I have stated in the past, we have had a few bad rentals at the beginning, and for that, we certainly apologize. Since then, and even more recently, we have put stringent processes into place to eliminate the risk of disturbance. I cannot do anything about the noise that comes from VIP Marina. It is a regular occurrence, and I don't want my renters or property manager to be blamed for something that is out of their/his control. Am I angry at VIP Marina? Certainly not. They bring a lot of business and value to our neighborhood, and it's not their fault that the lake is so low and we are all a lot closer these days.

As I have also told Linda and David, I have very few remaining rentals this year, and hope to sell the home shortly (fingers crossed). The incoming guests have all been spoken to in detail about the Quiet Hours and told that immediate eviction without refund will occur if there is a violation. I've even offered them a refund right now if they would like to withdraw their rental due to the strict terms. I am confident that they will not be an issue, however, I am not confident that we won't receive complaints, since these days it appears that I am to be responsible for all neighborhood disturbances, despite the merit of these claims.

I believe that allowing the STR owners to get together and work on some regulations and processes to better govern STRs is not at all an issue, but instead a great idea. There should be certain processes to ensure neighborhood peace, and I am fully in support of that. Completely restricting STR via enforcing an R-1 ordinance would hurt many small businesses in the community and ultimately decrease value over all. We WANT people to come to Volente, don't we? We want to be a valued lake front community that provides activities and amenities for homeowners and guests alike. If you start by eliminating STRs, you lose the valuable visitor attraction, which eventually leads to many new residences and increased home/land value.

Please do not hesitate to contact me with any questions or concerns at [mariomendias@me.com](mailto:mariomendias@me.com).

Warm regards,

Mario Mendias

**Village of Volente  
Income Expense Budget Worksheet  
(FY OCT 2014 use per 2015)**

**Draft**

Ordinary Income/Expense

Income

	Oct '13 - Aug 14	YTD Budget	\$ Over/(Under) Budget	Amended Annual Budget	Proposed Budget II	Proposed Budget III	Notes
40000 . Property Tax Revenue	202,290.00	202,742.63	-452.63	204,632.65	213,100.00	213,100.00	2014 Certified Value \$163,990,728
40110 . Real Property Tax - Current Yr	0.00	100.00	-100.00	100.00			
40150 . Penalties & Interest	202,290.00	202,842.63	-552.63	204,732.65	213,100.00	213,100.00	
<b>Total 40000 . Property Tax Revenue</b>							
41000 . Sales Tax Revenue							
41110 . Mixed Beverage Sales Tax	3,292.00	3,000.00	292.00	3,000.00	3,000.00	3,000.00	
41120 . Sales & Use Taxes	45,338.00	49,571.14	-4,233.14	55,000.00	50,000.00	50,000.00	
<b>Total 41000 . Sales Tax Revenue</b>	48,630.00	52,571.14	-3,941.14	58,000.00	53,000.00	53,000.00	
42000 . Utility Franchise Fees							
42110 . Franchise Fees	31,769.00	31,000.00	769.00	31,000.00	31,000.00	31,000.00	
<b>Total 42000 . Utility Franchise Fees</b>	31,769.00	31,000.00	769.00	31,000.00	31,000.00	31,000.00	
43000 . Development Fees/Permits							
43110 . ROW Fees and Permits	4.34	5,000.00	4,993.85	5,000.00			
43120 . Building Review Fees.	9,893.85	5,000.00	-3,893.85	5,000.00			
43130 . Subdivision Review Fee	1,200.00	1,000.00	-200.00	1,000.00	1,000.00	1,000.00	
43140 . Sign Permit Fees	1,000.00	1,000.00	0.00	1,000.00			
43150 . Admin Fees	0.00	600.00	-600.00	600.00			
43160 . Variance Fee	3,625.00	1,250.00	2,375.00	1,250.00			
<b>Total 43000 . Development Fees/Permits</b>	15,723.19	12,850.00	2,873.19	12,850.00	1,000.00	1,000.00	
44000 . Grant Revenue							
44110 . Cap Metro	29,378.00	29,000.00	378.00	29,000.00	29,000.00	29,000.00	
44120 . Grants	0.00	25,000.00	-25,000.00	25,000.00			
<b>Total 44000 . Grant Revenue</b>	29,378.00	54,000.00	-24,622.00	54,000.00	29,000.00	29,000.00	
46000 . Court Fees							
46110 . Municipal Court Fees	0.00	100.00	-100.00	100.00			
<b>Total 46000 . Court Fees</b>	0.00	100.00	-100.00	100.00			
47000 . Investment Earning							
47110 . Savings account 3832166099	144.01	1,627.09	-707.66	2,000.00	1,500.00	1,500.00	
47120 . Interest Earned /Savs/MMA	919.43	1,627.09	-663.65	2,000.00	1,500.00	1,500.00	
<b>Total 47000 . Investment Earning</b>	1,063.44	1,627.09	-563.65	2,000.00	1,500.00	1,500.00	
48000 . Event Income							
48110 . Farmers Market	0.00	0.00	0.00	0.00			
<b>Total 48000 . Event Income</b>	0.00	0.00	0.00	0.00			
49100 . Miscellaneous Income							
49130 . Uncategorized Income	7.13	3.00	4.13	3.00			
<b>Total 49100 . Miscellaneous Income</b>	7.13	3.00	4.13	3.00			
<b>Total Income</b>	328,860.76	354,993.86	-26,133.10	362,685.65	328,600.00	328,600.00	
<b>Expense</b>							

## Village of Volente Income Expense Budget Worksheet

# Draft

	August 2014			2014/2015		Notes
	Oct '13 - Aug 14	YTD Budget	\$ Over/(Under) Budget	Amended Annual Budget	Proposed Budget II	
<b>50000 · Operations</b>						
<b>50100 · Office Supplies &amp; Equipment</b>						
50110 · Council Supplies	213.81					
<b>50120 · Office Supplies - General</b>						
50130 · Office Supplies printing	11,779.00	4,683.12	7,095.88	5,216.45		Prior yr Non-recurring startup on new office \$3k
50140 · Office Equipment Lease	2,761.75	2,750.00	11.75	3,000.00		\$1024 Sharp copier one time Dahill
<b>Total 50100 · Office Supplies &amp; Equipment</b>	<b>18,713.86</b>	<b>11,613.12</b>	<b>7,100.74</b>	<b>12,776.45</b>	<b>12,000.00</b>	<b>12,000.00</b> Under review
<b>50200 · Postage and Shipping</b>						
50210 · Delivery Services	559.29	1,233.33	551.86	1,300.00		
50220 · Office Supplies - Postage	1,785.19	1,233.33	551.86	1,300.00		
<b>Total 50200 · Postage and Shipping</b>	<b>2,344.48</b>	<b>1,233.33</b>	<b>1,111.15</b>	<b>1,300.00</b>	<b>1,500.00</b>	<b>1,500.00</b>
<b>50300 · Communications &amp; Internet</b>						
50310 · Website Maintenance	1,269.58	1,250.00	19.58	1,500.00		1,000.00 Avenet \$560, Hostgator 135, Dotgov 125,
50320 · Telephone & Internet	2,503.53	3,259.19	-755.66	3,555.48		3,000.00 3 phones \$140 and 95 internet; 255.67 mth
50350 · Domain Sites	284.85	725.50	-440.65	725.50		
50380 · Cellular Phone Reimbursement	1,331.63	1,375.00	-43.37	1,500.00		1,450.00 Barbara's contract up to \$150.00
Community Survey						900.00 Survey Monkey
<b>Total 50300 · Communications &amp; Internet</b>	<b>5,389.59</b>	<b>6,609.69</b>	<b>-1,220.10</b>	<b>7,280.98</b>	<b>5,450.00</b>	<b>5,450.00</b>
<b>50600 · Computer Software and Hardware</b>						
50610 · Computer Software	897.54	733.07	164.47	774.74		Contact software \$2.9k, cloud \$900, Windows \$300; does not include QB or
50620 · Computer Hardware	1,775.00	733.07	1,041.93	774.74		4,100.00 Payroll \$369
<b>Total 50600 · Computer Software and Hardware</b>	<b>2,672.54</b>	<b>733.07</b>	<b>1,939.47</b>	<b>774.74</b>	<b>4,100.00</b>	<b>4,100.00</b> under review
<b>50800 · Other Operating Expense</b>						
<b>50801 · Bank service charges</b>						
50803 · Miscellaneous/Reimbursement	11.30	0.00	11.30	0.00		
50804 · Advertising/Public Notices	1,266.51	917.00	349.51	1,000.00		300.00 Hill Country news
50805 · Books & Publications	489.00	500.00	-11.00	500.00		500.00
50806 · Dues, Fees, & Subscriptions	1,092.39	1,967.00	-874.61	2,000.00		1,000.00 TML 536; TCRC 250
50807 · Industrial Relations	546.21	1,100.00	-553.79	1,200.00		Most spent related to the office move
50808 · Insurance, Lab/workers comp	848.29	2,750.00	-1,901.71	3,000.00		2,500.00 Employee reimb
50809 · Training & Ed - Council	1,627.92	3,000.00	-1,372.08	3,000.00		3,600.00 Gen liab, auto, errors & omission, law enforce and property
<b>50810 · Travel Expense</b>						
50812 · Mileage Reimbursement	6,096.09	5,275.00	821.09	5,900.00		1,500.00 Ken\$750; Jan \$750; books \$120
<b>Total 50810 · Travel Expense</b>	<b>6,096.09</b>	<b>5,275.00</b>	<b>821.09</b>	<b>5,900.00</b>	<b>1,500.00</b>	<b>1,500.00</b>
<b>99102 · Reconciliation Discrepancies</b>						
<b>Total 50800 · Other Operating Expense</b>	<b>12.03</b>	<b>15,509.00</b>	<b>-3,519.26</b>	<b>16,600.00</b>	<b>9,400.00</b>	<b>9,400.00</b>
<b>Total 50000 · Operations</b>						
	41,110.21	35,698.21	5,412.00	38,732.17	32,450.00	32,450.00
<b>52000 · Municipal Court</b>						
52120 · Municipal Court Expenditures	2,093.50	1,100.00	993.50	1,200.00		3,000.00 Incode \$1430; training \$438
<b>Total 52000 · Municipal Court</b>	<b>2,093.50</b>	<b>1,100.00</b>	<b>993.50</b>	<b>1,200.00</b>	<b>3,000.00</b>	<b>3,000.00</b>

**Draft**

Village of Volente  
**Income Expense Budget Worksheet**

	August 2014				2014/2015		Notes
	Oct '13 - Aug 14	YTD Budget	\$ Over/(Under) Budget	Amended Annual Budget	Proposed Budget II	Proposed Budget III	
<b>53000 . Facilities and Equipment</b>							
<b>53100 . Facilities and Equip -Other</b>							
53110 . Depreciation	5,851.73	1,000.00	-330.77	1,000.00	5,100.00	5,100.00	Lease up for renewal Oct 1, 2015; \$10,072
53120 . Office Equipment & Furniture	669.23	3,915.21	-526.95	4,289.32	0.00	0.00	
53130 . Utilities - Electric	3,388.26	7,190.96	-2,298.16	8,071.96	3,800.00	3,800.00	\$1320 Non-recurring startup on yard
53140 . Repairs & Maint Facilities	4,892.80	363.00	86.54	396.00	4,000.00	4,000.00	cleanup
53150 . Burglar Alarm	449.54	350.00	-350.00	350.00	500.00	500.00	
53160 . Pest & Extermination Services	0.00	12,819.17	2,432.39	14,107.28	13,400.00	13,400.00	
<b>Total 53100 . Facilities and Equip -Other</b>	<b>15,251.56</b>	<b>22,000.00</b>	<b>258.08</b>	<b>24,000.00</b>	<b>24,000.00</b>	<b>24,000.00</b>	
<b>53200 . Facility and Equipment Rent</b>							
53210 . Firehall Rental	2,845.00	0.00	2,845.00	0.00	24,000.00	24,000.00	
53220 . Office Space Lease	22,258.08	22,000.00	258.08	24,000.00	24,000.00	24,000.00	
<b>Total 53200 . Facility and Equipment Rent</b>	<b>25,103.08</b>	<b>22,000.00</b>	<b>3,103.08</b>	<b>24,000.00</b>	<b>24,000.00</b>	<b>24,000.00</b>	
<b>Total 53000 . Facilities and Equipment</b>	<b>40,354.64</b>	<b>34,819.17</b>	<b>5,535.47</b>	<b>38,107.28</b>	<b>37,400.00</b>	<b>37,400.00</b>	
<b>55000 . Community Events</b>							
55110 . Farmers Market	0.00	0.00	0.00	0.00	1,500.00	1,500.00	
55120 . Village Cleanup, other	1,510.00	1,500.00	10.00	1,500.00	1,500.00	1,500.00	
55130 . Meet the Candidates	283.46	2,400.00	-1,092.58	2,400.00	750.00	750.00	
55140 . Christmas Party	2,897.73	1,500.00	-1,250.01	1,500.00	2,150.00	2,150.00	
55150 . City Council Meetings & Worksho	366.13	249.99	116.14	249.99	2,150.00	2,150.00	
55160 . Election Expense	1,307.42	5,400.00	-4,092.58	5,400.00	5,900.00	5,900.00	
55170 . Events - Other	249.99	1,214.73	-964.74	1,214.73	5,900.00	5,900.00	
<b>Total 55000 . Community Events</b>	<b>6,614.73</b>	<b>1,375.00</b>	<b>-5,243.27</b>	<b>1,375.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	
<b>57000 . Public Works</b>							
57110 . Park Maintenance	500.00	0.00	500.00	0.00	1,500.00	1,500.00	To use the Parkland Fund
57120 . ROW Herbicide	0.00	6,000.00	-3,000.00	6,000.00	1,500.00	1,500.00	Included in roads and right of ways
57121 . Mowing	3,000.00	20,000.00	-3,000.00	20,000.00	1,500.00	1,500.00	Included in roads and right of ways
57123 . Tree Trimming	20,495.00	10,544.39	9,950.61	10,544.39	78,320.00	70,352.00	Barbara Change
57131 . Roads & Rightway	10,544.39	5,000.00	5,544.39	5,000.00	2,000.00	2,000.00	
57140 . Street Signs (New & Repairs)	6,559.78	42,375.00	-35,815.22	42,375.00	81,820.00	73,852.00	
<b>Total 57000 . Public Works</b>	<b>41,099.17</b>	<b>87,375.00</b>	<b>-46,275.83</b>	<b>87,375.00</b>	<b>150,000.00</b>	<b>147,852.00</b>	
<b>64000 . Outside Services</b>							
64011 . Audit	5,700.00	1,500.00	-4,200.00	1,500.00	6,000.00	6,000.00	Two Years to complete, Accrual this years
64012 . Tax Collection - Travis Co	774.59	-725.41	1,500.00	-725.41	650.00	650.00	
64013 . Finance Consultant	350.00	3,000.00	-2,650.00	3,000.00	6,000.00	6,000.00	Fees should cover costs going forward
<b>64100 . Development Costs</b>							
64101 . Inspection Service Reimbursible	3,334.50	8,775.00	-5,440.50	8,775.00	10,000.00	10,000.00	
64102 . Plan Review Reimbursible	18,736.72	5,000.00	13,736.72	5,000.00	15,000.00	10,000.00	Barbara change
64104 . Special Engineering Consultant	3,755.35	9,416.67	-5,661.32	9,416.67	10,000.00	10,000.00	
64105 . Professional Serv Non Reimb	8,007.75	0.00	8,007.75	0.00	10,000.00	10,000.00	
64110 . Dev. Cost to be Invoiced	0.00	-1,650.00	1,650.00	-1,650.00	15,000.00	10,000.00	
64111 . Development Fees Invoiced	-1,650.00	26,191.67	-27,841.67	26,191.67	15,000.00	10,000.00	
64115 . Handling Fee	-293.34	5,699.31	-5,406.00	5,699.31	15,000.00	10,000.00	
<b>Total 64100 . Development Costs</b>	<b>31,890.98</b>	<b>26,191.67</b>	<b>5,699.31</b>	<b>28,000.00</b>	<b>15,000.00</b>	<b>10,000.00</b>	

**Draft**

Village of Volente  
Income Expense Budget Worksheet

August 2014

2014/2015

	Oct '13 - Aug 14	YTD Budget	\$ Over/(Under) Budget	Amended Annual Budget	Proposed Budget II	Proposed Budget III	Notes
<b>64400 . Attorneys Fees</b>							
64410 . Attorney - General Services	12,053.21	29,425.63	-17,372.42	30,000.00	10,000.00	10,000.00	
64451 . Attorney Litigation	1,341.84						
64470 . Legal Fees - City Projects							
64471 . P&Z - Ordinances							
64472 . Adhoc Water Planning							
64473 . Public Safety - Emergency Mgt							
64474 . Govt. Committee - BCRUA							
64477 . Attorney - Gen City Projects	10,216.11						
<b>Total 64470 . Legal Fees - City Projects</b>	<b>10,216.11</b>				<b>21,000.00</b>	<b>21,000.00</b>	
<b>Total 64400 . Attorneys Fees</b>	<b>23,611.16</b>	<b>29,425.63</b>	<b>-5,814.47</b>	<b>30,000.00</b>	<b>31,000.00</b>	<b>31,000.00</b>	
<b>Total 64000 . Outside Services</b>	<b>62,326.73</b>	<b>57,117.30</b>	<b>5,209.43</b>	<b>65,200.00</b>	<b>52,650.00</b>	<b>47,650.00</b>	
<b>65000 . Contract Labor</b>							
65020 . Contract Labor - Other	332.18	1,100.00	-767.82	1,200.00			
65100 . Enforcement Costs	5,510.00	12,000.00	-6,490.00	15,000.00	5,000.00	5,000.00	
65110 . Contract Police	0.00	7,256.16	-7,256.16	8,306.72	7,200.00	12,500.00	Assumes 3rd party service
65120 . Code Enforcement	5,510.00	19,256.16	-13,746.16	23,306.72	12,200.00	17,500.00	
<b>Total 65100 . Enforcement Costs</b>	<b>5,510.00</b>	<b>19,256.16</b>	<b>-13,746.16</b>	<b>23,306.72</b>	<b>12,200.00</b>	<b>17,500.00</b>	
<b>Total 65000 . Contract Labor</b>	<b>5,842.18</b>	<b>20,356.16</b>	<b>-14,513.98</b>	<b>24,506.72</b>	<b>12,200.00</b>	<b>17,500.00</b>	
<b>66000 . Compensation and Benefits</b>							
66100 . Salaries and Wages	101,701.24	1,127.00			116,000.00	116,000.00	
66110 . Salaried wages	1,127.00						
66120 . Paid Time Off - Salaried	72.19						
66140 . Payroll Services	0.00	108,764.67	-108,764.67	119,107.00	116,000.00	116,000.00	
66100 . Salaries and Wages - Other	102,900.43	108,764.67	-5,864.24	119,107.00	116,000.00	116,000.00	
<b>Total 66100 . Salaries and Wages</b>	<b>102,900.43</b>	<b>108,764.67</b>	<b>-5,864.24</b>	<b>119,107.00</b>	<b>116,000.00</b>	<b>116,000.00</b>	
<b>66500 . Employee Related</b>							
66510 . Employer Paid Health Ins	12,291.48	11,267.19	1,024.29	12,291.48	12,300.00	12,300.00	
66515 . Employee Paid Health Ins	-652.96				-700.00	-700.00	
66520 . TMRS Retirement ER	6,581.73	4,895.00	1,686.73	5,340.00	8,300.00	4,800.00	Pending clarification
66530 . Texas Unemployment Tax	-114.91				420.00	420.00	
66540 . Social Security ER	6,099.86				7,200.00	7,200.00	
66550 . Medicare ER	1,426.58				1,680.00	1,680.00	
66560 . Training & Ed - Staff	195.64	2,000.00	-1,804.36	2,000.00	1,000.00	1,000.00	
66590 . Employment Taxes	-88.82	1,501.00	-1,589.82	1,501.00	1,000.00	1,000.00	
<b>Total 66500 . Employee Related</b>	<b>25,738.60</b>	<b>19,663.19</b>	<b>6,075.41</b>	<b>21,132.48</b>	<b>30,200.00</b>	<b>26,700.00</b>	
<b>Total 66000 . Compensation and Benefits</b>	<b>128,639.03</b>	<b>128,427.86</b>	<b>211.17</b>	<b>140,239.48</b>	<b>146,200.00</b>	<b>142,700.00</b>	
<b>Total Expense</b>	<b>328,080.19</b>	<b>325,293.70</b>	<b>2,786.49</b>	<b>360,885.65</b>	<b>371,620.00</b>	<b>360,452.00</b>	
<b>Other Expense</b>							
80000 . Other Expense	0.00	0.00	0.00	0.00			
80020 . Parkland Inf Development							

**Village of Volente  
Income Expense Budget Worksheet**

Draft

	August 2014			2014/2015		Notes
	Oct '13 - Aug 14	YTD Budget	\$ Over/(Under) Budget	Amended Annual Budget	Proposed Budget II	
80050 - Penalties and Interest	196.19					
Total 80000 - Other Expense	196.19	0.00	196.19	0.00		
Total Other Expense	196.19	0.00	196.19	0.00	0.00	
<b>Total Expenditure before Capital Outlay</b>	<b>328,276.38</b>	<b>325,293.70</b>	<b>2,982.68</b>	<b>360,885.65</b>	<b>371,620.00</b>	<b>360,452.00</b>
<b>Capital Outlay:</b>						
Public Works					15,780.00	14,000.00
Office Leasehold	25,698.28	21,908.29	3,789.99	21,908.29		
<b>Total Capital Outlay</b>	<b>25,698.28</b>	<b>21,908.29</b>	<b>3,789.99</b>	<b>21,908.29</b>	<b>15,780.00</b>	<b>14,000.00</b>
<b>Total Expenditures</b>	<b>353,974.66</b>	<b>347,201.99</b>	<b>6,772.67</b>	<b>382,793.94</b>	<b>387,400.00</b>	<b>374,452.00</b>
<b>Net Change (Surplus / (Deficit))</b>	<b>-25,113.90</b>	<b>7,791.87</b>	<b>-32,905.77</b>	<b>-20,108.29</b>	<b>-58,800.00</b>	<b>-45,852.00</b>
<b>Transfers to General Fund Reserves</b>						
Parkland Fund	25,698.28	21,908.29	3,789.99	21,908.29	1,500.00	1,500.00
Capital Outlay					57,300.00	44,352.00
Deficit Funding					58,800.00	45,852.00
<b>Total Transfers to Reserves</b>	<b>25,698.28</b>	<b>21,908.29</b>	<b>3,789.99</b>	<b>21,908.29</b>	<b>58,800.00</b>	<b>45,852.00</b>
<b>Net Change after Transfers (Surplus / (Deficit))</b>	<b>584.38</b>	<b>29,700.16</b>	<b>-29,115.78</b>	<b>1,800.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Unrestricted Fund Balance, Beginning</b>	<b>613,006.55</b>	<b>613,006.55</b>		<b>613,006.55</b>	<b>579,839.20</b>	<b>579,839.20</b>
Current Year Operations	(25,113.90)	7,791.87		(20,108.29)	(58,800.00)	(45,852.00)
Current Year Capital Outlay	25,698.28	21,908.29		21,908.29	15,780.00	14,000.00
Current Year Depreciation	(5,851.73)	-		-	(5,100.00)	(5,100.00)
<b>Appropriations:</b>						
Legal Fund			(150,000.00)	(150,000.00)		
Office Move			(21,908.29)	(21,908.29)		
<b>Unrestricted Fund Balance, Ending</b>	<b>607,739.20</b>	<b>470,798.42</b>		<b>442,898.26</b>	<b>531,719.20</b>	<b>542,887.20</b>
<b>Temporarily Restricted Funds - Parkland</b>	<b>61,250.00</b>	<b>61,250.00</b>		<b>61,250.00</b>	<b>59,750.00</b>	<b>59,750.00</b>
<b>Fund Balance, Ending</b>	<b>668,989.20</b>	<b>532,048.42</b>		<b>504,148.26</b>	<b>591,469.20</b>	<b>602,637.20</b>

Beginning for next yr includes budget loss for Sept \$27.9K

Booth Head wall

# OFFENSES AND NUISANCES

## ARTICLE ?.01 GENERAL PROVISIONS\*

### Sec. ?.01.001 Misdemeanors under state law adopted

All misdemeanors named in the Texas Penal Code for which the municipal court has jurisdiction are declared to be offenses against the city, and the fines, penalties, and other punishments shall be the same as prescribed in the Penal Code. (1995 Code, sec. 2.001)

### Sec. ?.01.002 Damaging or tampering with public property

It shall be unlawful for any person to intentionally, knowingly, or recklessly damage, destroy, injure, molest or tamper with any public building, structure, fence, pole, pipe, line, street sign or other public property, whether real or personal. (1995 Code, sec. 2.010)

### Sec. ?.01.003 Reserved

### Sec. ?.01.004 Destroying or defacing street signs

It shall be unlawful for any person to destroy or deface any street sign in the city. (1995 Code, sec. 2.012)

### Sec. ?.01.005 Theft of city services or property

It shall be unlawful for any person to intentionally or knowingly avoid payment for any service or use of any property or facility of the city, whether real or personal, that he or she knows is provided or used only in return for compensation. It shall also be unlawful for any person to intentionally or knowingly secure performance of the service or use the property or facility to which he or she is not entitled either by deception, threat, false token, impersonation, or fraud. **Such services, property, or facilities shall include, but are not limited to, utilities, ball fields, parks, and other recreational facilities, trash collection services, or any other service or property owned, operated, or provided by the city.** It shall also be unlawful to have or exercise control over the disposition of city services, property, or facilities of another to which he or she is not entitled unless authorized by the city and that person. For these purposes, intent to avoid paying is presumed if the actor absconded without paying for the services or knowingly uses or is in possession of such property or facility he or she is not authorized to use or receive. (1995 Code, sec. 2.020)

### Sec.-?.01.006 Reserved

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**ARTICLE ?.02 PROHIBITED ACTIVITIES ON CITY PROPERTY**

**Sec. ?.02.001 Purpose**

The purpose of this article is to regulate the use of city property in a manner that protects the public health, safety, and welfare and preserves the investment that the city has made in its property. (1995 Code, sec. 63.001)

**Sec. ?.02.002 Definitions**

When used in this article, the following definitions shall apply unless the context clearly indicates otherwise:

Alcoholic beverage. Any beverage containing more than one-half of one percent alcohol by volume and that is capable of use for beverage purposes, either alone or when diluted.

Alcoholic beverage prohibited area. The public area that the city council has designated on the map on file in the city secretary's office.

Glass container. Any glass receptacle, closed or capable of being closed.

Glass container prohibited area. All public parks in the city limits.

Sidewalk. A public right-of-way intended for pedestrian use that is not being used as a street or road and that is generally located between the curb or edge of the street or road and the adjacent property line.

(1995 Code, sec. 63.002; Ordinance adopting Code)

**Sec. ?.02.003 Reserved**

**Sec. ?.02.004 Reserved**

**Sec. ?.02.005 Glass containers prohibited in certain areas**

(a) Prohibition. It is unlawful for any person to have a glass container in his or her possession, custody, or control in any glass container prohibited area.

(b) Exceptions.

(1) This section does not prohibit the possession of the following glass containers in any glass container prohibited area:

(A) Baby bottles containing products for consumption by babies;

(B) Glass drug containers containing legally prescribed drugs;

- 63 (C) Glass-lined vacuum picnic containers or thermos bottles; and  
64 (D) Any container as permitted by section 28.10(b) of the Texas Alcoholic  
65 Beverage Code Ann., as amended (Vernon 1978).

66 (2) This section does not apply to an individual, or an individual's guest, who is on  
67 a sidewalk within 150 feet of the place where the individual resides.

68 (1995 Code, sec. 63.022)

69 **Sec. ?.02.006 Reserved**  
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71 **ARTICLE ?.03 MINORS Reserved**

72 **Division 1. Generally**

73 **Secs. ?.03.001–?.03.030 Reserved**

74 **ARTICLE ?.04 WEAPONS (Compare to Current Ord.)**

75 **Sec. ?.04.001 Discharge of firearms**

76 (a) Definitions. When used in this section, the following definitions shall apply unless the context  
77 clearly indicates otherwise:

78 *Firearm*. Any device capable of discharging a projectile through a barrel using the energy  
79 generated by an explosive charge or burning substance, or any device readily convertible to such  
80 use, or any device capable of discharging a projectile through a barrel using the energy generated  
81 by compressed air, including, without limitation, an air gun, BB gun, or toy gun.

82 *Peace officer*. A person designated as a peace officer or a special investigator by the Texas Code  
83 of Criminal Procedure, articles 2.12 and 2.122.

84 *Shooting facility*. An area, either enclosed or out-of-doors, at which firearms are discharged at  
85 targets and that is designed so that projectiles fired from firearms at targets are prevented by  
86 means of barriers from going beyond the boundaries of the facility.

87 (b) Prohibition. It shall be unlawful for any person to discharge a firearm within the city limits.

88 (c) Defenses. The following are defenses to prosecution under this section:

89 (1) The person discharging the firearm was a peace officer acting in the performance  
90 of his or her official duties;

91 (2) The person discharging the firearm was lawfully defending a person or property;

92 (3) The person discharging the firearm discharged it in an established shooting  
93 facility; or

94 (4) The firearm that the person discharged was a toy gun not capable of discharging  
95 a projectile a distance in excess of fifty (50) feet.

96 (1995 Code, sec. 2.030)

97 (d) Subsection (b) of this article shall not apply to:

98 (1) A shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:

99 (A) On a tract of land of 10 acres or more and more than 150 feet from a  
100 residence or occupied building located on another property; and

101 (B) In a manner not reasonably expected to cause a projectile to cross the  
102 boundary of the tract; and

103 (2) A center fire or rim fire rifle or pistol of any caliber discharged:

104 (A) On a tract of land of 50 acres or more and more than 300 feet from a  
105 residence or occupied building located on another property; and

106 (B) In a manner not reasonably expected to cause a projectile to cross the  
107 boundary of the tract.

108 (Ordinance adopting Code)

109 **State law references**—Authority of municipality to regulate the discharge of firearms, V.T.C.A., Local Government  
110 Code, sec. 217.003; limitation of authority to prohibit discharge of firearms or other weapons in extraterritorial  
111 jurisdiction, V.T.C.A., Local Government Code, sec. 229.002.

112 **ARTICLE ?.05 NOISE<sup>2</sup>**

113 **Sec. ?.05.001 Definitions**

114 When used in this article, the following definitions shall apply unless the context clearly  
115 indicates otherwise:

116 Daytime hours. The hours from 7:00 a.m. on one day and 10:00 p.m. the same day.

117 dB(A). The intensity of a sound expressed in decibels.

118 Emergency. Any occurrence or set of circumstances involving actual or imminent physical  
119 trauma or property damage or loss that demands immediate action.

120 Emergency work. Any work performed for the purpose of:

- 121 (1) Preventing or alleviating the physical trauma or property damage threatened or  
122 caused by an emergency;
- 123 (2) Restoring property to a safe condition following a fire, accident, or natural  
124 disaster;
- 125 (3) Protecting persons or property from exposure to danger; or
- 126 (4) Restoring public utilities.

127 **Nighttime hours.** The hours between 10:01 p.m. on one day and 6:59 a.m. the following day.

128 **Nonresidential property/areas.** Any real property that is not included in the definition of  
129 residential property as defined in this section. Without limitation, the term includes properties  
130 that have been zoned other than as residential property, and properties that are devoted to public  
131 purposes, such as public parks.

132 **Plainly audible.** Any sound that can be detected by a person using his or her unaided hearing  
133 faculties. For example, if the sound source under investigation is a portable or personal vehicular  
134 sound amplification or reproduction device, the enforcement officer need not determine the name  
135 of the song, specific words or the artist performing it. The detection of the rhythmic bass  
136 component of the music is sufficient to constitute a plainly audible sound.

137 **Property line or property boundary.** With respect to single occupancy properties, the line along  
138 the ground surface and its vertical extension that separates the real property owned, leased, or  
139 occupied by one person from that owned, leased, or occupied by another person. With respect to  
140 shared occupancy properties the term shall mean the line that represents the legal limits of  
141 occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium,  
142 hotel or motel room, office, easement, or any other type of occupancy from that of other  
143 occupants on the property.

144 **Residential property/areas.** Any real property zoned for residential use in accordance with the  
145 city's zoning ordinance, all other real property which has been platted for residential use on  
146 which persons reside, and the public rights-of-way abutting any such real property.

147 **Streets.** Defined as being in the same category as the surrounding zoning. In the case of  
148 residential properties/areas which are across the street from nonresidential properties/areas, the  
149 street shall be considered to be in a residential area.

150 **Sec. ?05.002 General prohibitions**

151 (a) It shall be unlawful for any person to make, continue, or cause to be made or continued any  
152 loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort,  
153 repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or  
154 unusual, the following factors shall be considered: time of day; proximity to residential  
155 properties/areas as defined above; whether the noise is recurrent, intermittent, or constant; the

156 volume and intensity; and whether the noise has been enhanced in volume or range by any type of  
157 electronic or mechanical means.

158 (b) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be  
159 made or continued, or permit the continuance of any sound that either exceeds the maximum  
160 permitted sound decibel levels specified herein or otherwise unreasonably disturbs, injures, or  
161 endangers the comfort, repose, health, peace, or safety of others.

162 (c) The acts enumerated in this article, among others, are declared to be loud, disturbing, and  
163 unnecessary nuisance noises in violation of this article, but such enumeration shall not be deemed  
164 to be exclusive. The following noises are presumed to be offensive to a person of ordinary  
165 sensibilities in the city and are hereby declared to be a nuisance:

166 (1) The use of any motor vehicle so out of repair or so extra loaded, that it creates  
167 any loud and unreasonable or unusual, (that is, not standard equipment for the type  
168 vehicle, or which violates state regulations for equipment or emissions), grating,  
169 grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and  
170 declared to be unlawful;

171 (2) The operation of an engine of any motor vehicle as defined by the Texas  
172 Transportation Code so as to "brake" or slow the same through the use of gears  
173 (commonly known as "jake braking") or by any other method which produces any noise  
174 in addition to the normal operating engine noise;

175 (3) Except emergency equipment or vehicles then located at a permitted public event  
176 or parade, the idling of an engine of any sort of motor vehicle for more than one (1)  
177 hour;

178 (4) The continued or frequent sounding of any horn or other signal device on any  
179 automobile or other vehicle except as a danger or warning signal, or the creation by  
180 means of any such signal device of any unreasonably loud or harsh noise for any  
181 unnecessary purpose or unreasonable period of time;

182 (5) The excavation or grading of land, or the erection, construction, demolition or  
183 alteration of any building or structure, between the hours of 9:00 p.m. and 7:00 a.m.,  
184 within six hundred feet (600') of any occupied residential structure, or that generates,  
185 produces or results in any noise or sound that may be heard at the property line of any  
186 occupied residential structure; provided that this subsection shall not apply to any such  
187 work, construction, repairs or alterations that constitute an urgent necessity for the  
188 benefit and interest of the public safety, health or general welfare, e.g. repairs and  
189 emergency installations by any public utility, or to any excavation, erection,  
190 construction, demolition or alteration authorized by the city council to be undertaken  
191 between the hours of 9:00 p.m. and 7:00 a.m.;

192 (6) Sound produced from any sound amplifier that is part of or connected to any  
193 speaker system, radio, instrument, stereo receiver, television, MP3 player, compact disc

194 player, cassette tape player, microphone, or any other sound source, when operated:  
195 (A) in such a manner as to disturb the peace, quiet, and comfort of the neighboring  
196 inhabitants; (B) at any time with louder volume than is necessary for convenient  
197 hearing for persons who are in a vehicle or within the property or premises or on the  
198 waterway in which such sound amplifier is operated and who are voluntary listeners  
199 thereto; or (C) on a waterway between the hours of 10:00 p.m. and 7:00 a.m. For the  
200 purposes of subsections (A) and (B) herein, the operation of any such sound amplifier  
201 in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle  
202 shall be presumed to be violation of this section. The operation of any such sound  
203 amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet  
204 or more from the property line of a property, location, or premises in which the  
205 amplification is located shall be presumed to be violation of this section;

206 (7) The keeping of any animal or bird that causes or makes frequent or long and  
207 continued sound that unreasonably disturbs, injures, or endangers the comfort, repose,  
208 health, peace, or safety of ordinary, reasonable persons of normal sensibilities and  
209 ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby  
210 prohibited and declared to be unlawful as a sound nuisance in violation of this article,  
211 regardless of the time of the occurrence or whether the sound so created by said animal  
212 or bird is within the permissible decibel levels specified in this article;

213 (?) The creation of any excessive or unreasonable noise on any street or premises  
214 adjacent to any school, place of religious worship, or other institution of learning while  
215 the same is in session, or any hospital, which unreasonably interferes with the operation  
216 or use of any such institution;

217 (9) The raucous shouting or crying of peddlers, hawkers or vendors which  
218 unreasonably disturbs the peace and quiet of any neighborhood;

219 (10) The use of any mechanical device operated by compressed air, unless the noise  
220 to be created thereby has been effectively muffled and reduced;

221 (11) The discharge into the open air of the exhaust of any fixed and stationary steam  
222 engine, stationary internal combustion engine, or motor vehicle or boat engine, except  
223 through an exhaust system in good working order and in constant operation to prevent  
224 excessive or unusual noise;

225 (12) The blowing of any steam whistle attached to any stationary boiler, except when  
226 giving notice of the time to commence or stop work, or as a warning of danger;

227 (13) Any loud or vociferous language which annoys or disturbs the quiet, comfort or  
228 repose of persons in any type of dwelling;

229 (14) The operation of any electrical engine or pump that exceeds the decibel levels  
230 set forth in section [?05.003](#);

231 (15) Amplified music at any marina produced by any marina owner, renter or user  
232 of a boat slip, or any marina owner's agent, unless a waiver or permit has been granted  
233 by the city council.

234 (16) Noise emanating from sound equipment in a watercraft that is audible or causes  
235 a vibration 100 feet from the equipment. (Ordinance 2010-O-394 adopted 6/17/10)

236 (d) If conduct that would otherwise violate this article consists of speech or other  
237 communication, a gathering with others to hear or observe such speech or communication, or a  
238 gathering with others to picket or otherwise express in a non-violent manner a position on social,  
239 economic, political or religious questions, the person or persons must be ordered to move, disperse,  
240 or otherwise remedy the violation prior to arrest or issuance of citations.

241 **Sec. ?.05.003 Maximum permissible sound levels**

242 (a) In addition to the violations established by the preceding sections of this article, no person  
243 shall conduct, permit, or allow any activity or sound source to produce a sound discernible beyond  
244 the property on which the sound is being generated that, when measured as provided in this article,  
245 exceeds 65 dB(A) during daytime hours and 65 dB(A) during nighttime hours for the respective  
246 areas described above. Any sound that exceeds the dB(A) levels set forth in this section under the  
247 conditions and measurement criteria set forth herein is a violation of this article. Evidence that an  
248 activity or sound source produces a sound that exceeds the dB(A) levels specified in this section  
249 shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers  
250 the comfort, repose, health, peace, or safety of others in violation of this article.

251 (b) Regardless of the measurable dB(A) level established above, the generator of any sound of  
252 such a nature as to cause persons occupying or using any property other than the property upon  
253 which the sound is being generated to experience physically detectable sound, vibrations or  
254 resonance at a distance of fifty feet (50') from the source of the sound caused by the sound shall  
255 also be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the  
256 comfort, repose, health, peace, or safety of others in violation of this article.

257 **Sec. ?.05.004 Method of sound measurement**

258 Whenever portions of this article prohibit sound over a certain decibel limit, measurement shall  
259 be made with a type 1 or type 2 calibrated sound level meter utilizing the A-weighting scale and  
260 the slow meter response as specified by the American Standards Association. Measurements  
261 recorded shall be taken so as to provide a proper representation of the sound being measured.  
262 The microphone of the meter shall be positioned so as not to create any unnatural enhancement  
263 or diminution of the measured sound. A windscreen for the microphone shall be used, if  
264 necessary. Traffic, aircraft, and other transportation noise shall not be considered in taking  
265 measurements except where such background noise interferes with the noise being measured and  
266 cannot reasonably be distinguished from the primary noise. Measurements shall be recorded at a  
267 point at least fifty feet (50') from the source from which the sound is being generated or at the  
268 property boundary, whichever location is further from the source from which the sound is being  
269 generated.

270 **Sec. ?05.005 Permit required for use of outdoor sound amplification equipment**

271 (a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound  
272 amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of  
273 buildings or other enclosed structures in a manner that exceeds the sound decibel levels specified  
274 in this article, without first obtaining a permit to do so. No permit is required for any use not  
275 exceeding the said permissible levels; provided that no amplified music is allowed at a marina  
276 unless authorized by the city council.

277 (b) The permit:

278 (1) Shall be granted only for the amplification of music or human speech, or both;

279 (2) May be obtained by making application to the director of the city department so  
280 designated by the city administrator;

281 (3) Requires payment of a \$10.00 fee for the administrative costs of issuing the  
282 permit or a sworn statement of inability to pay the fee;

283 (4) Is valid for a specifically requested and approved period between the hours therein  
284 stated. Such terms of the permit shall be determined and approved by the city council;

285 (5) Shall not be issued to the same or any other person for the same location more  
286 than twice during any thirty-day period. In the case of a sound truck, location shall  
287 relate to the area traversed by the truck in one day. For special events which will take  
288 place over a multiple-day period in a city or POA park, the city council may approve a  
289 special permit to accommodate the entire event period in one permit; and

290 (6) Shall specify the maximum sound level permitted.

291 (c) The permit application required to be filed pursuant to this section shall contain the following  
292 information:

293 (1) The date of the application and the date and hours for which the permit is  
294 requested;

295 (2) The name and address of the applicant;

296 (3) The name and address of the person who will have charge of the sound amplifying  
297 equipment;

298 (4) The address and a description of the location where the sound equipment will be  
299 used; and

300 (5) A description of the type of sound amplifying equipment to be used.

301 (d) The permit hereby required is not required for the purpose of regulating speech which is  
302 protected speech or to conflict with any law of any superior governmental authority.

303 (e) Any regulation hereof that is in conflict with any such right or authority is hereby declared  
304 to be inoperative and severable from the other regulations herein.

305 **Sec. 2.05.006 Defenses**

306 The following defenses shall apply to any offense established in this article, and the same must  
307 be specifically plead by anyone charged with a violation:

308 (1) The emission of any sound was for the purpose of alerting persons to the existence  
309 of an emergency, danger, or attempted crime, or was produced pursuant to any safety  
310 rule or regulation of any governmental entity or agency.

311 (2) The sound was produced by an authorized emergency vehicle or law enforcement  
312 personnel acting in their official duties.

313 (3) The sound was produced by authorized emergency work or an emergency  
314 situation.

315 (4) The sound was generated:

316 (A) By a parade and/or spectators and participants on the parade route during  
317 a lawful parade;

318 (B) By spectators and participants at lawfully scheduled amphitheater, ball field  
319 or stadium event;

320 (C) By patrons and participants using cannons and gunfire during historical  
321 battle re-enactments for which a pyrotechnic permit was obtained and the  
322 explosives were inspected by the fire marshal;

323 (D) By a pyrotechnic display that was inspected and approved by the fire  
324 marshal; or

325 (E) By spectators and participants of any outdoor event, fun run, race, festival,  
326 fiesta, or concert that was sponsored or cosponsored by the city and in full  
327 compliance with a permit issued by the city.

328 (5) The sound was produced by operating or permitting the operation of any  
329 mechanically powered saw, drill, sander, router, grinder, lawn or garden tool,  
330 lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00  
331 p.m. when the sound is being produced for the maintenance or upkeep of the property  
332 on which it was operated. Dry stack boat storage operations are permitted to begin at  
333 6:00 a.m.

334 (6) The sound was generated as authorized under the terms of a permit issued under  
335 this article.

336 (7) The sound was produced by church bells or church chimes when used during  
337 daytime hours for the zone in which the church is located.

338 (?) The sound was produced during daytime hours by activities conducted on public  
339 parks, public playgrounds, and public or private school grounds, including, but not  
340 limited to, school athletic, band and school entertainment practice or events.

341 (9) The sound source is a motor vehicle and that:

342 (A) The motor vehicle is a mobile sound stage or studio that is being used on  
343 a stationary basis at a location not situated upon any street for the purpose of  
344 providing sound, during daytime hours, for an event or function; and

345 (B) The use is in compliance with all other provisions of this article.

346 **Sec. ?05.007 Penalty**

347 (a) A person commits an offense if the person makes or permits to be made a noise in violation  
348 of a provision of this article. In the event that a tenant or occupant of property violates this article,  
349 the city may give notice of the violation to the owner of the property. If the violation continues  
350 after such notice has been given, the city may enforce this article against the owner of the property.

351 (b) An offense under this article is a class C misdemeanor, punishable by a fine of not less than  
352 \$1.00 nor more than \$500.00.

353 (c) Each occurrence of a violation, or, in the case of continuous violations, each day a violation  
354 occurs or continues, constitutes a separate offense and may be punished separately.

355 (d) A violation of this article is a nuisance. The prosecution of an offense under this article does  
356 not limit the city's right to abate the nuisance, including the use of injunctive or other civil relief.

357 (e) No provision of this article shall be construed to impair any common law or statutory cause  
358 of action, or legal remedy therefrom, of any person, for injury or damage arising from any violation  
359 of this article or from other law.

360 **ARTICLE ?06 SEX OFFENDER REGULATIONS**

361 **Sec. ?06.001 Definitions**

362 For the purpose of this article, the following terms, phrases, words and their derivations shall  
363 have the meaning given herein. When not inconsistent with the context, words in the plural  
364 number include the singular and words in the singular number include the plural. The word  
365 "shall" is always mandatory and not merely directory.

366 Child sex offender.

367 (1) A person who pursuant to Vernon's Ann. C.C.P. art. 42.12, section 9A(a)(2), has  
368 been convicted or has entered a plea of guilty or nolo contendere for an offense under  
369 any one of the following provisions of the Texas Penal Code:

370 (A) V.T.C.A., Penal Code section 21.11 (indecenty with a child);

371 (B) V.T.C.A., Penal Code section 43.25 (sexual performance by a child); and/or

372 (C) V.T.C.A., Penal Code section 43.26 (possession or promotion of child  
373 pornography);

374 (2) A person who has been convicted or has entered a plea of guilty or nolo  
375 contendere for an offense under V.T.C.A., Penal Code section 43.251 (employment  
376 harmful to children) and/or 43.05(2) (compelling prostitution);

377 (3) A person who has been convicted or has entered a plea of guilty or nolo  
378 contendere for an offense under any substantially similar federal law or law of another  
379 state, or law of a foreign country, or the Uniform Code of Military Justice, or the  
380 attempt to commit a sex offense against a person under the age of eighteen years; and/or

381 (4) A person who has registered as a child sex offender or was/is required to register  
382 as a child sex offender by any state law, federal law, law of a foreign country, or the  
383 Uniform Code of Military Justice, or pursuant to Vernon's Ann. C.C.P., chapter 62, is  
384 required to register as a child sex offender.

385 City park.

386 (1) Land and facilities thereon owned or controlled by the city that are designated  
387 for use as parkland; or

388 (2) City recreational areas, including, but not limited to, a forest preserve,  
389 conservation area, jogging trail, hiking trail, water park, playground, swimming pool,  
390 soccer field, baseball field, or other sports field under the jurisdiction or control of the  
391 city.

392 (1995 Code, sec. 4?.001)

393 **Sec. ?.06.002 Penalty**

394 Any person convicted of violating any provision of this article shall be guilty of a misdemeanor  
395 and shall be subject to a fine in an amount not to exceed five hundred dollars (\$500.00), and each  
396 day of such violation shall be a separate violation. (1995 Code, sec. 4?.004)

397 **Sec. ?.06.003 Prohibitions**

398 (a) It shall be unlawful for a child sex offender to knowingly be present in any city park solely  
399 or primarily intended for children, specifically including playgrounds, swimming pools, water  
400 parks, and sports fields.

401 (b) It shall be unlawful for a child sex offender to knowingly be present in any city park when  
402 persons under the age of 18 are present in the city park, or to approach, contact, or communicate  
403 with a child under 18 years of age present in the city park, unless the offender is a parent or  
404 guardian of a person under 18 years of age.

405 (1995 Code, sec. 48.002)

406 **Sec. ?.06.004 Enforcement**

407 If a police officer reasonably believes that an individual who is a child sex offender is in a city  
408 park in violation of the article, the officer shall require the individual to provide his/her name,  
409 address, and telephone number. If it is established that the individual is a child sex offender, then  
410 the officer shall notify the child sex offender that he/she is in violation of the article. (1995 Code,  
411 sec. 48.003)

412 **ARTICLE ?.07 ABANDONED OR JUNKED VEHICLES\***

413 **Division 1. Generally**

414 **Sec. ?.07.001 Applicability of state law**

415 Texas Transportation Code chapter 683, as amended, is adopted by reference, and the provisions  
416 of said chapter shall control and take precedence over any conflicting provisions of this article.  
417 (1995 Code, sec. 172.001)

418 **Sec. ?.07.002 Definitions**

419 As used in this article, the following terms shall have the meaning indicated below:

420 Abandoned motor vehicle. A vehicle that:

421 (1) Is inoperative and over five years old and is left unattended on public property  
422 for more than 48 hours;

423 (2) Has remained illegally on public property for a period of more than 48 hours;

424 (3) Has remained on private property without the consent of the owner or person in  
425 control of the property for more than 48 hours; or

426 (4) Has been left unattended on the right-of-way of a designated county, state, or  
427 federal highway for more than 48 hours.

428 *Antique auto.* A passenger car or truck that is at least 25 years old.

429 *Collector.* The owner of one or more antique or special interest vehicles who collects, purchases,  
430 acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal  
431 use in order to restore, preserve, and maintain an antique or special interest vehicle for historic  
432 interest.

433 *Demolisher.* A person whose business is to convert a motor vehicle into processed scrap or scrap  
434 metal or to otherwise wreck or dismantle a motor vehicle.

435 *Garage Keeper.* An owner or operator of a parking place or establishment, motor vehicle storage  
436 facility, or establishment for the servicing, repair, or maintenance of a motor vehicle.

437 (1995 Code, sec. 172.002)

438 *Junked vehicle.* A vehicle that is self propelled and:

439 (1) Does not have lawfully attached to it:

440 (A) An unexpired license plate; and

441 (B) A valid motor vehicle inspection certificate; and

442 (2) Is:

443 (A) Wrecked, dismantled or partially dismantled, or discarded; or

444 (B) Inoperable and has remained inoperable for more than:

445 (i) 72 consecutive hours, if the vehicle is on public property; or

446 (ii) 30 consecutive days, if the vehicle is on private property.

447 *Motor vehicle.* Any motor vehicle subject to registration pursuant to the Certificate of Title Act,  
448 chapter 501, Tex. Trans. Code.

449 *Motor vehicle collector.* A person owning one or more antique or special interest vehicles and  
450 who acquires, collects, or disposes of any antique or special interest vehicle or part of any  
451 antique or special interest vehicle for personal use to restore and preserve an antique or special  
452 interest vehicle for historic interest.

453 *Outboard motor.* An outboard motor subject to registration under chapter 31, Parks and Wildlife  
454 Code.

455 *Police department.* The city police department and any other law enforcement agency as defined  
456 in section 683.001, Tex. Trans. Code.

457 Special interest vehicle. A motor vehicle of any age that has not been altered or modified from  
458 original manufacturer's specifications and, because of its historic interest, is being preserved by  
459 hobbyists.

460 Storage facility. A garage, parking lot, or any type of facility or establishment for the servicing,  
461 repairing, storing, or parking of motor vehicles.

462 Watercraft. A vessel subject to registration under chapter 31, Tex. Parks and Wildlife Code.

463 (1995 Code, sec. 172.002)

464 **Sec. ?.07.003 Penalty**  
465 **Reserved**

466  
467 **Sec. ?.07.004 Administration and enforcement**  
468 **Reserved**

469  
470 **Sec. ?.07.005 Immediate removal of certain vehicles on public property**  
471 **Reserved**

472  
473 **Sec. ?.07.006 Storage fees for impounded vehicles**

474 **Reserved**

475  
476 **Secs. ?.07.007–?.07.040 Reserved**

477 **Division 2. Abandoned Motor Vehicles, Watercraft and Outboard Motors**

478 **Sec. ?.07.041 Authority to take possession**  
479 **Reserved**

480  
481 **Sec. ?.07.042 Notice of impoundment**  
482 **Reserved**

483  
484 **Sec. ?.07.043 Use by police department**  
485 **Reserved**

486  
487 **Sec. ?.07.044 Sale at auction; disposition of proceeds of sale**  
488 **Reserved**

489  
490 **Sec. ?.07.045 Vehicles left in storage facilities**  
491 **Reserved**

492  
493 **Sec. ?.07.046 Disposal to demolisher**  
494 **Reserved**

495  
496 **Secs. ?07.047–?07.0?0**  
497 **Reserved**

498 **Division 3. Junked Vehicles**

499 **Sec. ?07.0?1 Declaration of nuisance**  
500 **Reserved**

501  
502 **Sec. ?07.0?2 Penalty**  
503 **Reserved**

504  
505 **Sec. ?07.0?3 Abatement procedures**  
506 **Reserved**

507  
508 **Sec. ?07.0?4 Exceptions**  
509 **Reserved**

510  
511 **Sec. ?07.0?5 Disposal**  
512 **Reserved**

513

514 **ARTICLE ?0? BOATS OR DOCKS WASHING UP ON PROPERTY**

515 **Sec. ?0?.001 Definitions**

516 When used in this article, the following definitions shall apply unless the context clearly  
517 indicates otherwise:

518 *Boat.* All ships, vessels, boats, motorboats, or similar devices or structures used or designed to be  
519 used upon, or operating or existing upon, the surface of the water, except those motorboats,  
520 outboard motors, and vessels registered with the state parks and wildlife department pursuant to  
521 Tex. Parks and Wild. Code Ann. section 31.001 et seq.

522 *Dock.* Piers, platforms, or other structures designed to extend into or float on the surface of the  
523 water, often used for the mooring of boats, swimming, and fishing.

524 *Houseboat.* A watercraft structure designed primarily to be occupied as living quarters on either  
525 a temporary or permanent basis, except those houseboats registered with the state parks and  
526 wildlife department pursuant to Tex. Parks and Wild. Code Ann. section 31.001 et seq.

527 (1995 Code, sec. 174.001)

528 **Sec. ?0?.002 Boats or docks washing up on private property**

529 (a) Any property owner or occupant upon whose premises a boat, houseboat, dock, similar  
530 structure, or part thereof washes up on or comes to rest upon may file a sworn complaint with the  
531 city.

532 (b) The complaint shall contain the following information.

533 (1) A description of the boat, houseboat, dock or similar structure or part thereof;

534 (2) An identification of the location of the boat, houseboat, dock, similar structure,  
535 or part thereof;

536 (3) A statement of the date on which the boat, houseboat, dock, similar structure, or  
537 part thereof washed up on or came to rest upon the complainant's property; and

538 (4) A statement that he or she has never had or claimed any legal or other interest in  
539 the houseboat, boat, dock, similar structure, or part thereof.

540 (1995 Code, sec. 174.002)

541 **Sec. ?0?.003 Boats or docks washing up on public property**

542 The city may, as soon as practicable, take into custody a boat, houseboat, dock, similar structure,  
543 or part thereof that washes upon or comes to rest upon public property within the city. (1995  
544 Code, sec. 174.003)

545 **Sec. ?0?.004 Notice; claim procedure**

546 Within ten (10) days of the city's reception of a completed complaint described in section  
547 ?08.002, or as soon as practicable in case of houseboats, boats, docks, other similar structures, or  
548 parts thereof that have been found on public property, the city shall publish notice one (1) time in  
549 the city newspaper that the houseboat, boat, dock, other similar structure, or part thereof, has  
550 been found. The published notice shall include the following:

551 (1) A description of the boat, houseboat, dock, similar structure, or part thereof;

552 (2) A statement of the date and location at which the boat, houseboat, dock, similar  
553 structure, or part thereof was found;

554 (3) The city's phone number at which any additional information can be obtained;

555 (4) A statement that the owner has the right to reclaim the houseboat, boat, dock,  
556 similar structure, or part thereof within ten (10) days of the date of publication of the  
557 notice after he or she pays the city all costs incurred by the city in connection with  
558 notice and publication and with removing, preserving, or storing the houseboat, boat,  
559 dock, similar structure, or part thereof; and

560 (5) A statement that, if the houseboat, boat, dock, similar structure, or part thereof is  
561 not claimed by anyone within ten (10) days of the date of publication of the notice, the  
562 city may dispose of it in any manner it deems appropriate.

563 (1995 Code, sec. 174.004)

564 **Sec. ?.08.005 Disposal**

565 If a houseboat, boat, dock, similar structure, or part thereof has not been reclaimed by anyone as  
566 provided for in section ?.08.004, the city shall dispose of it in any manner it deems appropriate.

567 If the houseboat, boat, dock, similar structure, or part thereof is sold for scrap or for any other  
568 purpose, the city shall deposit the proceeds into its general fund. (1995 Code, sec. 174.005)

569 **ARTICLE ?.09 OPERATION OF BOATS WITHIN THE CITY LIMITS; RESTRICTED**  
570 **AREAS**

571 **Reserved**

**ORDINANCE NO. 2011-O-122**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ADOPTING THE PERSONNEL POLICY MANUAL FOR THE VILLAGE; PROVIDING AN EFFECTIVE DATE, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the Council finds that the Village needs a Personnel Policy Manual which sets forth the rules and regulations governing employment by the Village and the benefits to which employees of the Village are entitled; and

**WHEREAS**, the Village Council has reviewed the draft manual attached as Exhibit "A" and finds that it should be adopted as the Personnel Policy Manual for the Village;

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

**Section 1. Adoption of Findings of Fact.**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact.

**Section 2. Adoption of the Village of Volente Personnel Policy Manual.**

The Village of Volente Personnel Policy Manual, attached hereto as Exhibit "A", is adopted as the Personnel Policy Manual for the Village of Volente.

**Section 3. Savings Clause.**

All rights and remedies of the Village of Village are expressly saved as to any and all violations of the provisions of any ordinances of the Village governing employment by the Village of Volente which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 4. Effective Date.**

This ordinance shall be in full force and effect from and after its publication as provided in the Local Government Code.

**Section 5. Severability.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

**Section 6 Open Meetings**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt.551, Tex. Gov't. Code.*

**PASSED AND APPROVED THIS THE 25 DAY OF April, 2011.**

**ATTEST:**

Jennifer Zulfelt

Jennifer Zulfelt, Village Secretary

**VILLAGE OF VOLENTE, TX**

Justine Blackmore-Hlista

Justine Blackmore-Hlista, Mayor

# **Village of Volente Personnel Policy Manual**

## **Purpose**

The purpose of the personnel manual is to establish consistent, basic policies, practices and standards for Village of Volente employees. In addition, this manual is designed to inform employees of the benefits and obligations of employment with the village. These guidelines shall apply to all village employees. All employees must sign an acknowledgment that the manual has been read and understood. Individuals who contract independently with the village are not employees of Volente and are not subject to the provisions of this manual.

The policies set forth in this manual supersede all written and verbal statements, rules and regulations by previous and present mayors on the date these policies are adopted by the village council. The village council of the Village of Volente reserves the right to modify the provisions of this manual at any time. This manual in no way constitutes an employment contract between the village and any village employee. The provisions of this manual take precedence over any contradictory statements made by any person.

Definite rules and regulations cannot be readily formulated for every possible problem and situation. This manual serves as general basis and guide for the proper, efficient and effective administration of personnel matters of the employees of Volente.

## **Effective Date**

### **Equal Opportunity Employment Statement**

The Village of Volente is committed to providing equal employment opportunity to all employees and applicants for employment. No person in the service of the village or persons seeking employment with the village shall be employed, retained, promoted, removed or in any way favored or discriminated against on the basis of race, religion, age, color, creed, ancestry, national origin, political affiliation, sex or any other unlawful basis.

### **At Will Employment Status**

All employment with the Village of Volente shall be considered "at will" employment. Each employee can terminate employment with the village, or be terminated by the village, at any time and for any or no reason. The village shall also have the right to change any condition, benefit, or policy of employment at any time, with or without notice. No contract of employment shall exist between any individual and the Village of Volente for any duration, either specified or unspecified.

### **Americans with Disabilities Act**

It is the policy of the Village of Volente to comply with the employment provisions of the Americans with Disabilities Act.

### **Drug-free Workplace**

The village has adopted an alcohol, drug and controlled substance policy to ensure the safety and well being of all employees. The village forbids the possession or consumption of alcoholic beverages and the possession or use of controlled substances on village property. In addition, off-duty conduct which adversely affects the reputation or interests of the village is prohibited.

The definition of a controlled substance is any drug, narcotic, hallucinogen, barbiturate, amphetamine mixture or compound not prescribed by a licensed physician for the legitimate treatment of a specific

employee's medical condition. Users of illegal drugs, mixtures, compounds or alcohol present a serious danger not only to themselves but to all employees with whom they work or come into contact. Lack of mental alertness, slow reactions and other effects of alcohol and drugs lead to poor judgment and errors that place the safety of workers and others in danger.

If an employee is required by a physician to take legitimate prescription drugs for a specific illness or other legitimate medical need that could have adverse side-effects occurring from the use of the drug, the employee must discuss their situation with their supervisor upon reporting for work.

#### **Immigration Reform and Control Act of 1986**

The Immigration Reform and Control Act of 1986 makes it unlawful for an employer to knowingly hire, recruit or refer for a fee for employment in the United States, an individual (citizen or alien) not supplying proper documentation to verify his eligibility to work in the United States. Additionally, the law makes it unlawful for an employer not to maintain documents establishing the individual's entitlement to employment on file. The law applies to all employees hired by an employer after November 6, 1986.

The village is committed to full compliance with the federal immigration laws and will not knowingly hire or continue to employ anyone who does not have the legal right to work in the United States which may include a completed I-9 Form and the required support documentation. An ongoing condition of employment, you will be required to provide documentation verifying your identity and legal authority to work in the United States.

#### **Firearms**

Carrying firearms on grounds or within facilities owned by or leased by the Village of Volente is prohibited.

#### **Authority**

Pursuant to its statutory power, the Village of Volente shall administer all aspects of the Personnel Policy in accordance with state and federal laws. The mayor is the Chief Administrator of the village. The Chief Administrator shall interpret and enforce these rules and shall from time to time recommend to the governing body such revisions as he deems necessary.

In order to retain necessary flexibility in the administration of policies and procedures, the village council reserves the right to add, revise or eliminate any part of the policies or benefits described in this manual. There shall not be any oral modifications of the written personnel policy. All modifications or exceptions to this policy shall be in writing.

#### **Types of positions**

Employment shall be designated as full time regular, part time regular, part time non-regular, or temporary. Full-time positions generally require performance of thirty five or more hours of work per week, whereas part-time positions generally require less than 20 hours per week. Part-time non-regular employees may occasionally work more than 20 hours per week, but shall not work more than 1000 hours in any fiscal year. Temporary positions are those positions which are established for a stated period of time generally not to exceed 6 months to fill a temporary need.

A regular full-time employee is entitled to benefits as provided in these policies after satisfactory completion of the required probationary period. Temporary employees and non-regular part-time employees are not eligible for benefits other than worker's compensation coverage as may be arranged.

by the village and any other benefits that are required by applicable law.

#### **No vested rights**

Acceptance of a regular, non-regular, or temporary position does not give the employee any vested right to continue employment.

#### **Probationary period**

Employees that are hired into a regular position must successfully complete a probationary period of six consecutive months. Benefits are withheld until the probationary period is successfully completed. The probationary period shall be used to closely observe and evaluate the work and fitness of new employees. Only employees who meet acceptable standards during their probationary periods shall be deemed to have successfully completed the probationary period. During the probationary period, the employee may be discharged from employment at any time and for any or no reason.

#### **Application process**

Whenever a position becomes vacant, or a new position is created, the mayor shall cause such vacancy to be announced by posting of appropriate notice on the village website and may advertise the vacancy in the village designated newspaper or other public venues. The notice shall state the title and minimum qualifications for employment and may specify a date beyond which applications will not be accepted. The full job description may be made available on the village website and may be requested by interested applicants.

All applicants for positions shall obtain an application form available from the village office or website. Before the posted closing date, applicants shall return the completed application along with any other helpful information such as a resume to the village office, addressed to the mayor. Incomplete applications will not be considered.

No person shall willfully or knowingly make any false statement in the application or supporting materials. Any violation of this rule, whenever discovered, shall be considered cause for disciplinary action, up to and including termination.

#### **Selection process**

Applications and supporting materials shall be reviewed by the mayor and the administration committee. The mayor and administration committee shall select the most qualified candidates for interview. After interviewing the most qualified candidates, the mayor and administration committee shall choose the best applicant(s) and prepare a recommendation for the village council to consider.

Temporary positions may be filled at the discretion of the mayor subject to available funds and short term needs.

#### **Dismissal policy**

Any employee may be dismissed by the village council at will.

#### **Voluntary resignation**

An employee who voluntarily resigns his/her position is expected to provide appropriate notice, complete an exit interview, and assist management in the transition of work. Employees are required to provide their immediate supervisor with written notice of resignation at least two (2) weeks or ten (10) workdays prior to the last intended workday. The last day the employee reports to work is the separation date.

### **Nepotism policy**

It is the village's policy to avoid conflicts of interest and appearances of favoritism that result from the employment, appointment or supervision of close relatives of village officials or of village employees. A close relative is a spouse, son and daughter (including stepchild), son-in-law and daughter-in-law, parents (including stepparents), father-in-law and mother-in-law, brother and sister (include stepbrother and stepsister), brother-in-law and sister-in-law, aunt, uncle, niece, nephew, grandparent, grandchildren, great grandparent and great grandchildren. Supervision means the exercise of authority or responsibility with regard to employment, appointment, promotion, management, oversight, termination, salary or other terms and conditions of employment.

No village employee or official may approve, recommend or otherwise take action with regard to the employment, appointment, reappointment, promotion, salary or supervision of a close relative as defined by this policy unless the village council finds there is no other suitably qualified candidate. If the village council finds that there is no other suitably qualified candidate, it may issue a written exception to this policy.

### **Background checks**

The village reserves the right to conduct post employment background checks, annually or as deemed necessary, as a condition of employment.

### **Fair Labor Standards Act**

The village is subject to the wage and overtime provision of the Fair Labor Standards Act. Under the Act, all village employees fall into two categories: exempt and non-exempt. Entitlement to overtime compensation or compensatory time off in lieu thereof depends on whether an employee is exempt or non-exempt.

Exempt employees are typically those in executive, professional or administrative positions. Exempt employees are not entitled to overtime compensation. The employee is expected to render necessary and reasonable overtime services with no additional compensation. Records of time worked in excess of the regular work week may be reported by exempt employees. An exempt employee with regular work hours may be given discretion to determine flexible work schedules to accommodate excessive work demands. Planned absence during regular hours of work must be requested in advance from the mayor. The mayor must approve such absences to ensure adequate staff support.

Non-exempt employees are subject to the overtime provision of the FLSA and are entitled to overtime at a rate of 1.5 hours for each hour physically worked over 40 hours in one week. All overtime worked must be pre-approved by the mayor. An employee may be subject to disciplinary action for working overtime without authorization or failing to report overtime. All overtime must be accurately reported. Overtime hours may be paid at the applicable overtime rate or may be accrued as compensatory time. The overtime rate shall be the rate of the employees regular base pay times 1.5. In calculating regular base pay, time such as annual and medical leave shall not be included. An employee may accumulate no more than 240 hours of compensatory time. An employee who has accrued 240 compensatory hours will receive overtime pay for any additional overtime worked. The village may require employees to use earned compensatory time as paid leave prior to using accrued vacation or other accrued leave.

### **Payroll deductions**

Deductions from each employee's pay shall be made for:

Federal income taxes, required employee Social Security and Medicare taxes, employee portion of any

medical care premiums, employee portion of any retirement plan contributions..

## Benefits

### *Health Insurance*

Regular full-time employees will be offered health insurance benefits not subject to any probationary period. This health insurance may require some employee contribution to premiums

### *Workers compensation*

All regular full-time employees are eligible for workers compensation benefits if injured as a result of duties performed in the course of his or her job. An employee suffering a work related illness or injury shall submit a written report of such incident as soon as possible and no later than 30 days after the accident or learning of the condition. No employee shall be discriminated or retaliated against in connection with a worker's compensation claim.

### *Unemployment insurance*

All regular full-time employees are covered under the Texas Unemployment Compensation Insurance program.

### *Leaves of Absence*

Leave of absence is time away from the job, normally with or without pay. The village makes leaves of absence available to employees as follows:

#### Paid Time Off

Regular full-time and part-time employees (defined as those that are appointed to work more than 20 hours per week) are eligible for paid time off (PTO). Part time employees that are not appointed to more than 20 hours per week and interns are not eligible for PTO, but may take time off as necessary without pay. PTO is annually deposited in an employee's leave bank at the beginning of each calendar year. Earned time off is calculated based on the anniversary date of employment with the village in a regular paid position. When an employee has been working for one full year, he/she will earn 10 days of PTO. For the first calendar year, a new employee's leave will be prorated based on the number of months to be worked in that calendar year. New employees may draw against their PTO after six months of service for the first year of employment only. In other words, in the first year of employment, an employee may take 5 days of PTO after six months – even though he/she has not actually earned it. If for any reason, the employee leaves the village before earning this time, it will be deducted from the final paycheck.

PTO after one year of service is calculated according to the following schedule:

Months Worked (based on employment anniversary date)	Vacation Credit/Paid Hours Earned (Excluding Overtime)	Annual Vacation Leave Equivalent
13 to 36 months (1-3 yrs of service completed)	>35 hr.: 120 hours 30-34hr.: 90 hours 20-29 hr.: 60 hours	10 days
37 to 120 months (4-10 years of service completed)	>35 hr.: 144 hours 30-34 hr.: 108 hours 20-29 hr.: 72	15 days
121 months or more	>35 hr.: 160 hours	20 days

<b>(10 or more years of service completed)</b>	<b>30-34 hr.: 120 hours 20-29 hr.: 80 hours</b>	
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It is strongly recommended that employees plan and use earned PTO each year. In order to encourage this philosophy, employees must use time within a one-year period of the time it is granted or permanently forfeit it. Employees may take earned days as needed – either all at once or spread out over the one-year period. It may be used for sick time or planned time off. The Village of Volente reserves the right to require a medical doctor's verification of the cause or extent of absence due to accident or illness. After an employee has used all of his or her available leave, the employee may apply for personal leave without pay.

Terminating employees who have worked for the village in a regular capacity for more than 12 full months will be paid for unused earned paid time for that 12 month period. Again, PTO cannot be carried over from year to year and is not carried on a month to month basis.

All PTO must be requested and recorded in the employee's personnel file.

**Official holidays**

As time and workloads permit, regular full-time employees are entitled to the following paid holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day + day after
- Christmas Day, Day after Christmas

If the holiday falls on a Saturday, the Friday before will be the paid holiday. If the holiday falls on a Sunday, the following Monday will be the paid holiday.

In some circumstances, it may be necessary to direct some employees to report for work on a holiday. In that case, the employee will be granted compensatory time off.

**Family Medical Leave (FMLA)/Military leave/Jury Duty**

The village complies with all federal regulations regarding Family Medical Leave, Military leave and Jury Duty. To arrange leave under these circumstances, the employee must submit a written request with supporting documentation to their supervisor as soon as possible prior to planned absence.

**Conflicts of interest**

*Outside employment*

The village wants employees to have the opportunity to engage in outside employment that pose no conflict as it relates to ethics or scheduling or disposition of job-related requirements. All outside employment, including self employment, must received the prior written approval of the mayor, and shall not be approved where such employment would adversely affect or be incompatible with or conflict with the employee's performance in the village service, or would create an appearance of unfair or improper bias or influence or access to decision makers of the village.

A full-time regular employee must consider his or her job with the village as the primary job.

If the work standards or performance of an employee of the village suffer and it is determined to be

caused by outside employment, approval of outside work may be rescinded or the employee may be subject to discharge. The village will not pay medical benefits for injuries or illnesses suffered as a result of outside employment. Employees may not use village equipment or property in the execution of outside employment.

Employees shall not accept any employment or compensation that could influence their judgment or hinder their independence of judgment in the performance of their official duties. Employees shall not accept other employment that could require or cause them to reveal confidential information acquired through their employment with the village.

#### *Ethics/general conduct*

Employees shall always treat members of the public and government with dignity and respect  
Employees shall avoid any action that may result in or give the appearance of using their positions for private gain

Employees shall avoid any action that may adversely affect the public's confidence in government

Employees shall not provide false statements or false information in any area of official duty

Employees shall submit truthful and complete reports

Employees shall not publicly use his or her position with the village to interfere with or affect the result of an election or nomination for municipal office

Employee shall not use working hours or village property to participate in the political campaign of any person or for any other political purpose.

Employees shall not engage in rumors, gossip or false accusations.

Violation of any of the foregoing may subject an employee to disciplinary action, up to and including termination. The foregoing is not an exhaustive list of proscribed or required activities.

#### *Resignation upon election to office*

Any employee who is elected to a village office will resign from village employment upon his or her election. Failure to resign will result in the immediate dismissal of the employee.

#### **Electronic mail policy**

The village respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work related conduct or use of village provided equipment or supplies.

Stored email messages belong to the village and the contents of email communications are accessible at all times by village management for any business purpose. The secretary, mayor and communications chairperson shall have the current system passwords for all accounts on the village email and computer systems and all encryption keys. Employees may not use passwords that are unknown or install encryption programs without turning over encryption keys to the mayor or his designee. All email messages are the village's records. The mail and computer system may be subject to periodic unannounced inspections and should be treated like other shared filing systems. The village reserves the right to access and disclose as necessary all messages sent over its email system without regard to content.

All employees are required to consent to disclosure to village agents of all communications generated, sent or received on equipment owned by the village. In addition, all employees are required to consent to disclosure to and review by agents of the village the use of any other electronic communications effected through equipment owned by the village, including but not limited to the history of websites accessed. By your signature acknowledging receipt of this manual, you consent to the disclosure and review of all communications effected, generated, sent, or received by or to you and stored on

equipment belonging to the city. Stored information may include information that has been deleted from active electronic files.

### **Performance evaluations**

All employment positions shall be subject to performance evaluations on a regular basis by the mayor or his designee. Such performance evaluations shall be completed at least annually, but may be done more frequently. The employee and the mayor shall both sign the evaluation and it shall be placed in the employee's personnel record.

### **Personnel records**

Personnel records include employee documentation and may include medical records and personal information such as I-9s, benefits enrollment forms and medical leave requests. All files related to personnel records are maintained by the mayor or his designee. Medical records and personal information will be maintained in a separate file and all employee records will be maintained in a secure location with controlled access. The personnel records may include the application for employment, the employee's acknowledgment of receipt of this manual, performance evaluations, written record of any disciplinary action, written record of any commendations, copies of any certifications necessary or helpful, time records, status reports, and any other information relevant to the employee's status. Except as required by law, no information placed in an employee's file will be communicated to any person or organization. In cases where disclosure is required by law, only the mayor or the village's Public Information Officer are authorized to release the information.

### **Disciplinary actions**

The village council has the authority to discipline employees. Some causes for discipline include but are not limited to:

Attitude – employees must meet and treat the public and village officials courteously and pleasantly

Misconduct on the job – disrespect for anyone

Negligence in performance of duty or operation of village equipment

Incompetence, inefficiency or neglect in work performance

Failure to meet prescribed standards of work

Insubordination – failure to follow the lawful order of a recognized superior

Unauthorized absence from work

Unauthorized use of official information or unauthorized disclosure of confidential information

Physical or mental unfitness for duty due to intoxication from alcohol or drugs

Acceptance of money, gifts, privileges, or other valuable consideration which was given with the expectation of influencing the employee in the performance of his duties

Use of official position for personal advantage

Misuse, theft or destruction of village property

Conviction of a criminal offense or other conduct punishable as a crime

Falsification of records

Conduct which would be the equivalent of violation of any Federal or State law, Village ordinance or any section of this manual

Abuse of leave, habitual tardiness, or excessive absenteeism

Personal use of village equipment

Violation of any rule of this written policy

Disciplinary actions may include oral reprimands, written reprimands, suspension, demotion, counseling, training and dismissal. A written record of all disciplinary action shall be kept in the employee's personnel file.

**Grievance policy**

Employees not only have the right but also are encouraged to discuss their problems and grievances with their immediate supervisor. If the employee is not satisfied, they may take their problem to the mayor. All employees are guaranteed thorough consideration with no fear or reprisal on grievances or problems properly communicated.

**Harassment policy**

The Village of Volente does not tolerate any form of sexual or other unlawful harassment of an employee by any other employee or supervisor. Harassment based on age, race, color, religion, disability or any other unlawful basis will subject the individual harasser to immediate disciplinary action up to and including termination.

Employees are required to report acts of harassment to the mayor. If the mayor were the alleged harasser, it should be reported to the village council in executive session.

The mayor or village council person shall meet with the alleged harasser no more than 3 working days from the filing of the complaint to investigate the matter and take prompt corrective action if necessary. The investigation will be confidential and well documented.

Nothing in these procedures shall prohibit the employee from filing a complaint directly with the Federal Equal Employment Opportunity Office or the Texas Human Rights Division.

**Job Descriptions and Performance Evaluations**

Descriptions of the positions currently defined for the Village of Volente, along with their associated performance evaluation forms, are included in the appendix of this document.

## Village of Volente Job Description

Title: Part time Code Enforcement Official

Reports To: Mayor

FLSA Status: non-exempt

Type: Part time non-regular

### General description

This employee is responsible for enforcing the Village of Volente ordinances pertaining to health and safety, construction, land development, noise, signs, and other similar ordinances. In particular, this employee is responsible for ensuring construction sites are maintained properly for health, safety and water quality; enforcing the sign ordinance; investigating complaints of violations; noting and reporting any compliance issues on regular tours of the city. In addition, this employee will note and report potential Village maintenance issues, such as potholes, street repairs, street signs, road/ROW debris and obstructions, and trees or brush trimming needs. This employee reports to the Mayor, and may be required to complete a weekly status report. The position is part-time and the number of hours assigned will vary. The time that work is to be performed will also vary. Employee must have own vehicle, and a vehicle allowance will be paid based on mileage traveled in performance of the job (originating from the city office).

### Essential duties and responsibilities:

Enforces Village of Volente Code of Ordinances. Meets with contractors prior to construction to ensure understanding of requirements. Visits active construction sites to ensure compliance including health and safety, drainage and water quality control requirements. During regular tours of the Village, checks for non-compliance and unpermitted activities such as land clearing and land uses inconsistent with zoning and placement of unpermitted signs. Responds to complaints regarding noise or non-compliance. Issues notices of violations, contacts responsible parties and explains steps necessary for compliance. Issues stop work orders as appropriate. Discusses compliance and enforcement procedures with citizens and others. Documents cases of violations and prepares detailed reports on all activities.

### Knowledge/skills/abilities:

Knowledge of Volente's Code of Ordinances and applicable municipal and state regulations. Ability to interpret codes and regulations and anticipate problems. Skill in understanding specific permit and application requirements, and recognizing deviations from drawings and specifications. Skill in resolving problems or situations or confrontations requiring the exercise of excellent judgment. Strong oral and written communication skills. Ability to interact positively with public.

**Physical requirements:**

Employee must be capable of inspecting active construction sites. Some lifting may be required.

**Minimum qualifications and experience:**

High school diploma or GED; valid Tx driver's license; 3 years experience in municipal code enforcement. Certification as Code Enforcement Officer or completion of certification within 6 months of employment.

**Preferred qualifications and experience:**

Experience in residential and commercial construction and public works

**Work environment:**

Employee may be exposed to inclement weather or active construction sites that are hazardous. Employee may be required to deal with unhappy or unruly members of the public.

**Hours:**

10 - 20 hours per week, depending on the needs of the Village.

## **Village of Volente Job Description**

**Title:** Village Secretary/Assistant to Village Administrator

**Reports to:** Mayor

**FLSA status:** exempt

**Type:** full time regular

### **General Description**

Performs the essential functions of both Village Secretary and Assistant to the Village Administrator. Serves as Village Secretary, providing administrative support for Village officials, managing and maintaining official records of Village (including website), managing Village financial books, processing permit applications, complaints and requests for information, supervising municipal elections, and coordinating and attending public meetings in accordance with Texas Local Govt Code. Serves as Assistant to Village Administrator, providing highly reliable managerial and administrative assistance to Village Administrator to meet the needs of the Village, helping to plan and coordinate policies and procedures to ensure effective and efficient operation of Village government, and ensuring accountability in the implementation of official policies and procedures.

### **Essential duties and responsibilities**

Work with Mayor and Chairs to create and post agendas and notices for meetings in compliance with all applicable laws

Create and deliver packets for each meeting including all available information in a timely manner

Attend, record and keep minutes of Council, Commission and Board meetings

Receive and process planning, building and development applications in accordance with official policies and ordinances, and ensure appropriate coordination of engineering, building inspectors, and Village officials as necessary

Serve as primary point of contact for public, and maintain detailed call and contact log

Act as Village's Public Information Officer maintaining and releasing information in accordance with the Public Information Act

Perform full range of accounting related duties, including maintenance of financial books for accounts payable and receivable, maintaining payroll and assisting with annual audit

Coordinate and conduct municipal elections, including receiving forms and filings, ordering ballots and other supplies, and posting all required election notices

Prepare and maintain codified ordinances, resolutions, and proclamations

Prepare detailed reports regarding office activities, including permits and projects in process, and interactions with consultants and public

Plan and implement effective records management strategy for all media, including paper, electronic and website documents

Plan and implement effective communication strategy for citizen notifications

Plan and implement strategies for effective and efficient Council, Commission and Board activity, such as keeping and communicating schedules of required future actions and those taken, creating checklists and timetables for routine activities, preparing training materials for new staff and Village officials

Help coordinate public works projects, code enforcement and other official activities

Help ensure policies and directives of council are followed and goals are achieved

Provide Village officials with accurate and timely information to support decision making and policy direction

Interpret and communicate Village ordinances and administrative policy to public and officials as necessary

Demonstrate continuous effort to improve operations, decrease turnaround times, and streamline work processes

Exercise considerable judgment in dealings with the public, applicants, consultants and Village officials  
Perform wide variety of complex, trustworthy and confidential duties for Village officials requiring knowledge and analysis of local ordinances and municipal code  
Perform special projects and other assignments as directed by Village Administrator

**Knowledge/skills/abilities**

Knowledge of Texas Local Govt Code as it relates to administration of the Village; knowledge of Volente ordinances; knowledge of general accounting and payroll practices and proficiency with QuickBooks; knowledge of Robert's Rules of Order; knowledge of website maintenance; knowledge of public information act and records retention requirements; proficiency with Microsoft Office;

**General characteristics**

Excellent interpersonal skills; excellent oral and written communication skills; highly organized and detail oriented; excellent judgment and discretion;

**Minimum qualifications and experience**

High school diploma or GED plus Associate's Degree in Office Administration, Management, Accounting or related field; 3 years experience with responsible administrative functions, preferably in public sector; accounts payable and payroll experience;

**Preferred qualifications and experience**

Bachelor's Degree; significant experience with municipal government;

**Work environment/hours**

Work must be performed in the Village office. Public office hours must be maintained. Attendance at all Council, Commission and Board meetings is required. Occasionally must perform code enforcement duties.



## Barbara Wilson

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**From:** Denise Thrash <denisethrash@gmail.com>  
**Sent:** Thursday, September 04, 2014 4:55 PM  
**To:** tbuckle@sbylaw.com; fred@i2igroup.net; mayor@volentetexas.gov  
**Cc:** Barbara Wilson  
**Subject:** Municipal Court Clerk

I understand that the City Council is having a budget meeting tomorrow and that you all (minus Council member Yenawine) will be attending. I know Joan Jackson has left and that she was being groomed and educated to become the Court Clerk when the Court is up and running. In addition, she had been filing the required state reports for the Court (very simple since no Court business has transpired). For your information, Barbara has told me these reports are up to date and have been filed through September 2014. She and I will review them next week and be responsible for them for the time being. Finally, Allison Thrash showed me the portion of the job description related to Municipal Court Clerk duties.

May I suggest this version regarding court duties, as follows:

- Accurately and promptly prepare and timely file various required daily, weekly, monthly, quarterly and annual reports pertaining to city cases with State agencies.
- Maintain and keep current incode Municipal Court Record Keeping System.
- Attend required continuing education seminars, job related training seminars and/or meetings as directed.
- Maintain proper Municipal Court policies and procedures. When the Court and its procedures are fully established, Clerk will assist Judge, Prosecutor, Warrant Officer and Bailiff, and City Attorney as necessary.
- Must be able to assist the public who come into the City or Court office.
- Must be able to tactfully communicate and negotiate with a variety of diverse populations; establish and maintain effective working relationships with others; promote environment conducive to teamwork.
- Must work well under pressure; effectively meet deadlines even with constantly changing priorities.
- Must be a self-starter, with ability to work independently and without constant supervision. Good organizational skills required. Must be able to operate computer with working knowledge of applicable programs. Must have ability to: read; interpret; and apply policies and regulations; and plan and establish priorities.
- Must be bondable or bonded.
- Must be in good health and have ability to climb small ladders, and lift, push, and/or pull boxes weighing up to 30 pounds.
- Knowledge of Spanish preferred.

In addition, may I offer a timely budgetary reminder that before the Municipal Court can be up and running, as I understand it, we still require a Prosecutor, Warrant Officer and Bailiff. I defer to your experience and expertise here, Tom!

I hope my input is welcome and helpful. Thanks to each of you for all your work and efforts to make Volente such a wonderful Village!

Thanks for hearing me out!

Denise S. Thrash  
Municipal Judge  
Village of Volente  
Personal unlisted 713/582-7810

**JULIA VICARS**  
(830) 730-6788  
18204 SPRING LANE  
JONESTOWN, TX 78645  
*julia.vicars@yahoo.com*

**OBJECTIVE**

My objective is to obtain a position where I can grow with the company, while making a meaningful contribution to the productivity of the office, and providing bright and friendly atmosphere for clients.

**EDUCATION**

Smithson Valley High School Graduate, 2006

**SPECIALIZED SKILLS AND TRAINING**

**Typing speed 75 wpm**

Knowledge and aptitude in MS Office software including Word, Excel, and Publisher, Power Point and Outlook Task Management. Familiar with the Adobe Suite software including Photoshop and InDesign. Experienced with Lotus Notes.

**High School Course Work**

1 Year of Health Science Technology, Computer Applications focusing on Data Entry, Introduction to Business, Communication Applications

**Currently obtaining a degree in Visual Communications, specializing in Graphic Design, with a minor in Business Management.**

**POSITIONS HELD**

**Independent Consultant, January 2013-Current**

Scentsy  
18204 Spring Lane  
Jonestown, Texas 78645

**Office Manager, May 2012-June 2013**

Blanco County News  
P.O. Box 429  
Blanco, Texas 78606

**Certified Nursing Assistant, June 2010-May 2012**

Home Instead Senior Care  
121 Lohmann St, Boerne TX 78006

**Educational Director, January 2008 - July 2010 - Weekends and Summer**

St. Michaels and All Angels Episcopal Church  
218 Pittsburg Street, Blanco Texas 78606

**On Site Aide, October 2009 - May 2010**

Comal Independent School District  
1404 IH 35 North, New Braunfels Texas 78130

**Office Manager, December 2004 - June 2007**

State Farm Insurance  
33200 U.S. 281 N  
Bulverde, Texas 78163



## VILLAGE OF VOLENTE

Frederick Graber  
MAYOR

Mark Scott  
MAYOR PRO-TEM

Judy Graci  
COUNCIL MEMBER

Barbara Yarbrough  
COUNCIL MEMBER

Jan Yenawine  
COUNCIL MEMBER

Ken Beck  
COUNCIL MEMBER

Community Survey Questionnaire  
PLEASE RETURN THIS SURVEY OR TAKE THIS SURVEY ONLINE BY OCTOBER 15,  
2014.

Prior to February 2003, it had become increasingly clear that other larger cities were eying Volente for possible annexation and numerous high-density developers were becoming aware of the special allure and beauty of the area. Wanting to keep its own independent voice on matters concerning Volente, citizens voted to incorporate a two-square-mile area in 2003 and called it the Village of Volente.

Shortly thereafter, the citizens worked together with third-party consultants to conduct a community survey and develop a comprehensive (master/strategic) land use plan, otherwise known as the 2003 Comprehensive Plan for the Village of Volente. At that time, the results of the community survey pointed to four major citizen concerns. "Protecting Volente's Quality of Life" meant keep Volente the quiet lakeside community it was and preserve its natural, rural and residential environment. "Protecting the Environment" meant safeguard the area's watersheds and sensitive environmental features by crafting developmental ordinances with that protection in mind. "Promoting Responsible Land Use" acknowledged that the Village is landlocked between Lake Travis and the Balcones Canyonlands Preserve, making residential growth limited to 900-1000 homes. "Ensuring Adequate Roads & Public Infrastructure" meant Volente's roads would be kept safe, efficient and properly maintained while keeping taxation and services at a minimum.

Now, in 2014, your answers to the following questions will help guide the effort to update the Village's Comprehensive Plan and shape a cohesive strategy for responsible management of the Village's future growth.

As a property owner in the Village of Volente, please take a moment to complete the following questionnaire to let City Council know your thoughts on the future of the Village.

You have two options for completing this survey: (1) you can choose to complete this hard copy questionnaire and mail it using the enclosed pre-addressed/stamped/return envelope; or (2) you can go online and complete it at <http://www.surveymonkey.com>.

NOTE: To access the online survey, you will need to enter the 10-digit Survey Number located on your hard copy questionnaire and/or return envelope.  
PLEASE RETURN THIS SURVEY OR TAKE THIS SURVEY ONLINE BY OCTOBER 15,  
2014.

The tabulation of all responses will be confidential and conducted by an outside, third-party professional survey company, Survey Monkey.

Thank you for your time!

<b>Pro's for Unincorporating</b>	<b>Con's for Unincorporating</b>
Less Taxes Volente Municipality collect 13 cents per \$100.00 of evaluation	No Zoning Regulations So no control of height, setbacks, view corridors, parking, or use
Less Regulation No Municipality No Zoning So you can have commerical right next door to single family So you can have strip clubs, gun ranges, bars, office complexes	No Zoning Regulations then no control on separating commerical from industrial from residential from multi family
No Height Restrictions	All of the Existing TCEQ, Travis County, LCRA Water Shed boundaries for Water Quality, Water Shed and Erosion Protection come back. Would Impact most of the lake lots in Volente
No Set Back Requirements	No Dark Sky Ordinance
More dense development controlled by Water Shed Density Requirements	No Sign Ordinance Except TX DOT Rules
FEMA and Floodplain Regulations stay in place	Travis County has Health and Sanitation Ordinances
Multi Family and Apartment Complexes	More Impervious Coverage Allowed
More Impervious Cover Travis County uses LCRA standards	Less Water Quality
No Environmental Protection No Tree Protection, No Water Quality, No Erosion Protection	No Environmental Protection No Tree Protection, No Water Quality, No Erosion Protection
Less Decisions on Who to Vote for On the Ballot	Less Ability to Have Your Compliant Dealt with in a timely manner, you will be one of 2 million county residents, not one of 508 Village Residents
No Dark Sky Ordinance	We are back in the ETJ of the City of Austin
No Sign Ordinance except TX DOT rules	The Planned Development District Agreement goes away and they can build a lot more homes
The Planned Development District goes away and they can build a lot more homes	We are back in the ETJ of Cedar Park
No Restrictions on Home Businesses	No Restrictions on Home Businesses



**Engineers  
Inspectors  
& Surveyors**  
FIRM REG. #2487

912 S. Capital of TX Hwy  
Suite 450  
Austin, Texas 78746  
512.328.6995  
512.328.6996. Fax

**Proposal – Village Of Volente - Third Party Code Compliance Inspections**

September 12, 2014

C/o  
Mr. Frederick Graber  
Mayor  
Village of Volente  
16100 Wharf Cove  
Volente, TX 78641

Dear Mayor Graber:

Commercial and  
Residential Engineering

- Structural
- Civil
- Mechanical
- Electrical
- Plumbing

Rehabilitation Designs

Property Condition  
Inspections

Surveying

Texas Accessibility  
Standards (ADA)  
Compliance Reviews  
& Inspections

Certified Code  
Compliance Inspectors  
& Plan Reviewers

Construction Consulting

On behalf of ATS Engineers, Inspectors & Surveyors, let me first express our appreciation for the opportunity to assist the Village of Volente. Currently, ATS provides third party residential plan review and construction inspection services.

In connection with assisting the Village of Volente in carrying out the duties of its various ordinances and permitting processes, it has become apparent that there is opportunity to improve code compliance and public health and safety. ATS is proposing to assist the Village of Volente as follows:

**Code Enforcement Assistance**

ATS proposes to assist the Village of Volente by providing enforcement of its building ordinances. This may include reporting unpermitted work, signage violations, potential impervious cover violations, erosion control, water quality and other important issues affecting the Village.

ATS feels these services can be affordably added within the framework of what we are already providing as we already have a presence within the neighborhood.

1 Once every week, a representative from ATS will perform a drive through of portion(s) of the Village to help identify these issues. This drive may be performed in conjunction with other work performed by ATS within the Village. If a "violation" is observed, a notice is generated through ATS Engineers Inspection System and will be left at the site and reported to Volente staff. Violations will be divided into the following two groups:

- (A) A "Notice", a "Notice" would be a lesser item that will be described to the property owner or agent and will be rechecked on a follow-up drive through. A "Notice" and will not incur a "fee" from the Village. Any unresolved "Notice" would turn into a "Ticket".
- (B) A "Ticket", a "Ticket" will be issued to the property owner or agent and can include issues such as unpermitted work, stop work orders and other issues that require more direct involvement form Volente staff.

2. ATS will collect any unauthorized signage. The Village of Volente will provide an area that the signage can be off-loaded.

## **Expanded Code Compliance Inspections**

It is also believed that the Village will also benefit from an expansion of the current oversight provided during the construction phase inspections. This additional oversight will help improve code compliance, reduce the potential for costly, post-construction corrections and help assure the longevity of structures constructed with your jurisdiction.

It is proposed that a list of required inspections be closely tailored with each plan review. We propose to add the following inspections:

### **Pre-Construction Site Evaluation:**

Prior to construction, ATS will conduct a site review to help identify building locations, erosion control measures, water quality protection issues and other pre-construction requirements. ATS will utilize the approved site plan as the basis for the inspection and will rely on surveying services provided by the applicant or others.

### **Sheathing Inspection:**

To be completed prior to the application of masonry. This inspection is intended to better evaluate the wind bracing elements required by the adopted code.

### **Brick Ties, Lath:**

ATS will conduct an in-process review of the application of lath and brick ties. In general, this is a phase of the construction that is difficult to verify for the inspection authority but important to the performance of the home.

### ***International Energy Compliance Code (IECC) Duct Testing:***

To assure compliance with this code requirement, ATS proposes to act as the Village of Volente's agent and perform a duct blast and blower door test.

### **Post Construction Site Evaluation:**

At completion of the construction, ATS will perform a visual site inspection based upon the approved site plan. The objective is to help identify compliance with impervious cover, final drainage and grading prior to issuing a certificate of occupancy.

## **Proposed Fees**

ATS will provide a complete contract for your consideration. Briefly, the following is proposed:

Monthly Retainer of \$1700.00. This includes:

1. One (1) residential plan review per month.
2. Weekly drive through to review ordinance compliance.
3. Issuing Notices and Tickets.
4. Collection and drop off of unauthorized signs collected.
5. Up to three (3) construction phase inspections per week.
6. Coordination meetings with property owners and follow up with Village staff\* (\*assumed not to exceed 2 hours per week).

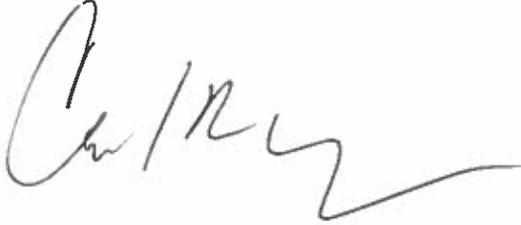
Duct Blaster and Blower Door Testing: \$300 per home with \$45 for each HVAC system or zone. Failed testing to be paid directly by applicant.

## Why Consider ATS?

- ATS performs 25,000 construction inspections annually and serves as the plan review and inspection authority for many municipalities.
- Our automated inspection results are available 24/7 on-line.
- ATS typically provides next day inspection service.
- ATS offers a wide variety of in-house expertise including civil, structural, MEP and Energy experts. Although you may not always need them, we are here when you need us.
- ATS never has a day off, a broken truck or a vacation to interrupt service to your community.
- ATS is fully insured to provide service to your jurisdiction.

We appreciate you considering ATS for this service. We would be happy to follow-up with a contract for your review.. If you have any question about this proposal, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Kelly', written in a cursive style.

Village of Volente  
 Balance Sheet  
 As of August 31, 2014

	<u>Aug 31, 14</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10100 · Cap One Checking- 5191	23,890.91
10200 · Cap One Tower Fund - 1411	487,977.59
10300 · Cap One Savings - 6099	154,593.43
10400 · Parkland Fund - Restricted	61,250.00
10500 · Temporarily Restricted Cash	-61,250.00
<b>Total Checking/Savings</b>	<u>666,461.93</u>
<b>Accounts Receivable</b>	
12000 · Accounts Receivable	-1,441.03
<b>Total Accounts Receivable</b>	<u>-1,441.03</u>
<b>Other Current Assets</b>	
12300 · Prepaid Deposits	2,111.00
<b>Total Other Current Assets</b>	<u>2,111.00</u>
<b>Total Current Assets</b>	<u>667,131.90</u>
<b>Fixed Assets</b>	
14100 · Leasehold Improvements	7,777.25
14150 · Accum Depreciation - Leasehold	-3,888.63
14200 · Furniture & Equipment	16,176.03
14250 · Accum Depr Furniture & Equip	-1,963.10
<b>Total Fixed Assets</b>	<u>18,101.55</u>
<b>TOTAL ASSETS</b>	<u><u>685,233.45</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
20000 · Accounts Payable	2,030.18
<b>Total Accounts Payable</b>	<u>2,030.18</u>
<b>Other Current Liabilities</b>	
20100 · Other Payables	
20110 · A/P Accrued Liabilities	5,700.00
<b>Total 20100 · Other Payables</b>	<u>5,700.00</u>
24000 · Payroll Liabilities	
24010 · Federal Withholding Tax	894.00
24015 · Social Security - EE	369.45
24020 · Medicare Tax - EE	86.40
24025 · TMRS Employee Paid	607.48
24515 · Social Security ER Paid	369.45
24525 · Medicare Tax - ER Paid	86.40
24550 · TMRS ER Paid	680.91
<b>Total 24000 · Payroll Liabilities</b>	<u>3,094.09</u>
<b>Total Other Current Liabilities</b>	<u>8,794.09</u>
<b>Total Current Liabilities</b>	<u>10,824.27</u>
<b>Total Liabilities</b>	<u>10,824.27</u>
<b>Equity</b>	
39000 · Net Assets - Retained Earnings	607,623.63
39010 · Opening Bal Equity	-74,735.10
39020 · Fund Balance Designated	80,118.02
39100 · Net Assets - Temp Restricted	
39110 · Parkland Fund	61,250.00
<b>Total 39100 · Net Assets - Temp Restricted</b>	<u>61,250.00</u>

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09/20/14  
Accrual Basis

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

	<u>Aug 31, 14</u>
Net Income	152.63
Total Equity	<u>674,409.18</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>685,233.45</u></b>

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09/20/14

Accrual Basis

**Village of Volente  
Profit & Loss YTD Comparison  
August 2014**

	Aug 14	Oct '13 - Aug 14
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
40000 - Property Tax Revenue		
40110 - Real Property Tax - Current Yr	759.36	202,290.00
40120 - Real Property Tax Prior Yr	92.26	92.26
40150 - Penalties & Interest	28.60	28.60
<b>Total 40000 - Property Tax Revenue</b>	880.22	202,410.86
41000 - Sales Tax Revenue		
41110 - Mixed Beverage Sales Tax	0.00	3,292.00
41120 - Sales & Use Taxes	6,064.59	45,338.00
<b>Total 41000 - Sales Tax Revenue</b>	6,064.59	48,630.00
42000 - Utility Franchise Fees		
42110 - Franchise Fees	7,449.88	31,769.00
<b>Total 42000 - Utility Franchise Fees</b>	7,449.88	31,769.00
43000 - Development Fees/Permits		
43110 - ROW Fees and Permits	0.00	4.34
43120 - Building Review Fees.	0.00	9,893.85
43130 - Subdivision Review Fee	0.00	1,200.00
43140 - Sign Permit Fees	0.00	1,000.00
43160 - Variance Fee	0.00	3,000.00
<b>Total 43000 - Development Fees/Permits</b>	0.00	15,098.19
44000 - Grant Revenue		
44110 - Cap Metro	0.00	29,378.00
<b>Total 44000 - Grant Revenue</b>	0.00	29,378.00
47000 - Investment Earning		
47110 - Savings account 3832166099	0.00	144.01
47120 - Interest Earned /Savs/MMA	20.72	940.15
<b>Total 47000 - Investment Earning</b>	20.72	1,084.16
49100 - Miscellaneous Income		
49130 - Uncategorized Income	0.00	7.13
<b>Total 49100 - Miscellaneous Income</b>	0.00	7.13
<b>Total Income</b>	14,415.41	328,377.34
<b>Gross Profit</b>	14,415.41	328,377.34
<b>Expense</b>		
50000 - Operations		
50100 - Office Supplies & Equipment		
50110 - Council Supplies	0.00	213.81
50120 - Office Supplies - General	288.87	11,779.00
50130 - Office Supplies printing	266.62	2,761.75
50140 - Office Equipment Lease	356.94	3,959.30
<b>Total 50100 - Office Supplies &amp; Equipment</b>	912.43	18,713.86
50200 - Postage and Shipping		
50210 - Delivery Services	0.00	466.04
50220 - Postage	15.99	1,801.18
<b>Total 50200 - Postage and Shipping</b>	15.99	2,267.22
50300 - Communications & Internet		
50310 - Website Maintenance	783.00	1,854.58
50320 - Telephone & internet	259.70	2,503.53
50350 - Domain Sites	0.00	284.85
50380 - Cellular Phone Reimbursement	119.65	1,331.63
<b>Total 50300 - Communications &amp; Internet</b>	1,162.35	5,974.59
50600 - Computer Software and Hardware		
50610 - Computer Software	349.00	1,246.54
50620 - Computer Hardware	0.00	1,775.00
<b>Total 50600 - Computer Software and Hardware</b>	349.00	3,021.54
50800 - Other Operating Expense		
50801 - Bank service charges	0.00	0.00
50803 - Miscellaneous/Reimburament	0.00	11.30
50804 - Advertising/Public Notices	300.25	1,330.51
50805 - Books & Publications	0.00	489.00
50806 - Dues, Fees, & Subscriptions	139.99	1,092.39
50807 - Industrial Relations	33.00	546.21
50808 - Insurance, Liab/workers comp	0.00	848.29
50809 - Training & Ed - Council	0.00	1,627.92

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 09/20/14  
 Accrual Basis

**Village of Volente**  
**Profit & Loss YTD Comparison**  
 August 2014

	Aug 14	Oct '13 - Aug 14
50810 · Travel Expense		
50812 · Mileage Reimbursement	200.91	6,096.09
<b>Total 50810 · Travel Expense</b>	<b>200.91</b>	<b>6,096.09</b>
99102 · *Reconciliation Discrepancies	0.00	12.03
<b>Total 50800 · Other Operating Expense</b>	<b>674.15</b>	<b>12,053.74</b>
<b>Total 50000 · Operations</b>	<b>3,113.92</b>	<b>42,030.95</b>
52000 · Municipal Court		
52120 · Municipal Court Expenditures	0.00	2,093.50
<b>Total 52000 · Municipal Court</b>	<b>0.00</b>	<b>2,093.50</b>
53000 · Facilities and Equipment		
53100 · Facilities and Equip -Other		
53110 · Depreciation	5,851.73	5,851.73
53120 · Office Equipment & Furniture	0.00	669.23
53130 · Utilities - Electric	299.04	3,388.26
53140 · Repairs & Maint Facilities	207.96	4,892.80
53150 · Burglar Alarm	0.00	449.54
<b>Total 53100 · Facilities and Equip -Other</b>	<b>6,358.73</b>	<b>15,251.56</b>
53200 · Facility and Equipment Rent		
53210 · Firehall Rental	2,295.00	2,845.00
53220 · Office Space Lease	2,000.00	22,258.08
<b>Total 53200 · Facility and Equipment Rent</b>	<b>4,295.00</b>	<b>25,103.08</b>
<b>Total 53000 · Facilities and Equipment</b>	<b>10,653.73</b>	<b>40,354.64</b>
55000 · Community Events		
55120 · Village Cleanup, other	0.00	1,510.00
55130 · Meet the Candidates	0.00	283.46
55140 · Christmas Party	0.00	2,897.73
55150 · City Council Meetings & Worksho	0.00	366.13
55160 · Election Expense	0.00	1,307.42
55170 · Events - Other	0.00	249.99
<b>Total 55000 · Community Events</b>	<b>0.00</b>	<b>6,614.73</b>
57000 · Public Works		
57110 · Park Maintenance	0.00	500.00
57121 · Mowing	0.00	3,000.00
57123 · Tree Trimming	495.00	20,495.00
57131 · Roads & Rightaway	1,540.00	10,544.39
57140 · Street Signs (New & Repairs)	2,272.00	6,559.78
<b>Total 57000 · Public Works</b>	<b>4,307.00</b>	<b>41,099.17</b>
64000 · Outside Services		
64011 · Audit	5,700.00	5,700.00
64012 · Tax Collection - Travis Co	253.47	774.59
64013 · Finance Consultant	350.00	350.00
64100 · Development Costs		
64101 · Inspection Service Reimbursible	600.00	3,334.50
64102 · Plan Review Reimbursible	360.10	18,736.72
64104 · Special Engineering Consultant	0.00	3,755.35
64105 · Professional Serv Non Reimb	2,643.38	8,078.63
64110 · Dev. Cost to be invoiced	-1,550.25	126.00
64111 · Development Fees Invoiced	-2,125.00	-2,275.00
64115 · Handling Fee	-293.34	-293.34
<b>Total 64100 · Development Costs</b>	<b>-365.11</b>	<b>31,462.86</b>
64400 · Attorneys Fees		
64410 · Attorney - General Services	1,441.36	12,053.21
64451 · Attorney Litigation	0.00	1,341.84
64470 · Legal Fees - City Projects		
64477 · Attorney - Gen City Projects	0.00	10,216.11
<b>Total 64470 · Legal Fees - City Projects</b>	<b>0.00</b>	<b>10,216.11</b>
<b>Total 64400 · Attorneys Fees</b>	<b>1,441.36</b>	<b>23,611.16</b>
<b>Total 64000 · Outside Services</b>	<b>7,379.72</b>	<b>61,898.61</b>
65000 · Contract Labor		
65020 · Contract Labor - Other	0.00	332.18

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 Accrual Basis

**Village of Volente**  
**Profit & Loss YTD Comparison**  
 August 2014

	Aug 14	Oct '13 - Aug 14
<b>65100 - Enforcement Costs</b>		
65110 - Contract Police	480.00	5,990.00
<b>Total 65100 - Enforcement Costs</b>	480.00	5,990.00
<b>Total 65000 - Contract Labor</b>	480.00	6,322.18
<b>66000 - Compensation and Benefits</b>		
<b>66100 - Salaries and Wages</b>		
66110 - Salaried wages	9,663.86	101,701.24
66120 - Paid Time Off - Salaried	1,127.00	1,127.00
66140 - Payroll Services	72.19	72.19
<b>Total 66100 - Salaries and Wages</b>	10,863.05	102,900.43
<b>66500 - Employee Related</b>		
66510 - Employer Paid Health Ins	1,024.29	11,267.19
66515 - Employee Paid Health Ins	-59.36	-652.96
66520 - TMRS Retirement ER	680.91	6,581.73
66530 - Texas Unemployment Tax	-46.49	-114.91
66540 - Social Security ER	669.04	6,099.86
66550 - Medicare ER	156.46	1,426.58
66560 - Training & Ed - Staff	0.00	195.64
66570 - Employee Retirement Share	0.00	0.00
66590 - Employment Taxes	-88.82	-88.82
<b>Total 66500 - Employee Related</b>	2,336.03	24,714.31
<b>66000 - Compensation and Benefits - Other</b>	-61.00	0.00
<b>Total 66000 - Compensation and Benefits</b>	13,138.08	127,614.74
<b>Total Expense</b>	39,072.45	328,028.52
<b>Net Ordinary Income</b>	-24,657.04	348.82
<b>Other Income/Expense</b>		
<b>Other Expense</b>		
80000 - Other Expense		
80050 - Penalties and Interest	4.05	196.19
<b>Total 80000 - Other Expense</b>	4.05	196.19
<b>Total Other Expense</b>	4.05	196.19
<b>Net Other Income</b>	-4.05	-196.19
<b>Net Income</b>	-24,661.09	152.63

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**Village of Volente**  
**Statement of Cash Flows**  
**October 2013 through August 2014**

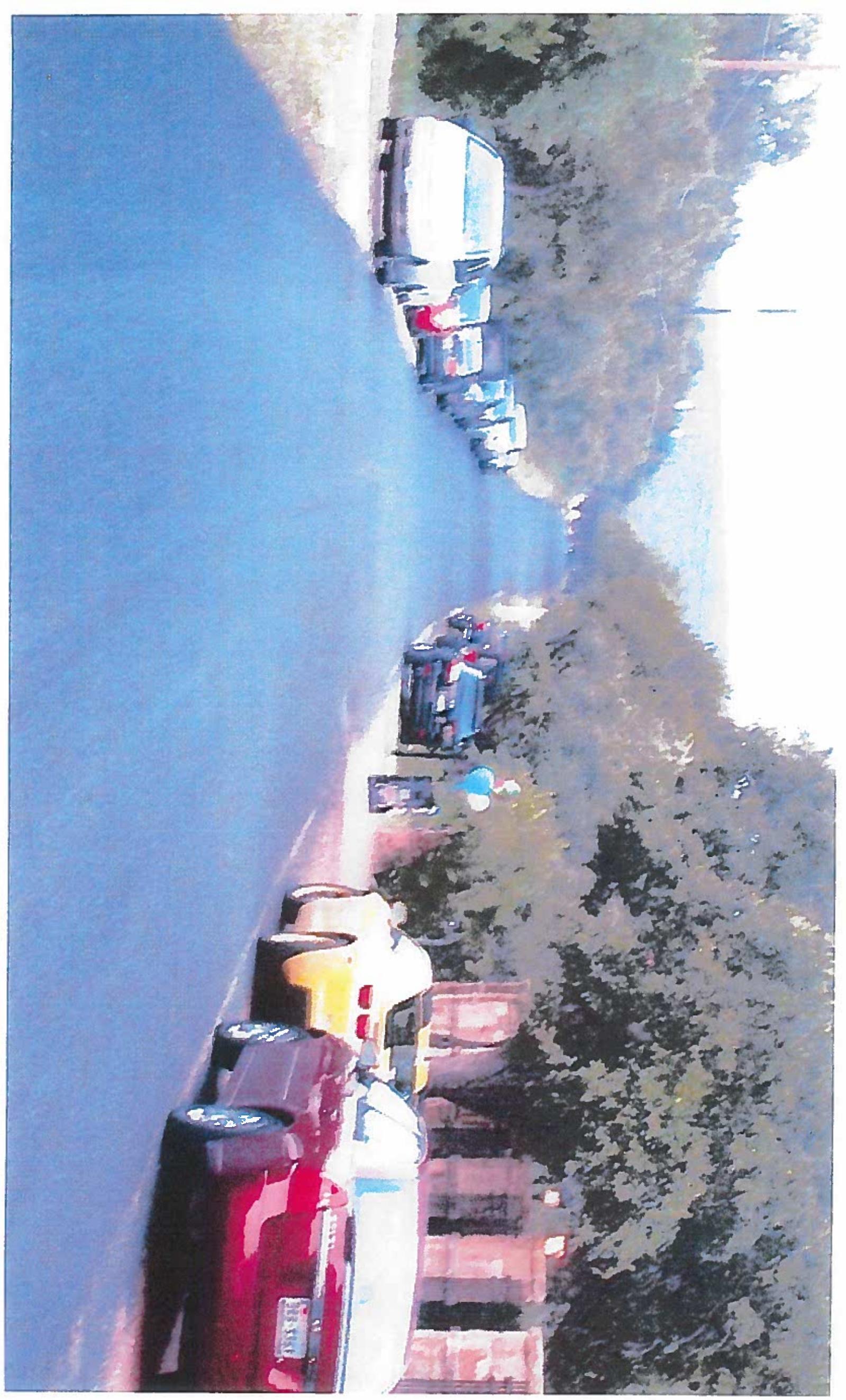
	<u>Oct '13 - Aug 14</u>
<b>OPERATING ACTIVITIES</b>	
Net Income	152.63
Adjustments to reconcile Net Income to net cash provided by operations:	
12000 · Accounts Receivable	1,441.03
12300 · Prepaid Deposits	-2,111.00
20000 · Accounts Payable	-18,704.55
20100 · Other Payables:20110 · A/P Accrued Liabilities	5,700.00
24000 · Payroll Liabilities	-275.49
24000 · Payroll Liabilities:24010 · Federal Withholding Tax	-389.09
24000 · Payroll Liabilities:24015 · Social Security - EE	91.33
24000 · Payroll Liabilities:24020 · Medicare Tax - EE	-43.04
24000 · Payroll Liabilities:24025 · TMRS Employee Paid	30.03
24000 · Payroll Liabilities:24515 · Social Security ER Paid	-459.63
24000 · Payroll Liabilities:24525 · Medicare Tax - ER Paid	-57.21
24000 · Payroll Liabilities:24530 · Texas Unemployment Tax	-532.85
24000 · Payroll Liabilities:24550 · TMRS ER Paid	680.91
Net cash provided by Operating Activities	-14,476.93
<b>INVESTING ACTIVITIES</b>	
14100 · Leasehold Improvements	-7,777.25
14200 · Furniture & Equipment	-15,626.03
14150 · Accum Depreciation - Leasehold	3,888.63
14250 · Accum Depr Furniture & Equip	1,963.10
Net cash provided by Investing Activities	-17,551.55
Net cash increase for period	-32,028.48
Cash at beginning of period	698,490.41
Cash at end of period	<u>666,461.93</u>

DRESS  
40th  
B-DAY  
PARTY



1-5-59











Street	Road Way Easement Clearing	Days	Drainage	Days	Asphalt and/or Base Repair	Days	Mowing	Days	Grand Totals
Debbie and Davey	\$4,800.00	2.00							
Macks Canyon	\$6,000.00	2.50							
Randolph	\$4,800.00	2.00							
Mary	\$2,400.00	1.00							
Dodds and Lakeview	\$0.00								
Lime Creek	\$31,200.00	13.00							
Jackson and Sherman	\$0.00								
West, Joy, Sharon	\$2,400.00	1.00							
Booth and Amos	\$4,800.00	2.00							
Arren Terrace	\$0.00								
Bernard	\$0.00								
Ray Vista	\$1,200.00	0.50							
	\$57,600.00	24.00	\$0.00	0:00	\$0.00	0:00	\$0.00		\$57,600.00
Rate for Two Men and Equipment per day			\$1,800.00						
Rate for Five Men and Equipment per day			\$2,630.00						
Cold Mix Asphalt 12 tons per load \$71.00 per ton plus transportation charges of \$100.00			\$952.00						
Booth Circle Head Wall Repair			\$14,000.00						
Mack Canyon Head Wall Repair									
Engineering and Reno Mattresses									
Street and Traffic Signs			\$2,000.00						\$2,000.00
Engineering and Surveying			\$10,000.00						
Reno Mattresses for General Repair									
Herbicide			\$2,000.00						
Emergency Contingency Fund									
<b>Grand Totals</b>									<b>\$59,600.00</b>

Jan Yenawine's Over Phone Revision

Street	Road Way Easement Clearing	Days	Drainage	Days	Asphalt and/or Base Repair	Days	Mowing	Days	Grand Totals
Debbie and Davey	\$4,800.00	2.00							
Macks Canyon		2.50							
Randolph		2.00							
Mary									
Dodds and Lakeview									
Lime Creek	\$31,200.00	13.00			\$1,880.00	1.00			
Jackson and Sherman	\$0.00						\$25,000.00		
West, Joy, Sharon	\$2,400.00	1.00							
Booth and Amos	\$4,800.00	2.00							
Arren Terrace	\$0.00		Does need extensive drainage and shoulder work but need to work with property owners first						
Bernard	\$0.00								
Ray Vista	\$1,200.00	0.50							
	\$44,400.00	23.00	\$0.00	0.00	\$0.00	1.00	\$25,000.00		\$69,400.00
Rate for Two Men and Equipment per day			\$1,800.00						
Rate for Five Men and Equipment per day			\$2,630.00						
Cold Mix Asphalt 12 tons per load \$71.00 per ton plus transportation charges of \$100.00			\$952.00						\$952.00
Booth Circle Head Wall Repair			\$14,000.00						\$14,000.00
Mack Canyon Head Wall Repair									
Engineering and Reno Mattresses									
Street and Traffic Signs			\$2,000.00						\$2,000.00
Engineering and Surveying			\$10,000.00						
Reno Mattresses for General Repair									
Herbicide			\$2,000.00						
Emergency Contingency Fund									
<b>Grand Totals</b>									<b>\$86,352.00</b>

Jan Yearawine and Staff

## Barbara Wilson

---

**From:** DoNotReply@LCRA.org  
**Sent:** Thursday, September 18, 2014 2:10 AM  
**To:** city.admin@volentetexas.gov  
**Subject:** Floodgate Operations at Tom Miller Dam

Floodgate operations at Tom Miller Dam have begun or will begin soon. Please take action to protect property and persons that may be affected. Additional information will be made available at 1-800-776-5272 or [www.lcra.org](http://www.lcra.org) as soon as possible. You should monitor local news media and NOAA Weather Radio for updated information about changing conditions.

This is the only notification that you will receive.

## Barbara Wilson

---

**From:** Charles a Williams <CharlesA.Williams@co.travis.tx.us>  
**Sent:** Monday, September 01, 2014 5:44 PM  
**To:** Barbara Wilson <city.admin@volentetexas.gov> (city.admin@volentetexas.gov)  
**Subject:** Invoice 8312014  
**Attachments:** Invoices 8312014.xlsx; Copy of Copy of SMITH 08 31 2014 Activity Sheet.xlsx

On 08/30/2014 the deputy I had signed up to work left home early from work on that date and could not work Volente. Due to it being the day of the job I sent text to the regular guys/ladies that work the job with negative results. Sorry for the inconvenience.

Charles





## **Tor2web Error: Access Denied to Entire Hidden Service**

Access to this Hidden Service has been completely blocked

It may happen that Tor2web maintainers have to block proxy access to certain explicit illegal contents in order to keep the network up and running. In such case you can still access the content directly by using Tor, that's because Tor2web just acts as a proxy server and the content is on a Tor Hidden Service.

357420D56A5F28D9B1BD815F720D3438

**What happened to your files?**

All of your files were protected by a strong encryption with RSA-2048 using CryptoWall.

More information about the encryption keys using RSA-2048 can be found here: [http://en.wikipedia.org/wiki/RSA\\_\(cryptosystem\)](http://en.wikipedia.org/wiki/RSA_(cryptosystem))

**What does this mean?**

This means that the structure and data within your files have been irrevocably changed, you will not be able to work with them, read them or see them, it is the same thing as losing them forever, but with our help, you can restore them.

**How did this happen?**

Especially for you, on our server was generated the secret key pair RSA-2048 - public and private.

All your files were encrypted with the public key, which has been transferred to your computer via the Internet.

Decrypting of your files is only possible with the help of the private key and decrypt program, which is on our secret server.

**What do I do?**

Alas, if you do not take the necessary measures for the specified time then the conditions for obtaining the private key will be changed.

If you really value your data, then we suggest you do not waste valuable time searching for other solutions because they do not exist.

For more specific instructions, please visit your personal home page, there are a few different addresses pointing to your page below:

1. <https://kpa17ycr7jxqk1p.onion.lt/f602>
2. <https://kpa17ycr7jxqk1p.tor4life.com/f602>
3. <https://kpa17ycr7jxqk1p.way2tor.com/f602>

If for some reasons the addresses are not available, follow these steps:

1. Download and install tor-browser: <http://www.torproject.org/projects/torbrowser.html.en>
2. After a successful installation, run the browser and wait for initialization.
3. Type in the address bar: kpa17ycr7jxqk1p.onion/f602
4. Follow the instructions on the site.

**IMPORTANT INFORMATION:**

Your Personal PAGE: <https://kpa17ycr7jxqk1p.onion.lt/f602>  
Your Personal PAGE(using TOR): [kpa17ycr7jxqk1p.onion/f602](https://kpa17ycr7jxqk1p.onion.lt/f602)  
Your personal code (if you open the site (or TOR 's) directly): **f602**

## DECRYPT\_INSTRUCTION

357420D56A5F28D9B1BD815F720D3438

What happened to your files ?

All of your files were protected by a strong encryption with RSA-2048 using Cryptowall.

More information about the encryption keys using RSA-2048 can be found here:  
[http://en.wikipedia.org/wiki/RSA\\_\(cryptosystem\)](http://en.wikipedia.org/wiki/RSA_(cryptosystem))

What does this mean ?

This means that the structure and data within your files have been irrevocably changed, you will not be able to work with them, read them or see them, it is the same thing as losing them forever, but with our help, you can restore them.

How did this happen ?

Especially for you, on our server was generated the secret key pair RSA-2048 - public and private.

All your files were encrypted with the public key, which has been transferred to your computer via the Internet.

Decrypting of your files is only possible with the help of the private key and decrypt program, which is on our secret server.

What do I do ?

Alas, if you do not take the necessary measures for the specified time then the conditions for obtaining the private key will be changed.

If you really value your data, then we suggest you do not waste valuable time searching for other solutions because they do not exist.

For more specific instructions, please visit your personal home page, there are a few different addresses pointing to your page below:

- 1.<https://kpai7ycr7jxqkilp.onion.lt/f602>
- 2.<https://kpai7ycr7jxqkilp.tor4life.com/f602>
- 3.<https://kpai7ycr7jxqkilp.way2tor.com/f602>

If for some reasons the addresses are not available, follow these steps:

- 1.Download and install tor-browser:  
<http://www.torproject.org/projects/torbrowser.html.en>
- 2.After a successful installation, run the browser and wait for initialization.
- 3.Type in the address bar: [kpai7ycr7jxqkilp.onion/f602](https://kpai7ycr7jxqkilp.onion/f602)
- 4.Follow the instructions on the site.

### IMPORTANT INFORMATION:

Your personal page: <https://kpai7ycr7jxqkilp.onion.lt/f602>

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f602

VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-11

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE’S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AT ARTICLE 30, SECTIONS 30.105 AND 30.133 OF THE VILLAGE’S ZONING REGULATIONS; PROVIDING THE DEFINITIONS OF SHORT TERM RENTAL; DEFINING, REGULATING AND RESTRICTING THE USE OF SHORT TERM RENTAL USAGE IN ZONING CATEGORIES; AND PROVIDING FOR LEGISLATIVE FINDINGS, PURPOSE, PENALTY PROVISIONS, SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village Council seeks to provide for the orderly and harmonious development of land and use of property within its corporate limits; and

WHEREAS, the Village Council seeks to protect the Village’s economic strength and quality of life through a comprehensive regulatory system imposing land use and development regulations through zoning ordinance provisions, which will ensure an ordered and quality development of property; and

WHEREAS, the Village Council believes that the a definition of “Short Term Rental” should be defined and clarified to ensure that it is fairly applied and enforced; and

WHEREAS, the Village Council finds that the unrestricted use, placement, and operation of Short Term Rentals on residential improved lots can cause aesthetic harm, devalue adjacent properties, result in undesirable overcrowding, and constitute a public nuisance; and

WHEREAS, the Village Council finds that reasonable restrictions on the use and operation of Short Term Rentals protects and enhances property values, create a pleasing environment for residents and the entire community, preserve the quality of life for the Village’s residents, and are in the best interest of the public’s general welfare;

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

Section 1. Legislative Findings.

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

47 **Section 2. Purpose.**  
48

49 The provisions of this Ordinance are intended to protect the welfare, convenience and overall  
50 enjoyment and quality of life of the citizens of Volente, and to prevent public nuisance.  
51

52 **Section 3. Amendments to Existing Definitions.**  
53

54 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
55 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety  
56 the following definitional terms (*in bold italics*):  
57

58 ***Short Term Rental*** means the rental of a portion of or an entire residence for less  
59 than thirty (30) days. Where permitted in a district, a property owner who desires to  
60 rent his or her partial and/or entire residential structure for a period of less than thirty  
61 (30) days, whether leased directly or subleased through another party, is engaged in  
62 the operation of a short term rental.  
63

64 **Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use  
65 and location Short Term Rentals.**  
66

67 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
68 30.133 of the Village's Zoning Regulations are hereby amended to add Item (c) 17 and to define,  
69 place restrictions, and permitting process and requirements upon Short Term Rentals, which are  
70 defined and restricted as follows:  
71

72 ***Short Term Rental*** the rental of a residence for less than thirty (30) days. Where  
73 permitted in a district, a property owner who desires to rent his or her partial and/or  
74 entire residential structure for a period of less than thirty (30) days, whether leased  
75 directly or subleased through another party, shall comply with the following special  
76 criteria and conditions:  
77

- 78 1. All structures used for Short Term Rentals shall comply with all applicable regulations  
79 and ordinances of the Village of Volente;  
80
- 81 2. The Application for a Short Term Rental License shall include the following:  
82
  - 83 a. A written verification from the owner of the real property verifying the property  
84 will be used for Short Term Rentals;  
85
  - 86 b. A sworn affidavit by the owner of the property to be used for Short Term Rentals that  
87 that the applicant has sent written notification by regular first class mail via the United  
88 States Postal Service or email to all owners of real property within **500 ??** feet of the  
89 property to be used for Short Term Rentals that the owner has applied for a license for  
90 Short Term Rental use.  
91
  - 92 c.. The number of bedrooms contained within the single family residence to be used for

93 Short Term Rentals, with the maximum number of occupants for overnight occupancy of  
94 the residence per bedroom.

95  
96 d. A report from the LCRA OSSF Division that the existing septic system on this property  
97 can handle these number of occupants without problems.

98  
99 e. The maximum number of persons permitted at the Short Term Rental in addition to  
100 the number of occupants for overnight occupancy..

101  
102 f. The applicant will be provided by the Village with a form to submit to LCRA. The  
103 LCRA OSSF division shall review the application that has been submitted to the  
104 Village and advise the Village if the applicant's septic system will be able to handle  
105 the usage of the system during periods that the maximum occupancy of the Short Term  
106 Rental occurs

107  
108 e. The fee for applying for the initial license as established from time to time by the  
109 Village Council. Recommend \$150.00 for one year. Fifty dollar renewal if we do not  
110 require re certification from LCRA.

111  
112 f. Any additional information on the application form promulgated by the Village and  
113 approved by the Village Council to process the application.

114  
115 g. The Village Administrator shall establish the forms and procedures for applying for  
116 the license on-line when feasible both financially and administratively.

117  
118 h. Once the Village Administrator determines that the application is administratively  
119 complete, he/she is authorized to issue the Owner of a Short Term Rental a license for  
120 an initial period of one year. If the Village Administrator determines that the  
121 application is not administratively complete and the Applicant disagrees, the Planning  
122 and Zoning Commission shall determine whether the Owner is entitled to a license.

123  
124 3. Parking by renters or their guests shall be limited to one-side of the right-of-way directly  
125 contiguous to the Short Term Rental, to the garage and to the driveway on the Short Term  
126 rental property, and shall not encroach upon or obstruct ingress and egress to the  
127 neighboring properties or to emergency and/or fire vehicles;

128  
129 4. There shall be no signage or advertisement of the Short Term Rental Use displayed on  
130 the premises of the Short Term Rental property that is visible from the exterior of the  
131 house.

132  
133 5. Holders of a Short Term Rental Use license shall comply with and ensure that their  
134 tenants comply with all applicable City Ordinances and state laws regulating litter, waste  
135 disposal, noise, nuisance, and other regulations for the protection of the health, safety,  
136 and welfare of the public.

137  
138 6. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way

139 of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal  
140 drug or alcohol use, public urination, public exposure, disturbance of the peace,  
141 disorderly conduct, or any other conduct that may constitute a private or public nuisance.  
142 Nuisance is defined as an activity that unreasonably interferes with the normal use and  
143 enjoyment of properties beyond the boundaries of the Short Term Rental property.  
144

145 7. Licenses authorizing the use of single family residential properties as Short Term Rentals  
146 will be for an initial term of one year. Upon application for a renewal license, the license  
147 will automatically be renewed for an additional three year term, **after payment of renewal**  
148 **fee** unless the Owner of the Short Term Rental shall have been convicted of three or more  
149 violations of this ordinance by proceedings in the Village's Municipal Court.  
150

151 8. Any current license will automatically terminate upon the third conviction of a violation  
152 of the provisions of this Ordinance by proceedings in the Village of Volente Municipal  
153 Court. **The Owner cannot apply for a new license under this Ordinance for a period of**  
154 **one year following termination of a license for three violations of the provisions of this**  
155 **Ordinance. Tom can we eliminate them permanently see Allison's email. No. BUT, you**  
156 **can require additional provisions to demonstrate that the issues which resulted in the**  
157 **termination of the prior license will not re-occur.**  
158

159 9. A license under this Ordinance is not transferable upon sale of the Short Term Rental  
160 Property.  
161

## 162 **Section 5. The Addition of Short Term Rentals to various Zoning Categories**

163

164 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
165 30.112, 30.113, 30.114, 30.115, 30.119, 30.120, 30.121, 30.122, and 30.123 of the Village's  
166 Zoning Regulations are hereby amended to add short term rentals as follows:  
167

### 168 ***Section 30.112 Single Family Residential (e) (1) (A)***

169

170 (e) Authorizing Short Term Rentals by License in this zoning district.  
171

172 (1) Conditional Uses Permitted by License and upon Authorization of Planning and  
173 Zoning and the Village Council.  
174

175 (A) Short Term Rentals  
176

### 177 ***Section 30.113 Single Family Residential 1 Ridge top (f) (1) (A)***

178

179 (f) Authorizing Short Term Rentals by License in this zoning district.  
180

181 (1) Conditional Uses Permitted by License and upon Authorization of Planning and  
182 Zoning and the Village Council.  
183

184 (A) Short Term Rentals  
185

186 *Section 30.114 Single Family Residential Cluster (e) (1) (A)*

187  
188 (g) Authorizing Short Term Rentals by License in this zoning district.

189  
190 (1) Conditional Uses Permitted by License and upon Authorization of Planning and  
191 Zoning and the Village Council.

192  
193 (A) Short Term Rentals

194  
195 *Section 30.115 Single Family Residential 2 (e) (1) (A)*

196  
197 (e) Authorizing Short Term Rentals by License in this zoning district.

198  
199 (1) Conditional Uses Permitted by License upon Authorization of Planning and Zoning  
200 and the Village Council.

201  
202 (A) Short Term Rentals

203  
204 **Section 6. Penalty.**

205 An individual, business, entity, or person who violates this Ordinance or fails to comply with the  
206 conditions of a permit required by this Ordinance commits a Class C misdemeanor. A violation of  
207 this Ordinance is punishable by a fine of up to \$500.00 per violation. Each day of violation is a  
208 separate violation.

209 **Section 7 Severability.**

210  
211 If any provision of this Ordinance or the application of any provision to any person or circumstance  
212 is held invalid, the invalidity shall not affect other provisions or applications of the ordinance  
213 which can be given effect without the invalid provision or application, and to this end the  
214 provisions of this Ordinance are declared to be severable.

215  
216 **Section 8. Effective Date.**

217  
218 This Ordinance shall take effect immediately ninety days (90) after the fulfillment of the public  
219 posting and newspaper publication requirements of Section 52.012 of the Local Government Code.

220  
221 **Section 9. Compliance with Public Notice and Meeting Requirements.**

222  
223 It is hereby officially found and determined that the meeting at which this Ordinance is passed was  
224 open to the public as required and that public notice of the time, place, and purpose of said meeting  
225 was given as required by the Open Meetings Act.

226  
227 **PASSED AND APPROVED** this, the \_\_\_\_ day of September , 2014, by a vote of the Volente  
228 Village Council of \_\_\_\_\_ in favor, to \_\_\_\_\_ opposed, and with \_\_\_\_\_ abstentions.

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232 **VILLAGE OF VOLENTE**

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Frederick Graber, Mayor

**ATTEST:**

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Barbara Wilson, Acting Village Secretary

Do we want to limit the percentage of houses in all of Volente that can have short term rental. LCRA OSSF rules and septic systems. Each septic system is site specific for what it can handle. Applicant would need to Contact LCRA for a review and approval of usage. Several STR under investigation now for blowing out their system. LCRA is willing and very much wants to work out a system with us where we would give applicant a form signed by us stating the applicant want "X" number of people to use their septic system over "X" number of days and LCRA would review and advise whether the system can tolerate that load sign a review and letter of approval or rejection which the applicant would have to bring back to us for us to processes their application.

## Barbara Wilson

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**From:** Allison Thrash <allisonthrash@gmail.com>  
**Sent:** Friday, September 12, 2014 12:20 AM  
**To:** pacificrim-gourmet@msn.com  
**Cc:** Barbara Wilson; Frederick Graeber; Judy Graci  
**Subject:** Re: short-term renters

Hi Debbie,

Thank you for your letter. As Barbara explained, she will have your letter (and others) distributed to the Mayor and all Council members and to P&Z Commissioners.

Yes, you are right that it is unfortunate that the residence owners (Mario Mendias and Ed Ruegg) on Jackson Street have not responded positively/helpfully to their neighbors' requests for peace and quiet and safety and general good neighborliness. And it appears that Roe Fleenor and his neighbors are experiencing the same difficulties as the folks on Jackson Street, only this time it is near Brandy Way with Rick Redmond's and Travis Hollman's residences. The police do come out and do give warnings to the occupants in all three residences, but the disturbances continue with all-hours excessive noise/lighting, trespassing and property damage.

Several neighbors, including David Springer, have raised an interesting point regarding the existing exclusion of STR's in R-1 zoned neighborhoods. And I believe all three residences were not operating as STR's prior to the Village's incorporation. It is my understanding that the Mayor and Council are presently looking into this very issue with the Village's Counsel.

As you know, last Tuesday evening the Commission sent its recommendation of a draft ordinance to Council on the regulation of STR's in the Village, along with a recommendation for the creation of an Ad Hoc Committee regarding STR's that would include all stakeholders.

The Mayor and Council will meet [Tuesday, September 23, at 7:00 p.m.](#) Now there may be action on this issue sooner than [September 23](#), but I certainly encourage you to attend this Council meeting with as many advocates of your position as possible. There are also many advocates for not having STR's in R-1 districts and they certainly bring as many advocates of their position to our meetings.

Thank you for writing, Debbie, and please do not hesitate to do so again on any issue of which the Village can be of service.

Thank you again,  
Allison  
Chair, Planning & Zoning Commission  
Village of Volente

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPad

On Sep 11, 2014, at 5:39 PM, "Barbara Wilson" <[city.admin@volentetexas.gov](mailto:city.admin@volentetexas.gov)> wrote:

Thank you Debbie. I will let the Commissioners and Council know.

Barbara Wilson  
City Administrator  
Village of Volente  
16100 Wharf Cove  
Volente, Texas 78641  
512-250-2075

Please note our new email address: [city.admin@volentetexas.gov](mailto:city.admin@volentetexas.gov)

Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

### **ATTENTION PUBLIC OFFICIALS!**

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. **Please reply only to the sender.**

*This message (and attachments) is intended solely for use by the designated recipient(s) and may contain privileged, proprietary or otherwise confidential information. If you are not the intended recipient or have received this message in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.*

**From:** Debbie Donaldson [<mailto:pacificrim-gourmet@msn.com>]  
**Sent:** Thursday, September 11, 2014 1:09 PM  
**To:** [city.admin@volentetexas.gov](mailto:city.admin@volentetexas.gov)  
**Subject:** short-term renters

Hi Barbara,

Unfortunately not able to attend meeting regarding short-term rentals. However, I would like to voice my opinion that a property owner should be allowed to rent their property out for short-term rentals.

We already have noise ordinances, street parking ordinances, etc. If these are being violated as David Springer suggests in his NextDoor post, then those immediate neighbors need to voice those violations to the appropriate parities (i.e. the police).

I don't rent out my property (never have, and cannot foresee every doing so), but resent putting a blanket ordinance on all residents when there may be many residents needing that extra income. There may be many residents renting out short-term/long-term and are following all the current rules and no problems are occurring...why should they be penalized because of a few bad apples.

Thank you very much.

Regards,

Debbie Donaldson  
16417 Sherman Street  
Volente

## Barbara Wilson

---

**From:** Allison Thrash <allisonthrash@gmail.com>  
**Sent:** Thursday, September 11, 2014 11:26 PM  
**To:** Linda Attwood  
**Cc:** Barbara Wilson; Judy Graci; Frederick Graeber  
**Subject:** Re: Follow-Up... STR

Hello Linda,

Thank YOU for this letter, as well as your previous statements and testimony on the extremely negative impact your family and all the families on Jackson Street have experienced from the activities at Ed Ruegg's and Mario Mendias' residences. I am asking our City Administrator, Barbara Wilson, to have your letter (and others) distributed to the Mayor and all Council members and to P&Z Commissioners.

I am so sorry that these property owners have not responded positively/helpfully to your requests for peace and quiet and safety and general good neighborliness. And it appears that Roe Fleenor and his neighbors are experiencing the same difficulties as you folks on Jackson Street, only this time it is near Brandy Way with Rick Redmond's and Travis Hollman's residences.

You and others make a good point regarding the existing exclusion of STR's in R-1 zoned neighborhoods. And I believe all three residences were not operating as STR's prior to the Village's incorporation. It is my understanding that the Mayor and Council are presently looking into this very issue with the Village's Counsel.

As you know, last Tuesday evening the Commission sent its recommendation of a draft ordinance to Council on the regulation of STR's in the Village, along with a recommendation for the creation of an Ad Hoc Committee regarding STR's that would include all stakeholders.

The Mayor and Council will meet Tuesday, September 23, at 7:00 p.m. Now there may be action on this issue sooner than September 23 (I do not know...but if there is, I am sure you will be apprised.), but I certainly encourage you to attend this Council meeting with as many advocates of your position as possible. You are correct in that there are also many advocates for having STR's in R-1 districts and, as you know, they certainly bring as many advocates of their position to our meetings.

I personally want to thank you for your patience with this process and particularly your written and oral testimony and your photographic documentation of the activities on Jackson Street. It has all proven to be extremely helpful.

Thank you for writing me, Linda, and please do not hesitate to do so again on any issue of which I can be of service. Meanwhile, I do hope the school year has gotten off to a great start for you all.

Thank you again,  
Allison  
Chair, Planning & Zoning Commission  
Village of Volente

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPad

> On Sep 10, 2014, at 9:31 AM, Linda Attwood <LNixon7491@aol.com> wrote:

>

> Hi Allison, Thank you for all that you are doing for this community. I am writing in reference to the Proposed Short Term Rental Ordinance. I noticed immediately that there is a paragraph regulating the number of people that can stay in a bedroom. First, I do not know where someone came up with 4 people per bedroom. The STR next to me has 5 technical bedrooms according to LCRA. So you are saying that he can have more people staying there than he normally has now. Each bedroom has a bed for 2 people not 4. Are you saying that STR operators can squeeze more beds in bedrooms to house more people. That is how I am reading it. What constitutes a bedroom? What about all the futons that Ed Ruegg has in his living areas that people sleep on. Ed Ruegg advertises 2 people per bedroom and Mario Mendias does also. But for some reason the Village wants to allow more and encourage more noise and nuisance by allowing more people per bedroom than what they have been doing. I do not get it. Please explain. David Springer made some good comments. We are in a residential area zoned R!. You can not operate STRs in this neighborhood. Mario fs septic system buzzer goes off a few times a weekend and now you want to encourage him to have even more bodies on his property. I do not get it.

>

> Ed Ruegg fs STR each have 2 futons in each unit in the living area plus there are bedrooms. Just to give you an idea of how many strangers we would have coming down Jackson every week just with Ed Ruegg fs place and Mario Mendias. Ed fs would be 36 bodies not including the futons. There are 8 futons so add 16 more bodies to that and you have 52 bodies that you want to allow on Ed Ruegg fs property for his STR spending the night using the septic and creating all kinds of noise, traffic etc. That is crazy!!! That is just Ed fs place. Now throw in Mario fs 5 bedroom house that you want to allow at least 20 people to stay at and we have 72 strangers coming and going up and down Jackson Street as the full-time residents here on Jackson are trying to raise a family in this residential area. JACKSON STREET IS NOT ZONED FOR STR. These STRs are like hotels. I encourage the P&Z board to come over to Jackson Street and view Ed Ruegg fs property to get an idea of what the P&Z is encouraging and promoting.

>

> This is seriously jeopardizing the residents ability to ride their bike, exercise, etc. on what was once a residential street. Jackson Street should remain residential.

>

> If this is the route the village is going to take protecting and encouraging these short term rentals at the single family taxpayers expense - it is not right.

>

> Please give careful consideration and review to what you all are proposing as the P&Z board. Please remember that you are hearing from the people trying to generate as much money as possible from their piece of real estate that is located in a residential area. These landowners are not even living here putting up with the noise, strangers, safety issues, etc. that we have to deal with from their business of vacation rentals.

> Sincerely,

>

> Linda Attwood

>

>

>> On Aug 12, 2014, at 11:07 PM, Allison Thrash <allisonthrash@gmail.com> wrote:

>>

>> Heya...Barbara can fill in the details, of course, but the Commissioners agreed to meet Tuesday, August 26, so that P&Z can review/recommend to Council an Ordinance regulating Short-Term Rentals...you folks have been through hell and hopefully relief will be soon...thank you so much for your help on crafting a solution...best to you and your family...Allison

>>

>> (512) 825-1314

>> Allison Thrash

>> Labrador Hill Music

>> Head On Records

>> Sent from my iPad  
>  
> Linda Attwood  
> LNixon7491@aol.com  
>  
>  
>

## Barbara Wilson

---

**From:** Allison Thrash <allisonthrash@gmail.com>  
**Sent:** Thursday, September 11, 2014 11:52 PM  
**To:** lreed  
**Cc:** Barbara Wilson; Frederick Graeber; Judy Graci  
**Subject:** Re: Short term rentals

Hi Linda and Walt,

You know I have lived here 25 years, but I am terrible with names! So it's likely we have met before, but I just don't know for certain. But we sure share one thing: We Love Volente!

THANK YOU for this letter. I am asking our City Administrator, Barbara Wilson, to have your letter (and others) distributed to the Mayor and all Council members and to P&Z Commissioners.

I am so sorry that the property owners on Jackson Street have not responded positively/helpfully to their neighbors' requests for peace and quiet and safety and general good neighborliness. And it appears that Roe Fleenor and his neighbors are experiencing the same difficulties as the folks on Jackson Street, only this time it is near Brandy Way with Rick Redmond's and Travis Hollman's residences.

You and others make a good point regarding the existing exclusion of Short-Term Rentals (STR's) in R-1 zoned neighborhoods. And I believe all three residences were not operating as STR's prior to the Village's incorporation. It is my understanding that the Mayor and Council are presently looking into this very issue with the Village's Counsel.

As you may know, last Tuesday evening the Commission sent its recommendation of a draft ordinance to Council on the regulation of STR's in the Village, along with a recommendation for the creation of an Ad Hoc Committee regarding STR's that would include all stakeholders.

The Mayor and Council will meet [Tuesday, September 23, at 7:00 p.m.](#) Now there may be action on this issue sooner than [September 23](#), but I certainly encourage you to attend this Council meeting with as many advocates of your position as possible. There are also many advocates for having STR's in R-1 districts and they certainly bring as many advocates of their position to our meetings.

Thank you for writing me, Linda and Walt, and please do not hesitate to do so again on any issue of which I can be of service. Hopefully we'll get a chance sometime soon to see if we have met before! Haha!

Thank you both so much,  
Allison  
Chair, Planning & Zoning Commission  
Village of Volente

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPad

On Sep 11, 2014, at 9:17 PM, "lreed" <lreed@wreed.com> wrote:

Hi Allison,

Although I have lived in Volente for 20 years, I'm not sure we have met. I live on Reed Drive and my husband, Walt, who has lived here much longer. I love Volente.

I am writing to you regarding the Short Term Rentals and I will keep it to the point.

I do not want any short term rentals in Volente. This is our home and not a hot spot vacation place. My understanding for incorporation was to have the control to stop things such as this. This makes a residence into a business. It literally has the potential to destroy family life by undermining a family atmosphere for those living next door. I could go on but I will not. I do not see any advantage to anyone who actually lives here and has a family for STR to be allowed at all. Do you know if this is allowed in other incorporations? Is Lakeway putting up with what I know is happening on Jackson Street? What about others? Why should we?

Please use your power to stop this all together.

Most sincerely,

Linda and Walt Reed

## Barbara Wilson

---

**From:** Linda Attwood <lnixon7491@aol.com>  
**Sent:** Monday, September 15, 2014 11:45 AM  
**To:** Barbara Wilson  
**Subject:** Fwd: Boy Scout camping trip

Sent from my iPhone

Begin forwarded message:

**From:** "Brian Birdwell" <[brian@vision360dev.com](mailto:brian@vision360dev.com)>  
**Date:** September 15, 2014 at 8:34:30 AM CDT  
**To:** <[LNixon7491@aol.com](mailto:LNixon7491@aol.com)>  
**Subject:** Boy Scout camping trip

Linda,

We truly appreciate you letting us have the boy scout troop camp at your place this past weekend. The boys had a great time. Just so you are aware, the neighbors had a party going late into the night. We heard the music, yelling, and jumping into the pool well into the night. I was up until after 2 am and the party was still going loud. Just thought you might want to know.

Thank you again for your hospitality.

Regards,

Brian Birdwell, Scoutmaster

<image001.jpg>

6549 Comanche Trail  
Austin, Texas 78732  
(512) 785-7087 cell  
(512) 394-6022 office  
(512) 394-6023 fax

## Barbara Wilson

---

**From:** Debbie Donaldson <pacificrim-gourmet@msn.com>  
**Sent:** Thursday, September 11, 2014 1:09 PM  
**To:** city.admin@volentetexas.gov  
**Subject:** short-term renters

Hi Barbara,

Unfortunately not able to attend meeting regarding short-term rentals. However, I would like to voice my opinion that a property owner should be allowed to rent their property out for short-term rentals.

We already have noise ordinances, street parking ordinances, etc. If these are being violated as David Springer suggests in his NextDoor post, then those immediate neighbors need to voice those violations to the appropriate parities (i.e. the police).

I don't rent out my property (never have, and cannot foresee every doing so), but resent putting a blanket ordinance on all residents when there may be many residents needing that extra income. There may be many residents renting out short-term/long-term and are following all the current rules and no problems are occurring...why should they be penalized because of a few bad apples.

Thank you very much.

Regards,

Debbie Donaldson  
16417 Sherman Street  
Volente

# Short-term home rentals banned

By Michael Polhamus Jackson Hole Daily | Posted: Tuesday, August 5, 2014 4:30 am

A ban on short-term home rentals throughout most of the county remains in effect Monday, after county commissioners and town councilors voted to uphold it.

The prohibition requires that homeowners outside designated lodging areas rent their homes for no fewer than 30 days at a time.

The ban essentially forbids the type of residential vacation rental promoted by online brokerages such as VRBO.com and many of those arranged by Jackson business the Clear Creek Group.

After almost a year of deliberation on this and related topics, both boards arrived at the proper conclusion, Town Councilor Jim Stanford said.

“The laws are clear, the building codes are clear, the staff reports are clear and the community sentiment’s been clear,” he said.

The two boards’ decision overturns an informal interpretation of the law made in 2007 at the Clear Creek Group’s request that had allowed one short-term residential rental of a home every 30 days.

The Clear Creek Group rents luxury homes to tourists for weekly rates of as much as \$100,000.

The business also brokers real estate and manages properties.

Alone among members of both boards, Jackson Mayor Mark Barron sought to uphold the 2007 interpretation, saying it had been the law’s intent since its adoption in 1994.

Historically, Barron said, illegal short-term rental has meant multiple rentals of a home within the span of a month. Since the 1990s, he said, homeowners regardless of their location have been allowed to rent their homes to vacationers for any length of time, but only once a month.

“This is an over reach,” Barron said of the boards’ decision.

Residential short-term rental is defined in county code as “the rental of all or a portion of a house, townhouse, condominium, apartment, or other residence for less than thirty (30) days.”

County law states that “no [residence] shall be rented for less than thirty (30) days unless specifically approved for residential short-term rental.”

The town’s ordinance reads substantially the same.

Certain areas of the county including the Aspens and Teton Village are specifically approved by statute for short-term rentals.

The commissioners' and councilors' vote Monday means that the law will be interpreted to mean strictly what it says: that homes are not to be rented for fewer than 30 days.

In the past the Clear Creek Group has contracted with vacationers month-long leases that forbid the visitors from remaining in their rented homes for more than a certain fraction of those 30 days. While technically a 30-day lease, according to the firm, opponents characterized such leases as violating both the spirit and the text of the law.

## Barbara Wilson

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**From:** Linda Attwood <LNixon7491@aol.com>  
**Sent:** Tuesday, September 16, 2014 11:59 PM  
**To:** Allison Thrash  
**Cc:** Dori Witt; Sra57 Attwood; Ken Beck; Barbara Wilson  
**Subject:** Short Term Rentals in Volente

Hi Allison, I am not sure if the P&Z is aware of the communities very close to us that do not allow Short Term Rentals in their community. Twin Creeks does not allow Short Term Rentals. They do not even allow you to rent a room out in your house. River Place does not allow Short Term Rentals. Even closer is the Village of Volente Subdivision "Phase 1, 2 and 3 HOA. These Subdivision Covenants are available at the Volente Village offices. Article IV Residential Restrictions 4.01 Residential Use. All Lots shall be improved and used solely for single family residential use inclusive of a garage, fencing and such other improvements as are necessary or customarily incident to residential use. It also states in these restrictive covenants that you can rent your residence out for residential purposes only. Under Article III General Restrictions 3.06 Noise. No exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) shall be located, used or placed on any of the Property. No noise or other nuisance shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to any other portion of the Property or its occupants.

One side of Jackson Street is protected by these covenants and the other side is not. I urge the P&Z to recommend to Council that there be a town hall mtg. to get the citizen input on this very important issue that will affect everyones quality of life here in Volente. Adopting a Short Term Rental Ordinance is not protecting our quality of life here in Volente. It is not enhancing our quality of life here in Volente. It is hurting our quality of life here in Volente. There is a reason why a lot of communities do not allow Short Term Rentals. They care about their quality of life and their neighbor. The people that live in the Village of Volente Subdivision Phase 1, 2, and 3 are already protected from whatever the village decides. The rest of us are not. You are only hearing from the people that have not had experience with Short Term Rentals next door to them. You are only hearing from the operators of the Short Term Rentals here in Volente. Of course they want to continue what they are doing-it is a cash cow business for them in a residential area.

Ed Ruegg has had his houses for sale here on Jackson Street for a few years. He is only interested in the Short Term Rental Ordinance because he thinks it is going to convey with the sale of his property. It does not convey according to our ordinances in place before he purchased here in Volente. Those homes were not Short Term Rentals prior to him purchasing them and they are in a residential area. Mr. Anger has his property for sale next to Ed's Ruegg's 5 Short Term Rentals. Do you think it is an asset or liability to Mr. Anger as he is trying to sell his home which is located next to 5 Short Term Rentals and then on top of that have Mario Mendias's Short Term Rental one house away? This Short Term Rental issue should definitely be made aware of to all the residents of Volente. There should be a mail out or mass email to every property owner in Volente. THIS IS TOO IMPORTANT AN ISSUE TO NOT MAKE EVERYONE IN VOLENTE AWARE OF IT AND GET THEIR THOUGHTS AND CONCERNS.

Linda Attwood  
LNixon7491@aol.com

## Barbara Wilson

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**From:** David Springer <dspringer56@hotmail.com>  
**Sent:** Saturday, September 13, 2014 9:16 AM  
**To:** mayor@volentetexas.gov  
**Cc:** city.admin@volentetexas.gov; David Springer  
**Subject:** Jackson Street Short Term Rental Problem

Dear Mayor Graber,

It is my understanding that R-1 zoning prohibits occupation of residences by more than 3 unrelated individuals. There have been complaints filed by multiple citizens of this law being violated by short term rental operations catering to bachelor parties, frat parties, and so forth.

Moreover the USSC in Village of Belle Terre v. Boraas, 416 U.S. 1 (1974) specifically found that cities have a legitimate interest in limiting occupation of unrelated individuals and that it is constitutional and could be enforced.

Why have you let the Jackson Street short term rental situation go unattended when we clearly have enforceable laws to prevent it? Please red tag to cease and desist rentals to groups who do not meet the definition of "family" in our zoning ordinance,

Signed,

David Springer  
8504 Lime Creek Road  
512-633-3934

bcc: Volente

Please read this letter into the record at the hearing on September 9, 2014.

September 6, 2014

Dear Village of Volente Council and Planning & Zoning,

This is our revised letter based on "Clean Tom Version 6" UPDATED DRAFT Short Term Rental Proposed Ordinance received on September 5, 2014.

As for history, I'm a bit confused, I emailed Barbara some input on August 28th and August 30th based on my research to be shared with P&Z. It seems like P&Z did not take into consideration my suggestions which as a Community member is very disappointing.

Quite honestly, I'm not sure the direction and process for adopting Ordinances in Volente. Hence, I'm asking more questions upfront for the decision making team to consider. Especially since it seems that Volente wants to expedite the STR Ordinance into adoption.

Just so you know, I have been reviewing and providing input on Codes and Regulations for over 25 years during my career. From my experience, they need to be clear, simple, fair and relevant to the goal.

Other municipalities that I have assisted with regarding code and regulation changes would follow a long process where a team is involved. With many checks and balances and feedback along the way. And they welcomed input!

Therefore, I truly hope our input is helpful. We just want to make sure the right thing is done which is best for our Community!

First of all, Tom's new proposed Ordinance is much better! However, I still have some concerns regarding the seemingly random selection of Briarcliff as the new "model" which adds complexity and new Ordinance items NOT even considered or discussed before.

Hence, last week I took the initiative in reviewing the Briarcliff Ordinance which resulted in doing some preliminary research into some items that seemed to need clarification regarding objective and / or intent.

And finally, I wanted to share the insights and concerns based on my research with the Volente STR Ordinance decision making team.

Barbara, based on the emails and detailed responses I received from your office over the past week (which I assume was composed with the input from you, P&Z and the City Attorney) I just wanted to make sure my main concern doesn't get lost as follows:

Why is Volente basing their STR Ordinance on Briarcliff when there are simpler Ordinances to use as models which did NOT evolve out of a lawsuit or litigation process? I'm referring to the lawsuit between the Briarcliff HOA which is a subset of the Village of Briarcliff and the homeowner.

Actually, I spoke with a STR Property Manager who manages MANY rentals all over Lake Travis including several in Briarcliff. They informed me that Briarcliff is one of the LEAST friendly towards short term rentals. And it's clear to me, by the wording and hoops in their ordinance that they are indeed NOT friendly compared to Lago Vista, Lakeway and other local cities.

IE: Lago Vista is only 3 paragraphs (see below) Lago Vista is very short and simple. This makes me question whether or not Briarcliff is the best model for our Volente Community?

#### **LAGO VISTA - Short Term Ordinance**

##### **Section 23 Short-Term Occupancy**

###### **(1) Permit.**

(a) Short-term occupancy is not permitted in any R-1 zoning district, the R-O, RR-A zoning districts or the R-2 zoning district, except with the approval of a short-term occupancy permit issued by the city.

(b) Application. The application for short-term occupancy shall include the following:

(i) A plat/plot plan that is to scale on an 8-1/2 x 11 sheets showing the lot, parking/driveway, garage and the dwelling in which the short-term occupancy would occur.

(ii) The number of maximum occupants requested.

(iii) The name of the property owner, agent(s) for the property owner, their contact information, [.]

(iv) The name(s) and phone number of any agent of the property owner that would manage and/or lease or rent the property [.]

(v) The property owner must sign the application.

###### **(2) Standards. All short-term occupancies shall comply with the following:**

(a) The maximum number of persons that may be in the dwelling at any one time shall not exceed the number applied for in the permit.

(b) Parking. Two spaces per dwelling unit. See section 7.20(A). No parking shall be allowed in the street ROW or on an unimproved surface.

###### **(3) Violation and Penalty.**

(a) It shall be a violation of this ordinance (Zoning) if short-term occupancy as defined in this chapter occurs and there is any other violation of the city code associated with the short-term occupancy, for instance noise ordinance violations, trash, or parking standard violations.

(b) The property owner shall be held responsible for violations of this chapter.

(c) The minimum fine for a violation of this section shall not be less than \$500.00 for the first violation, and not less than \$750.00 for the second and subsequent violations at the same property.

Based on the above, below is our review of "Tom Version 6" - Latest Draft Ordinance along with our input in RED text.

**Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use and location Short Term Rentals.**

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.133 of the Village's Zoning Regulations are hereby amended to add Item (c) 17 and to define, place restrictions, and permitting process and requirements upon Short Term Rentals, which are defined and restricted as follows:

**Short Term Rental** the rental of a residence for less than thirty (30) days. Where permitted in a district, a property owner who desires to rent his or her entire residential structure for a period of less than thirty (30) days, whether leased directly or subleased through another party, shall comply with the following special criteria and conditions:

1. All structures used for Short Term Rentals shall comply with all applicable regulations and ordinances of the Village of Volente;
2. The Application for a Short Term Rental License shall include the following:
  - a. A written verification from the owner of the real property verifying the property will be used for Short Term Rentals;
  - b. A legible copy of the completed and file stamped Texas Questionnaire for Hotel Occupancy tax filed with the appropriate authority;

**Per my phone conversation with the Texas Comptroller Office last week they were confused as to why any City would ask for this. Hence, if Volente chooses to ask for Tax Payment verification, it should be simpler for all the existing Hotel Tax paying owners. IE: Just ask for our Hotel Tax ID number, or even copy of last paid quarterly Hotel Tax bill. Lago Vista and Lakeway Ordinances do NOT require this Questionnaire at all. (NOTE: This question came up based on using Briarcliff as the model) I suggest deleting this!**

**In the bigger picture, if it's the intent for Volente to make sure we pay our taxes, then Volente should make sure all Volente homeowners pay their County Property taxes as well. This is only fair?**

c. A sworn affidavit by the owner of the property to be used for Short Term Rentals that written notification by mail via the United States Postal Service, certified mail, return receipt requested and by first class mail to all owners of real property within 200 feet of the property to be used for Short Term Rentals that the owner has applied for a license hereunder, and if the license is granted, that the property shall be used for Short Term Rentals, including proof of receipt or rejection of said mailing by said adjacent property owners. Such notification shall be required for any renewal of said license. The address to be used for such written notification shall be the address on record with the Travis County Appraisal District for tax notifications.

**First of all Lago Vista and Lakeway do NOT require this. It's not necessary to require sworn affidavits and certified mailers. This is not needed, and again came from the lawsuit based Briarcliff model. I suggest deleting this!**

**If we have a STR license filed at the Village, our neighbors can get our information as needed from the City if ever needed. Again most of us are good responsible neighbors!**

**Plus this requires we send certified letters to our neighbors EVERY YEAR at renewals? This is not reasonable. Again, this should be deleted!**

- d. The number of bedrooms contained within the single family residence to be used for Short Term Rentals with the written commitment that the maximum number of occupants for overnight occupancy of the residence is 4 persons per bedroom.
- e. Proof that General Liability Insurance is currently in effect.

**Our liability insurance is personal and confidential. Is this even legal to ask for? In the bigger picture, if this is required then ALL Volente homeowners should be required to show proof of insurance. Otherwise this could be considered discriminatory? Again, Lago Vista and Lakeway do NOT require this. Actually Briarcliff does NOT even require this either. This should be deleted!**

- f. Any additional information on the application form promulgated by the Village, or as deemed necessary by the Village Administrator, or his designee, to process the application.
- g. The Village Administrator shall establish the forms and procedures for applying for the license on-line.
- h. Once the Village Administrator determines that the application is administratively complete, he/she is authorized to issue the Owner of a Short Term Rental a license for a period of one year.

**How much is the cost? Why just 1 year? Lakeway seems to charge \$50 for the initial 3 year license and charge \$25 for renewals.**

3. Parking by renters or their guests shall be limited to one-side of the right-of-way directly contiguous to the Short Term Rental, to the garage and to the driveway on the Short Term rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;
4. There shall be no signage or advertisement of the Short Term Rental Use displayed on the premises of the Short Term Rental property that is visible from the exterior of the house.

**Isn't there a sign ordinance in Volente already? Not sure why this is in here? This should be deleted. Again this came from the Briarcliff model. Lago Vista does NOT have this either.**

5. Holders of a Short Term Rental Use license shall comply and ensure that their tenants comply with all applicable City Ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.

**Please make sure this applies to ALL Volente homeowners and not just STR's. Otherwise this could be considered discriminatory.**

6. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a private or public nuisance. Nuisance is defined as an activity that unreasonably interferes with the normal use and enjoyment of properties beyond the boundaries of the Short Term Rental property.

**Please make sure this applies to ALL Volente homeowners and not just STR's. Otherwise this could be considered discriminatory.**

7. Licenses authorizing the use of single family residential properties as Short Term Rentals will be for a term of one year. Upon application for a renewal license, the license will automatically be renewed for an additional one year term unless the Owner of the Short Term Rental shall have been convicted of three or more violations of this ordinance by proceedings in the Village's Municipal Court.

**The compliance procedures need to be better defined! I been informed by one of the leading STR Property Managers on Lake Travis that ABSOLUTELY an independent 3rd party such as a Sheriff should verify any complaint and not neighbors or City Staff.**

**Apparently, something happened in another City on Lake Travis where a property owner was harassed by neighbors and the community. This one property owner accrued over \$18,000 in fines because there wasn't an independent way to verify the complaints filed. We must avoid the possibility of something like this happening in Volente!**

**I been informed there currently is a problem in Volente with having the Sheriff file a report. By chance has anyone contacted the Sheriff's office directly requesting implementing a policy to have a report created for any incident in Volente? Or ask the resident calling to request a report at that time. Seems this problem should be fixable somehow? And the Sheriff would be the most non-biased independent verification.**

**It seems 95% of all guests do not cause problems. In summary the compliance procedure should be outlined as follows: First the guest causing the problem should be directly contacted by the neighbor disturbed to resolve quickly. If this doesn't work, secondly the homeowner and / or property manager should be contacted to handle the problem. If there is no response within a reasonable amount of time from the owner or property manager IE: 1 hour. Then lastly, the Sheriff should be contacted to verify the problem and file a report.**

**It's only fair to have the problem guest notified as soon as possible to resolve, and the owner or manager then notified as well to resolve before a formal complaint is made. Again, we all want to be good, responsible and respectful neighbors!**

8. Any current license will automatically terminate upon the third conviction of a violation of the provisions of this Ordinance by proceedings in the Village of Volente Municipal Court. The Owner cannot apply for a new license under this Ordinance for a period of one year following termination of a license for three violations of the provisions of this Ordinance.
9. A license under this Ordinance is not transferable upon sale of the Short Term Rental Property.

## **Section 5. The Addition of Conditional Permitted Use to Zoning Categories**

**Not sure why there are so many paragraphs on CUP's? I thought Volente was requiring a simple STR Permit and not a CUP? Neither Lago Vista, Lakeway nor Briarcliff have all this lengthy language regarding CUP's?**

**Section 6. Penalty.**

An individual, business, entity, or person who violates this Ordinance or fails to comply with the conditions of a permit required by this Ordinance commits a Class C misdemeanor. A violation of this Ordinance is punishable by a fine of up to \$500.00 per violation. Each day of violation is a separate violation.

Regarding Class C Misdemeanor, not sure how that really works and the legality of putting this on the owner's record? It's the renter creating a violation and not the owner.

What happens with long term rentals when a long term renter creates a violation? Is the long term rental property owner liable as well? This doesn't seem fair and make sense to me but we haven't had an attorney review this language. I completely agree a fine could be justified. Just not sold on the method proposed. This should be revised!

Class C Misdemeanor sounds EXTREME...I had to look what that was online. A few examples of Texas Class C Misdemeanor's are: certain types of assault, aiding suicide, criminal mischief, reckless damage or destruction, criminal trespass, disorderly conduct, etc

Lago Vista seems to NOT use the language of Class C Misdemeanor. They just have a fine.

**Section 7 Severability.**

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

**Section 8 Effective Date.**

This Ordinance shall take effect immediately upon fulfillment of the public posting and newspaper publication requirements of Section 52.012 of the Local Government Code .

I suggest there is a clarification regarding existing operating STR's versus new STR applications. I suggest existing STR's have at least 90 days to complete such a complicated and challenging application process as currently proposed. If it's simplified to something like the Lago Vista or Lakeway Applications, then 30 to 60 days should be fine. This should be revised!

Lastly, I realize all this Ordinance is being created due to a couple of recent problem Short Term Rentals. It's a shame so much time, research, and money needs to be spent on an ordinance that really affects just a handful of properties in Volente. Hence it really needs to be SIMPLE!

Lago Vista is MUCH bigger City than Volente and their STR Ordinance is just 3 items. Actually, it's so short and simple, I included the entire Ordinance above!

In summary, Tom's UPDATED DRAFT is much better, but still too complicated. I hope my research and concerns noted in RED above are considered.

If by chance you have any questions or need anything else, I'm happy to help!

Thanks for your consideration and support,

Ed Ruegg,

16605 Jackson Street

Please read this letter into the record at the hearing on September 9, 2014. Thank you!

## TOM'S RESPONSES TO ED RUEGG'S COMMENTS

Please read this letter into the record at the hearing on September 9, 2014.

September 6, 2014

Dear Village of Volente Council and Planning & Zoning,

This is our revised letter based on "Clean Tom Version 6" UPDATED DRAFT Short Term Rental Proposed Ordinance received on September 5, 2014.

As for history, I'm a bit confused, I emailed Barbara some input on August 28th and August 30th based on my research to be shared with P&Z. It seems like P&Z did not take into consideration my suggestions which as a Community member is very disappointing.

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Barbara, based on the emails and detailed responses I received from your office over the past week (which I assume was composed with the input from you, P&Z and the City Attorney) I just wanted to make sure my **main concern** doesn't get lost as follows:

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IE: Lago Vista is only 3 paragraphs (see below) Lago Vista is very short and simple. This makes me question whether or not Briarcliff is the best model for our Volente Community?

### **LAGO VISTA - Short Term Ordinance**

#### Section 23 Short-Term Occupancy

- (1) Permit.
  - (a) Short-term occupancy is not permitted in any R-1 zoning district, the R-O, RR-A zoning districts or the R-2 zoning district, except with the approval of a short-term occupancy permit issued by the city.
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    - (ii) The number of maximum occupants requested.
    - (iii) The name of the property owner, agent(s) for the property owner, their contact information, [.]
    - (iv) The name(s) and phone number of any agent of the property owner that would manage and/or lease or rent the property [.]
    - (v) The property owner must sign the application.
- (2) Standards. All short-term occupancies shall comply with the following:
  - (a) The maximum number of persons that may be in the dwelling at any one time shall not exceed the number applied for in the permit.
  - (b) Parking. Two spaces per dwelling unit. See section 7.20(A). No parking shall be allowed in the street ROW or on an unimproved surface.
- (3) Violation and Penalty.
  - (a) It shall be a violation of this ordinance (Zoning) if short-term occupancy as defined in this chapter occurs and there is any other violation of the city code associated with the short-term occupancy, for instance noise ordinance violations, trash, or parking standard violations.

- (b) The property owner shall be held responsible for violations of this chapter.
- (c) The minimum fine for a violation of this section shall not be less than \$500.00 for the first violation, and not less than \$750.00 for the second and subsequent violations at the same property.

Based on the above, below is our review of "Tom Version 6" - Lastest Draft Ordinance along with our input in RED text.

**Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use and location Short Term Rentals.**

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.133 of the Village's Zoning Regulations are hereby amended to add Item (c) 17 and to define, place restrictions, and permitting process and requirements upon Short Term Rentals, which are defined and restricted as follows:

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1. All structures used for Short Term Rentals shall comply with all applicable regulations and ordinances of the Village of Volente;
2. The Application for a Short Term Rental License shall include the following:
  - a. A written verification from the owner of the real property verifying the property will be used for Short Term Rentals;
  - b. A legible copy of the completed and file stamped Texas Questionnaire for Hotel Occupancy tax filed with the appropriate authority;

Per my phone conversation with the Texas Comptroller Office last week they were confused as to why any City would ask for this. Hence, if Volente chooses to ask for Tax Payment verification, it should be simpler for all the existing Hotel Tax paying owners. IE: Just ask for our Hotel Tax ID number, or even copy of last paid quarterly Hotel Tax bill. Lago Vista and Lakeway Ordinances do NOT require this Questionnaire at all. (NOTE: This question came up based on using Briarcliff as the model) I suggest deleting this!

In the bigger picture, if it's the intent for Volente to make sure we pay our taxes, then Volente should make sure all Volente homeowners pay their County Property taxes as well. This is only fair?

**SINCE VOLENTE DOES NOT HAVE A HOTEL OCCUPANCY TAX, THIS CAN BE ELIMINATED.**

c. A sworn affidavit by the owner of the property to be used for Short Term Rentals that written notification by mail via the United States Postal Service, certified mail, return receipt requested and by first class mail to all owners of real property within 200 feet of the property to be used for Short Term Rentals that the owner has applied for a license hereunder, and if the license is granted, that the property shall be used for Short Term Rentals, including proof of receipt or rejection of said mailing by said adjacent property owners. Such notification shall be required for any renewal of said license. The address to be used for such written notification shall be the address on record with the Travis County Appraisal District for tax notifications.

First of all Lago Vista and Lakeway do NOT require this. It's not necessary to require sworn affidavits and certified mailers. This is not needed, and again came from the lawsuit based Briarcliff model. I suggest deleting this!

If we have a STR license filed at the Village, our neighbors can get our information as needed from the City if ever needed. Again most of us are good responsible neighbors!

Plus this requires we send certified letters to our neighbors EVERY YEAR at renewals? This is not reasonable. Again, this should be deleted!

**I AM FINE WITH ELIMINATING THE CERTIFIED MAIL REQUIREMENT AND JUST HAVE AN AFFIDAVIT FROM THE APPLICANT THAT HE/SHE/IT HAS NOTIFIED ALL LANDOWNERS WITHIN 200 FEET OF THE PROPERTY BY REGULAR MAIL OR E-MAIL. THE 200 FEET REQUIREMENT IS THE SAME NOTICE REQUIREMENT AS A ZONING CHANGE. SINCE THIS REALLY IS A CHANGE IN LAND USE, I THINK THE 200 FOOT NOTICE MAKES A LOT OF SENSE. THE NOTICE REQUIREMENT CAN BE ELIMINATED ON RENEWAL LICENSES.**

- d. The number of bedrooms contained within the single family residence to be used for Short Term Rentals with the written commitment that the maximum number of occupants for overnight occupancy of the residence is 4 persons per bedroom.
- e. Proof that General Liability Insurance is currently in effect.

Our liability insurance is personal and confidential. Is this even legal to ask for? In the bigger picture, if this is required then ALL Volente homeowners should be required to show proof of insurance. Otherwise this could be considered discriminatory? Again, Lago Vista and Lakeway do NOT require this. Actually Briarcliff does NOT even require this either. This should be deleted!

**THIS IS AN OPTIONAL REQUIREMENT**

f. Any additional information on the application form promulgated by the Village, or as deemed necessary by the Village Administrator, or his designee, to process the application.

g. The Village Administrator shall establish the forms and procedures for applying for the license on-line.

h. Once the Village Administrator determines that the application is administratively complete, he/she is authorized to issue the Owner of a Short Term Rental a license for a period of one year.

How much is the cost? Why just 1 year? Lakeway seems to charge \$50 for the initial 3 year license and charge \$25 for renewals.

**THE PERIOD FOR THE LICENSE IS OPTIONAL. YOU MAY WANT TO CONSIDER 1 YEAR FOR THE INITIAL LICENSE PERIOD AND 3 TO 5 YEARS FOR RENEWAL LICENSES**

3. Parking by renters or their guests shall be limited to one-side of the right-of-way directly contiguous to the Short Term Rental, to the garage and to the driveway on the Short Term rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;

4. There shall be no signage or advertisement of the Short Term Rental Use displayed on the premises of the Short Term Rental property that is visible from the exterior of the house.

Isn't there a sign ordinance in Volente already? Not sure why this is in here? This should be deleted. Again this came from the Briarcliff model. Lago Vista does NOT have this either.

**MOST CITIES REQUIRE THIS TO PROTECT THE SINGLE FAMILY RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. THIS SAME PROVISION USUALLY APPEARS IN ORDINANCES REGULATING "IN HOME" BUSINESSES.**

5. Holders of a Short Term Rental Use license shall comply and ensure that their tenants comply with all applicable City Ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.

Please make sure this applies to ALL Volente homeowners and not just STR's. Otherwise this could be considered discriminatory.

**ALL HOMEOWNERS ARE REQUIRED TO COMPLY. I HAVE NO PROBLEM WITH PROVIDING LANDOWNERS WHO RENT OUT THEIR PROPERTIES ON A LONG TERM BASIS HAVE TO ENSURE THEIR TENANTS COMPLY ALTHOUGH AS THE LANDOWNER, THEY ARE ALREADY JOINTLY AND SEVERALLY LEGALLY LIABLE WITH THEIR TENANTS IF THEIR TENANTS DO NOT COMPLY.**

6. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a private or public nuisance. Nuisance is defined as an activity that unreasonably interferes with the normal use and enjoyment of properties beyond the boundaries of the Short Term Rental property.

Please make sure this applies to ALL Volente homeowners and not just STR's. Otherwise this could be considered discriminatory.

**DITTO TO 5**

7. Licenses authorizing the use of single family residential properties as Short Term Rentals will be for a term of one year. Upon application for a renewal license, the license will automatically be renewed for an additional one year term unless the Owner of the Short Term Rental shall have been convicted of three or more violations of this ordinance by proceedings in the Village's Municipal Court.

The compliance procedures need to be better defined! I been informed by one of the leading STR Property Managers on Lake Travis that ABSOLUTELY an independent 3rd party such as a Sheriff should verify any complaint and not neighbors or City Staff.

Apparently, something happened in another City on Lake Travis where a property owner was harassed by neighbors and the community. This one property owner accrued over \$18,000 in fines because there wasn't an independent way to verify the complaints filed. We must avoid the possibility of something like this happening in Volente!

I been informed there currently is a problem in Volente with having the Sheriff file a report. By chance has anyone contacted the Sheriff's office directly requesting implementing a policy to have a report created for any incident in Volente? Or ask the resident calling to request a report at that time. Seems this problem should be fixable somehow? And the Sheriff would be the most non-biased independent verification.

It seems 95% of all guests do not cause problems. In summary the compliance procedure should be outlined as follows: First the guest causing the problem should be directly contacted by the neighbor disturbed to resolve quickly. If this doesn't work, secondly the homeowner and / or property manager should be contacted to handle the problem. If there is no response within a reasonable amount of time from the owner or property manager IE: 1 hour. Then lastly, the Sheriff should be contacted to verify the problem and file a report.

It's only fair to have the problem guest notified as soon as possible to resolve, and the owner or manager then notified as well to resolve before a formal complaint is made. Again, we all want to be good, responsible and respectful neighbors!

**THIS IS NOT A COMPLAINT BASED COMPLIANCE PROCEDURE. CONVICTION BY THE MUNICIPAL COURT BY JUDGE OR JURY FOLLOWS A DUE PROCESS TRIAL AND EVIDENCE BEYOND A REASONABLE DOUBT. AS I STATED AT THE LAST MEETING, THERE ARE FOUR LEVELS OF PROTECTION FOR THE LANDOWNER. FIRST, THE COMPLAINANTS HAVE TO CONVINCED VILLAGE STAFF THAT THERE HAS BEEN A VIOLATION OF THE ORDINANCE, THEN THE PROSECUTOR FOR THE VILLAGE WILL HAVE TO BE CONVINCED HE/SHE CAN PROVE A VIOLATION BEYOND A REASONABLE DOUBT. THIRD A JUDGE OR JURY AFTER HEARING THE EVIDENCE HAS TO BE CONVINCED BEYOND A REASONABLE DOUBT. FINALLY, THE LANDOWNER MUST BE CONVICTED OF THREE OR MORE VIOLATIONS OF THIS ORDINANCE.**

8. Any current license will automatically terminate upon the third conviction of a violation of the provisions of this Ordinance by proceedings in the Village of Volente Municipal Court. The Owner cannot apply for a new license under this Ordinance for a period of one year following termination of a license for three violations of the provisions of this Ordinance.

9. A license under this Ordinance is not transferable upon sale of the Short Term Rental Property.

#### Section 5. The Addition of Conditional Permitted Use to Zoning Categories

Not sure why there are so many paragraphs on CUP's? I thought Volente was requiring a simple STR Permit and not a CUP? Neither Lago Vista, Lakeway nor Briarcliff have all this lengthy language regarding CUP's?

**YOU CAN ELIMINATE AND IT WILL APPLY TO ALL ZONING CATEGORIES. THIS WAS AN EFFORT TO ADDRESS REDMOND'S COMMENTS THAT IT SHOULD BE LIMITED TO RESIDENTIAL ZONING DISTRICTS.**

#### Section 6. Penalty.

An individual, business, entity, or person who violates this Ordinance or fails to comply with the conditions of a permit required by this Ordinance commits a Class C misdemeanor. A violation of this Ordinance is punishable by a fine of up to \$500.00 per violation. Each day of violation is a separate violation.

Regarding Class C Misdemeanor, not sure how that really works and the legality of putting this on the owner's record? It's the renter creating a violation and not the owner.

What happens with long term rentals when a long term renter creates a violation? Is the long term rental property owner liable as well? This doesn't seem fair and make sense to me but we haven't had an attorney review this language. I completely agree a fine could be justified. Just not sold on the method proposed. This should be revised!

Class C Misdemeanor sounds EXTREME...I had to look what that was online. A few examples of Texas Class C Misdemeanor's are: certain types of assault, aiding suicide, criminal mischief, reckless damage or destruction, criminal trespass, disorderly conduct, etc

Lago Vista seems to NOT use the language of Class C Misdemeanor. They just have a fine.

**A CLASS C MISDEMEANOR IS THE LEAST SERIOUS CRIMINAL OFFENSE. FINES ARE ASSESSED IN CRIMINAL PROCEEDINGS. MUNICIPAL COURTS ONLY HAVE CRIMINAL JURISDICTION. I HAVE NO IDEA WHY LAGO DOES NOT IDENTIFY WHAT TYPE OF CRIME THIS IS, BUT IT WOULD BE CONSIDERED A TYPE C MISDEMEANOR IF THEY IDENTIFIED THE TYPE OF CRIME THIS FINE IS FOR.**

**Section 7 Severability.**

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

**Section 8 Effective Date.**

This Ordinance shall take effect immediately upon fulfillment of the public posting and newspaper publication requirements of Section 52.012 of the Local Government Code .

I suggest there is a clarification regarding existing operating STR's versus new STR applications. I suggest existing STR's have at least 90 days to complete such a complicated and challenging application process as currently proposed. If it's simplified to something like the Lago Vista or Lakeway Applications, then 30 to 60 days should be fine. This should be revised!

**THE COUNCIL CAN MAKE IT EFFECTIVE ON ANY DATE IT CHOOSES AFTER THE PUBLIC POSTING AND NEWSPAPER PUBLICATION REQUIREMENTS ARE SATISFIED.**

Lastly, I realize all this Ordinance is being created due to a couple of recent problem Short Term Rentals. It's a shame so much time, research, and money needs to be spent on an ordinance that really affects just a handful of properties in Volente. Hence it really needs to be SIMPLE!

Lago Vista is MUCH bigger City than Volente and their STR Ordinance is just 3 items. Actually, it's so short and simple, I included the entire Ordinance above!

**JUST PROVES MY POINT THAT THERE ARE MANY WAYS TO HANDLE THIS ISSUE. JONESTOWN AND LAGO VISTA ARE REPRESENTED BY THE SAME LAW FIRM BUT THE JONESTOWN CITIZENS ARE APPARENTLY MUCH MORE CONCERNED ABOUT SHORT TERM RENTALS THAN THE LAGO VISTA CITIZENS.**

In summary, Tom's UPDATED DRAFT is much better, but still too complicated. I hope my research and concerns noted in RED above are considered.

If by chance you have any questions or need anything else, I'm happy to help!

Thanks for your consideration and support,

Ed Ruegg,

16605 Jackson Street

Please read this letter into the record at the hearing on September 9, 2014. Thank you!

## Barbara Wilson

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**From:** Allison Thrash <allisonthrash@gmail.com>  
**Sent:** Friday, September 19, 2014 4:47 PM  
**To:** lreed  
**Cc:** Barbara Wilson  
**Subject:** Re: Short Term Rentals

Dear Linda,

Thank you so much for your letter. Your points are well stated and important. I have forwarded your letter to our Village Administrator with the request that she include your letter in the packet received by every Council member in preparation for next Tuesday's Council meeting.

The Council meeting will be at 7:00 p.m. next Tuesday, September 23, at the Village Office. I really encourage you and any like-minded persons to attend this meeting. I will be attending it, too. This really is a time when the Council needs to hear from citizens such as yourself.

Thank you so much for writing, Linda.

Very best to you,  
Allison

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPhone

On Sep 19, 2014, at 4:28 PM, "lreed" <[lreed@wreed.com](mailto:lreed@wreed.com)> wrote:

Dear Allison Thrash,

I am writing to ask that all Short Term Rentals that are located in residential areas be put to a halt. It is my understanding that one of the main responsibilities of the council is to uphold the ordinances, such as zoning. I am curious as to why we have anyone operating a business in a R-1 zoned area? Other than the **obvious and simple reason that it is against the current and established ordinances**, I am including some other reasons as to why all STRs should be stopped and why no ordinance to allow them should be implemented.

1. **No infrastructure**- We have no police force. Many of the renters that come here are aware of this and behave recklessly with extremely uncivil manners. When a deputy sheriff was recently called to quiet down noisy, drunken renters, nothing changed. The music only got louder when law enforcement left in retaliation for having been called on. The rental property did not quiet down until approximately 3:00 am Sunday morning. I do not want to pay for a police force and a jail to protect our families from STR's.
2. **Septic System abuse**- too many people are crowding into homes that were built for a single family use. As I was looking through advertisements for rentals in Volente, I was shocked to find the following rentals:

3 bedrooms, 2 bath holds up to 10 people,  
5 bedrooms, 3 bath holds up to 21 people,  
8 bedrooms, 3 bath holds up to 16 people,  
2 bedrooms, 1 bath holds up to 6 people,  
2 bedrooms, 2 bath holds up to 6 people, and  
one property has four homes and advertises for 34 people.

Are we naïve enough to believe that the septic systems will support that many renters?  
Perhaps we should ask LCRA to inspect these residential septic systems? Overflow from STR  
septic systems is very dangerous to Lake Travis and to the water supply many of us use in our  
homes.

3. **The Village of Volente touts itself as being a family oriented community.** STR is a business and does not complement the family atmosphere the village intends to continue and further develop. Many STRs are not considerate of neighbors and will/are ruining the family atmosphere of permanent residents in Volente.
4. **Risks are too great-** these STR's invite criminal activity such as trafficking of drugs and perhaps sex into our neighborhoods. A hand gun was discovered in a rental property, suggesting not only irresponsible gun ownership but danger and said illegal activity. Why would a renter need a firearm in Volente?
5. **Property values will be reduced** and make homes more difficult to market if you happen to live next to an out of control STR property.
6. **Council responsibility, willingness to act, integrity and reason to exist.** I would like to believe I am protected by my council and the ordinances that are in place.

I urge you to protect our village and please put a stop to STR's. Living next to a short term rental property may be the same as having a party barge parked next to your home weekend after weekend.

Thank you for your consideration in this very important issue.

Sincerely,

Linda Reed

7400 Reed Drive

Volente, Texas 78641

## Barbara Wilson

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**From:** Allison Thrash <allisonthrash@gmail.com>  
**Sent:** Friday, September 19, 2014 12:43 PM  
**To:** Barbara Wilson  
**Cc:** Frederick Graeber; Judy Graci; Kit Hopkins  
**Subject:** Fwd: Follow-Up... STR

Barbara, here fs some more from Linda Attwood cthank you!

Begin forwarded message:

**From:** Linda Attwood <[LNixon7491@aol.com](mailto:LNixon7491@aol.com)>  
**Subject:** Re: Follow-Up... STR  
**Date:** September 12, 2014 at 2:15:26 PM CDT  
**To:** Allison Thrash <[allisonthrash@gmail.com](mailto:allisonthrash@gmail.com)>

Hi Allison, Thank you for letting me know that you are hearing me. Scott is wondering why the Village of Volente does not just enforce the single family zoning ordinance. It is imperative that there be no adoption of STR ordinances permitting such an activity because you are then potentially opening the village up to lawsuits by residents who want to protect their right to the peaceful uninterrupted use of their property with no nuisance next door to their residence. This is what the zoning ordinance does if the Mayor and Council would just enforce it. We were here first before these STRs came along. We can not have these large compounds/residences operating as vacation rentals. There is no way I am going to put up with a minimum of 20 people on one side of me and a minimum of 52 on the other side of me. They always rent over the allowed. I just talked with a neighbor and they said there were about 60 people on Ed fs property a couple weeks ago for a wedding rehearsal dinner. Thank you for all you are doing for the families living here in Volente.  
Linda Attwood

On Sep 11, 2014, at 11:25 PM, Allison Thrash <[allisonthrash@gmail.com](mailto:allisonthrash@gmail.com)> wrote:

Hello Linda,

Thank YOU for this letter, as well as your previous statements and testimony on the extremely negative impact your family and all the families on Jackson Street have experienced from the activities at Ed Ruegg's and Mario Mendias' residences. I am asking our City Administrator, Barbara Wilson, to have your letter (and others) distributed to the Mayor and all Council members and to P&Z Commissioners.

I am so sorry that these property owners have not responded positively/helpfully to your requests for peace and quiet and safety and general good neighborliness. And it appears that Roe Fleenor and his neighbors are

experiencing the same difficulties as you folks on Jackson Street, only this time it is near Brandy Way with Rick Redmond's and Travis Hollman's residences.

You and others make a good point regarding the existing exclusion of STR's in R-1 zoned neighborhoods. And I believe all three residences were not operating as STR's prior to the Village's incorporation. It is my understanding that the Mayor and Council are presently looking into this very issue with the Village's Counsel.

As you know, last Tuesday evening the Commission sent its recommendation of a draft ordinance to Council on the regulation of STR's in the Village, along with a recommendation for the creation of an Ad Hoc Committee regarding STR's that would include all stakeholders.

The Mayor and Council will meet Tuesday, September 23, at 7:00 p.m. Now there may be action on this issue sooner than September 23 (I do not know...but if there is, I am sure you will be apprised.), but I certainly encourage you to attend this Council meeting with as many advocates of your position as possible. You are correct in that there are also many advocates for having STR's in R-1 districts and, as you know, they certainly bring as many advocates of their position to our meetings.

I personally want to thank you for your patience with this process and particularly your written and oral testimony and your photographic documentation of the activities on Jackson Street. It has all proven to be extremely helpful.

Thank you for writing me, Linda, and please do not hesitate to do so again on any issue of which I can be of service. Meanwhile, I do hope the school year has gotten off to a great start for you all.

Thank you again,  
Allison  
Chair, Planning & Zoning Commission  
Village of Volente

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPad

On Sep 10, 2014, at 9:31 AM, Linda Attwood  
<[LNixon7491@aol.com](mailto:LNixon7491@aol.com)> wrote:

Hi Allison, Thank you for all that you are doing for this community. I am writing in reference to the Proposed Short Term Rental Ordinance. I noticed immediately that there is a paragraph regulating the number of people that can stay in a bedroom. First, I do not know where someone came up with 4 people per bedroom. The STR next to me has 5 technical bedrooms according to LCRA. So you are saying that he can have more

people staying there than he normally has now. Each bedroom has a bed for 2 people not 4. Are you saying that STR operators can squeeze more beds in bedrooms to house more people. That is how I am reading it. What constitutes a bedroom? What about all the futons that Ed Ruegg has in his living areas that people sleep on. Ed Ruegg advertises 2 people per bedroom and Mario Mendias does also. But for some reason the Village wants to allow more and encourage more noise and nuisance by allowing more people per bedroom than what they have been doing. I do not get it. Please explain. David Springer made some good comments. We are in a residential area zoned R!. You can not operate STRs in this neighborhood. Mario fs septic system buzzer goes off a few times a weekend and now you want to encourage him to have even more bodies on his property. I do not get it.

Ed Ruegg fs STR each have 2 futons in each unit in the living area plus there are bedrooms. Just to give you an idea of how many strangers we would have coming down Jackson every week just with Ed Ruegg fs place and Mario Mendias. Ed fs would be 36 bodies not including the futons. There are 8 futons so add 16 more bodies to that and you have 52 bodies that you want to allow on Ed Ruegg fs property for his STR spending the night using the septic and creating all kinds of noise, traffic etc. That is crazy!!! That is just Ed fs place. Now throw in Mario fs 5 bedroom house that you want to allow at least 20 people to stay at and we have 72 strangers coming and going up and down Jackson Street as the full-time residents here on Jackson are trying to raise a family in this residential area. JACKSON STREET IS NOT ZONED FOR STR. These STRs are like hotels. I encourage the P&Z board to come over to Jackson Street and view Ed Ruegg fs property to get an idea of what the P&Z is encouraging and promoting.

This is seriously jeopardizing the residents ability to ride their bike, exercise, etc. on what was once a residential street. Jackson Street should remain residential.

If this is the route the village is going to take protecting and encouraging these short term rentals at the single family taxpayers expense - it is not right.

Please give careful consideration and review to what you all are proposing as the P&Z board. Please remember that you are hearing from the people trying to generate as much money as possible from their piece of real estate that is located in a residential area. These landowners are not even living here putting up with the noise, strangers, safety issues, etc. that we have to deal with from their business of vacation rentals.

Sincerely,

Linda Attwood

On Aug 12, 2014, at 11:07 PM, Allison Thrash  
<[allisonthrash@gmail.com](mailto:allisonthrash@gmail.com)> wrote:

Heya...Barbara can fill in the details, of course, but the Commissioners agreed to meet Tuesday, August 26, so that P&Z can review/recommend to Council an Ordinance regulating Short-Term Rentals...you folks have been through hell and hopefully relief will be soon...thank you so much for your help on crafting a solution...best to you and your family...Allison

(512) 825-1314  
Allison Thrash  
Labrador Hill Music  
Head On Records  
Sent from my iPad

Linda Attwood  
[LNixon7491@aol.com](mailto:LNixon7491@aol.com)

Linda Attwood  
[LNixon7491@aol.com](mailto:LNixon7491@aol.com)

## Barbara Wilson

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**From:** Barbara Wilson <city.admin@volentetexas.gov>  
**Sent:** Wednesday, September 17, 2014 8:41 AM  
**To:** 'Linda Attwood'  
**Subject:** RE: Short Term Rentals in Volente

Linda

Since it is at the council stage now and set for public hearing on Sept 23rd I have printed this and I will put it in the council package. Thank you for all of your efforts in this matter.

Barbara Wilson  
City Administrator  
Village of Volente  
16100 Wharf Cove  
Volente, Texas 78641  
512-250-2075

Please note our new email address: [city.admin@volentetexas.gov](mailto:city.admin@volentetexas.gov) Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

**ATTENTION PUBLIC OFFICIALS!**

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

This message (and attachments) is intended solely for use by the designated recipient(s) and may contain privileged, proprietary or otherwise confidential information. If you are not the intended recipient or have received this message in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.

-----Original Message-----

**From:** Linda Attwood [<mailto:LNixon7491@aol.com>]  
**Sent:** Tuesday, September 16, 2014 11:59 PM  
**To:** Allison Thrash  
**Cc:** Dori Witt; Sra57 Attwood; Ken Beck; Barbara Wilson  
**Subject:** Short Term Rentals in Volente

Hi Allison, I am not sure if the P&Z is aware of the communities very close to us that do not allow Short Term Rentals in their community. Twin Creeks does not allow Short Term Rentals. They do not even allow you to rent a room out in your house. River Place does not allow Short Term Rentals. Even closer is the Village of Volente Subdivision "Phase 1, 2 and 3 HOA. These Subdivision Covenants are available at the Volente Village offices. Article IV Residential Restrictions 4.01 Residential Use. All Lots shall be improved and used solely for single family residential use inclusive of a garage, fencing and such other improvements as are necessary or customarily incident to residential use. It also states in these restrictive covenants that you can rent your residence out for residential purposes only. Under Article III General Restrictions 3.06 Noise. No exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) shall be located, used or placed on any of the Property. No noise or other nuisance shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to any other portion of the Property or its occupants.

One side of Jackson Street is protected by these covenants and the other side is not. I urge the P&Z to recommend to Council that there be a town hall mtg. to get the citizen input on this very important issue that will affect

everyones quality of life here in Volente. Adopting a Short Term Rental Ordinance is not protecting our quality of life here in Volente. It is not enhancing our quality of life here in Volente. It is hurting our quality of life here in Volente. There is a reason why a lot of communities do not allow Short Term Rentals. They care about their quality of life and their neighbor. The people that live in the Village of Volente Subdivision Phase 1, 2, and 3 are already protected from whatever the village decides. The rest of us are not. You are only hearing from the people that have not had experience with Short Term Rentals next door to them. You are only hearing from the operators of the Short Term Rentals here in Volente. Of course they want to continue what they are doing-it is a cash cow business for them in a residential area.

Ed Ruegg has had his houses for sale here on Jackson Street for a few years. He is only interested in the Short Term Rental Ordinance because he thinks it is going to convey with the sale of his property. It does not convey according to our ordinances in place before he purchased here in Volente. Those homes were not Short Term Rentals prior to him purchasing them and they are in a residential area. Mr. Anger has his property for sale next to Ed's Ruegg's 5 Short Term Rentals. Do you think it is an asset or liability to Mr. Anger as he is trying to sell his home which is located next to 5 Short Term Rentals and then on top of that have Mario Mendias's Short Term Rental one house away? This Short Term Rental issue should definitely be made aware of to all the residents of Volente. There should be a mail out or mass email to every property owner in Volente. THIS IS TOO IMPORTANT AN ISSUE TO NOT MAKE EVERYONE IN VOLENTE AWARE OF IT AND GET THEIR THOUGHTS AND CONCERNS.

Linda Attwood  
LNixon7491@aol.com



## Village of Volente Authorized Signatories

City Officials authorized to commit funds and approve expenditures for the Village of Volente:

Name	Official Capacity	Signature	Effective Date
Frederick Graber	Mayor		
Mark Scott	Mayor Pro-Tem		
Ken Beck	Council Member		
Barbara Yarbrough	Council Member		
Judy Graci	Council Member		
Jan Yenawine	Council Member		
Barbara Wilson	City Administrator		

Official Capacity	Expenditure Monetary Limit (1)	Check Signer Monetary Limit (2)	Other Bank Transactions Monetary Limit (3)
Mayor	\$1,000.00	\$1,000.00	Jointly only
Mayor Pro-Tem	\$1,000.00	\$1,000.00	Jointly only
Council Member	None	None	None
City Administrator	\$1,000.00	None	None
City Secretary	\$100.00	None	None

- (1) To commit funds and approve expenditures over \$500.00 requires two signatories to approve with one being the Mayor or Mayor Pro-Tem.
- (2) For checks with the total amount over \$1,000.00, two authorized signatures are required on the check.
- (3) All "Other Bank Transactions", wire transfers, EFT's and E-checks require the approval and authorization of the Mayor and Mayor Pro-Tem prior to execution.

Approved by:

Attested by:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Secretary

## Village of Volente Boards & Commissions Application

Please check appropriate boxes. If applying for more than one board, please use numbers to rank your board preference using # 1 as your first choice, # 2 as second choice, etc.

- Board of Adjustments Committee
- Planning and Zoning Commission

### PERSONAL INFORMATION

Name: Jeff Browning  
Home Address: 15811 Booth Circle  
City: Volente  
Home Phone: (512) 992-1045  
Cell Phone: (512) 970-4279  
Email Address: JMB9320E Yahoo.com  
Do you live inside the Village of Volente Limits  
 Yes 5 years  No

### OCCUPATIONAL INFORMATION

Business Name: Austin Ventures  
Occupation: Partner  
Address: 300 W. Sixth St., Ste 2300  
City: Austin, 78701  
Phone: \_\_\_\_\_  
Business Owner  Yes  No  
Additional Information \_\_\_\_\_

List experience, training, skills or interests you believe qualify you for membership on this Board or Commission. Please use back of Application if additional space needed.

- Analytical, Common Sense approach to problem solving.
- 30 Years business experience
- Extensive leadership experience including current Vice Chairman of the Greater Austin Chamber of Commerce

Current Board Member  Yes  No

Serving On: Finance SubCommittee

Signature Jeff Browning Date 8/29/14

Submit applications with a resume and letter of interest to:

Jennifer Zufelt, City Secretary  
15403 Hill Street  
Volente, Texas 78641  
512-250-2075  
email: volente@villageofvolente-tx.gov

# Volunteer Application

## Village of Volente



### Contact Information

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

### Availability

During which hours are you available for volunteer assignments?

- Weekday mornings       Weekend mornings  
 Weekday afternoons       Weekend afternoons  
 Weekday evenings       Weekend evenings

### Interests

Tell us in which areas you are interested in volunteering

- Parks and Trails  
 Roads and Drainage  
 Events  
 Fire Department  
 Grants  
 Public Safety  
 Finance  
 Economic Development  
 Government Relations  
 Environment

### Declaration

I affirm that I have not been convicted of a felony under the laws of the State of Texas or Travis County.

### Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

--

### Previous Volunteer Experience

Summarize your previous volunteer experience.

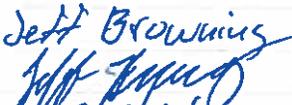
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### Person to Notify in Case of Emergency

Name	Penny Wilson
Street Address	15811 Booth Circle
City ST ZIP Code	Volente, TX 78641
Home Phone	512 992-1045
Work Phone	Cell 512 785-8989
E-Mail Address	

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Jeff Browning
Signature	
Date	9/8/14

### Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us.