

**THE VILLAGE OF SAN LEANNA**

**AGENDA**

Regular Board of Aldermen Public Meeting & Public Hearing

Thursday, November 19, 2020

7:00 p.m. – Videoconference

**MEETING PARTICIPATION DETAILS:**

Topic: Regular Meeting – Board of Aldermen – November 2020

Time: November 19, 2020 7:00 PM Central Time

<https://zoom.us/join>

Meeting number (access code): **569 550 2741**

Meeting password: **112020**

Dial in by phone: **1-346-248-7799**

Meeting number (access code): **569 550 2741**

Meeting password: **112020**

**A. MEETING CALLED TO ORDER**

Roll call

Approval of minutes: Regular B of A Meeting & Public Hearing.....October 15, 2020

**B. CITIZENS' COMMUNICATION**

1. Citizen Communication

**C. PUBLIC HEARING**

1. Presentation of information concerning request for a variance to Zoning Ordinance No. 13-001 allowing the placement of a portable accessory structure within 10' of the property line at 605 River Oaks Dr.
2. Citizen Comments.

**\*\* NO ACTION MAY BE TAKEN AT A PUBLIC HEARING \*\***

**\*\* RESUME REGULAR MEETING \*\***

**D. ITEMS SCHEDULED FOR ACTION**

1. Consideration of information concerning request for a variance to Zoning Ordinance No. 13-001 allowing the placement of a portable accessory structure within 10' of the property line at 605 River Oaks Dr.
2. Discussion and possible consideration of the Financial Policy for the Village of San Leanna.
3. Discussion and possible action regarding request for annexation of Tunnel Trail for maintenance purposes.
4. Discussion and possible action regarding the selection of new or additional engineering services in the Village of San Leanna.
5. Consideration to define and appoint a Citizen's Committee.
6. Review and approve amended financial reports from FY 2019-2020, small categorization corrections only.
7. Review and approve financial report for October 2020.
8. Consideration of cancellation of December Board of Aldermen meeting.

## **E. ITEMS FOR DISCUSSION**

## **F. REPORTS AND INFORMATION**

1. **Mayor's Report**..... Updates re: meeting/symposium attendance
2. **Zoning Report**..... Certificate of Occupancy: 11413 Chapel: Adding electrical to accessory bldg.  
New building permits: 11500 Hunting Creek: inground pool  
Active Building permits: 605 Redbud Trail: remodel with elec/plumbing, 11906 Bluebonnet : remodel with HVAC, elec/ plumbing, 500 River Oaks: inground pool, 500 River Oaks: electrical added to accessory bldg., 715 River Oaks : private residence, 11511 Hunting Creek: inground pool, 11505 Sombrero Dr.: add accessory bldg. with elec/plumbing, 405 San Leanna Dr. : accessory bldg., updated with elec, plumbing, 609 Redbud trail: remodeling with elec/plumbing
3. **Administrative Report**... surveys/reports, administrative updates, complaint updates
4. **Roads**..... Current road maintenance needs, road improvement projects, street signs, speed humps
5. **Public Affairs**..... newsletter, Community events
6. **Public Safety**..... Neighborhood Watch, NNO, public safety information, street lights
7. **Water**..... Water system info, drought status, Burn Ban info
8. **Environmental**..... Tree Care Program, mowing/trimming, trash/recycling, burn piles, drainage info, flood prevention

## **G. ADJOURNMENT TO EXECUTIVE SESSION**

1. Council will meet in Executive Session to discuss performance reviews and personnel matters per Section 551.074 of the Open Meetings Act.

## **H. RESUME REGULAR MEETING**

1. Possible action pertaining to personnel matters discussed in executive session.

## **I. ADJOURNMENT**

**\*\* ALL ITEMS SPECIFICALLY MENTIONED SEPARATE FROM EXECUTIVE SESSION  
MAY HAVE ACTION TAKEN \*\***

The Board of Aldermen of the Village of San Leanna reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

Posted \_\_\_\_\_ November 16, 2020

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Rebecca Howe, Village Administrator

**THE VILLAGE OF SAN LEANNA  
MINUTES**

Regular Board of Aldermen Public Meeting & Public Hearings  
Thursday, October 15, 2020  
7:00 p.m. – Videoconference

**A. MEETING CALLED TO ORDER**

Present: Molly Quirk, Helen Rockenbaugh, Becky Mullan, Charlie Burks, Danny Villarreal, Mary Wright

Danny Villarreal moved to approve minutes of Regular B of A Meeting on September 17, 2020 with a correction to a council member's name; Mary Wright seconded; motion carried with a vote of 5 in favor – 0 opposed.

**B. CITIZENS' COMMUNICATION**

1. Helen Rockenbaugh addressed the need for removal of the pecan tree located in the drainage ditch on Sunset Dr and sign bump warning signs for newly installed speed bumps.

**C. PUBLIC HEARING**

1. Mayor Quirk opened the public hearing. Council reviewed information concerning request for a variance to Zoning Ordinance No. 13-001 allowing the placement of a portable accessory structure within 10' of the property line at 605 River Oaks. Dr. Don Nyland stated that the Zoning Committee was unable to offer a recommendation as they were missing two neighbor responses and had general questions about utility easements and whether a letter from the local utility companies should be required.

Mayor Quirk closed the public hearing.

**D. ITEMS SCHEDULED FOR ACTION**

1. No action was taken on request for a variance to Zoning Ordinance No. 13-001 allowing the placement of a portable accessory structure within 10' of the property line at 605 River Oaks. Council stated that a letter from PEC would not be required as it had not been required for previous variance requests. The resident agreed tentatively to moving the gazebo 5' from the property in respect to the public utility easement. Variance consideration was extended to the November meeting.
2. No action was taken on the Financial Policy and Investment Policy for the Village of San Leanna as the documents were not ready at the time of the meeting.

Danny Villarreal moved to extend the Build Central Texas Interlocal Agreement between Capital Metro and the Village of San Leanna through September 30, 2021; Charlie Burks seconded; motion carried with a record vote of 5 in favor – 0 opposed.

3. After a short discussion, Danny Villarreal moved to table the placement of speedbump on Chapel Lane near Indian Tree Trail/Hunting Creek Dr/Ridge Dr. until more information was obtained from surrounding residents; Charlie Burks seconded; motion carried with a vote of 5 in favor – 0 opposed.
4. Council reviewed pictures and price quotes for the Rose Creek model playscape for the Jim Payne park. Danny Villarreal moved to approve purchase of playscape for Jim Payne Park; Helen Rockenbaugh seconded; motion carried with a vote of 5 in favor – 0 opposed.
5. Charlie Burks moved to designate, by Resolution, Hays Free Press as official newspaper for publication of Village of San Leanna's required notices. Helen Rockenbaugh seconded; motion carried with a vote of 5 in favor – 0 opposed.
6. Charlie Burks moved to approve the September 2020 financial report; Mary Wright seconded; motion carried with a vote of 5 in favor – 0 opposed.

#### **E. ITEMS FOR DISCUSSION**

#### **F. REPORTS AND INFORMATION**

1. Mayor's Report: Mayor Quirk reported on growing COVID-19 numbers in the area.  
  
Linda Barrett reported on a very busy month with a new permit at 11906 Bluebonnet and existing permits at 500 River Oaks Dr, 715 River Oaks Dr, 11515 Hunting Creek Dr, 11505 Sombrero, 405 San Leanna Dr, 609 Redbud Trail, and 901 Sleepy Hollow Ln. Six more projects were pending approval for permits.
2. Administrative: Rebecca Howe reported that she would be beginning work on the audit box as well as ongoing projects. Byron Townsend's reported to Ms. Howe that a water truck was hooked up to a San Leanna water meter, stealing water, earlier that week. Council determined that a police report should be filed regarding the theft.
3. Roads: Danny Villarreal reported on potholes throughout the Village and updates on the Big Ditch project.
4. Public Affairs: Helen Rockenbaugh reported on the planned Halloween car parade and 50<sup>th</sup> Anniversary goody bags.
5. Public Safety: Becky Mullan reported touched on residents securing cars and belongings as well as the need for more street lights throughout the Village. Mrs. Mullan brought up the possibility of applying for grants related to traffic speed lights.
6. Water: Mary Wright reported on the drought status and the status of the water system. The Aquifer District had declared a Stage 2 Alarm Stage Drought Status with a mandatory 20% conservation period in place. The City of Austin was in Conservation Stage. Mary Wright reported that the water system was running smoothly and that well levels had fallen 10.3ft. since the previous month, to a level of 114.2 ft. The burn ban in effect and a service line had been repaired on Circle Dr.

7. Environmental: Charlie Burks reported that he had reviewed the Village trees with the arborist, Dane Avery, and had identified trees that were sick or that needed to be removed throughout the Village. There was a brief discussion of PEC tree trimming in the Village.

Council discussed ongoing issues with missed trash pick-up.

#### **G. ADJOURNMENT**

Charlie Burks moved to adjourn the meeting; Danny Villarreal seconded; meeting adjourned at 8:14 p.m.

**THE VILLAGE OF SAN LEANNA**  
**AGENDA**  
**PUBLIC HEARING OF THE ZONING COMMITTEE**  
**Thursday, November 19, 2020**  
**6:00 pm – Video Conference Call**

**MEETING PARTICIPATION DETAILS:**

Topic: Public Hearing – Zoning Committee– November 2020  
Time: November 19, 2020 6:00 PM Central Time

<https://zoom.us/join>

**Meeting number (access code): 569 550 2741**

**Meeting password: 112020**

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**A. MEETING CALLED TO ORDER**

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**B. PUBLIC HEARING**

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2. Citizen Comments.

**C. VOTE ON RECOMMENDATION**

**D. ADJOURNMENT**

Posted \_\_\_\_\_ Monday, November 16, 2020

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Rebecca Howe  
Village Administrator

**September 25, 2020**

**To: Zoning Commission**

Re: Variance Request for 605 River Oaks Drive, Austin TX 78748

**We are requesting a portable smoker shelter kit 100 square feet (10 x 10) with ground stakes that sustain wind up to 50 MPH be allowed at the back corner of our property at 605 River Oaks Drive (back lot 600 Redbud Trail & side lot 609 River Oaks Drive are adjacent properties).**

I am writing this letter on behalf of my husband and I, in response to a resident complaint and staff observation that an accessory building has been built on our property without a permit. We would first like to apologize for the misunderstanding of what is required to be permitted. Neither of considered that a grill shelter 10 x 10 kit out of a box that we put together ourselves (kit included Allen wrench and a Philips head screwdriver, labeled precut pieces, with ground stakes, and all screws and bolts, with instruction manual mass produced by an approved engineered design) would classify as an accessory building or need permitting or inspection. We specifically bought a "pop-up box kit", as it's not meant to stay permanently, and can be dismantled and stored as per instruction manual when not in use or if relocating, etc. I didn't call just in case, regretfully, as I should've not made assumptions.

I am very sorry for that and would like to first provide history of our aspirations and process of improvements, as this is our forever home (within 10 miles of our childhood homes and grandparents where our families still reside since 1979, along with sisters, brother, aunts, uncles, and nephews are also in same distance). We take much pride in even being so lucky to get a house here, as we sought out this neighborhood for years to hopefully get to call one of very limited lots in this very unique Village ours. We are so happy to be in this community! I grew up in Hays Country Oaks down 1626 in Buda, and my husband in Shady Hollow. Manchaca Fire Hall at New Year's is where I spent my time with my grandparents (Leroy & Janette Carlson) who were best of friends with Clarence and Betty Vogel, who are a few of many reputable old timers of this area. This is home. So it was extremely hard for me to read the letter and get the call from Linda (as I've worked with her over the years on permits) as I hate to be "in trouble or a nuisance". I just hope I can provide some background so as not to appear this was an act of intentional disregard for the ordinances and community that is truly our past, present, and future.

We have always obtained permitting for our additions which consist of: a pool and surrounding areas in 2017: outdoor kitchen w/ pergola attached to home in 2018.

March 2020 we completed a installation of a very unique fence and reached out for guidance and permitting in dealing with the property rights, restrictions, etc. that that was in the easement of the utility line just inside our property adjoining 601 River Oaks Drive I was advised permitting

wasn't required by Rebecca Howe,. We also went so far as to add an access gate to the backside of the fence where a large utility pole sits behind the treehouse at 601 River Oaks Drive. We never received full clarification with regards to that addition and the neighboring lots responsibility for access to the pole and wanted to ensure accessibility to workers with ease in case of emergencies or critical services. We are very concerned with ensuring adherence to any regulations or ordinances, which I hope has been proved in all our contracted builds with all proposals and plans and stages, so considering the obvious safety precautions in that utility line and steel posts in concrete down the entirety of that easement not requiring permitting or inspection, it seemed there would be no issues or an existing ordinance requirement on our "shelter from the storms".

I am very concerned with moving forward with this as I am not one to be in violation of things, so I am submitting a letter per the advice of Linda Barrett. I am sorry if it is not in a specific format and can revise if deemed necessary.

**First**, our lot is not the same size as the  $\frac{3}{4}$  acre assumption identified as the basis for implementing the 10-foot setback in the Zoning Ordinance. That size was said to be the minimum acreage for properties for builds after the year 2000. I presume that as that was an assumption for a basis, to ensure equality relative to space that would be scaled to actual acreage multiplied by the conversion rate adjuster based on 10 feet for  $\frac{3}{4}$  acre = 13.33 (which would translate to .39 x 13.33 or 5.20 feet relative to assumed  $\frac{3}{4}$  zoning distance standard, which would deem this zoning variance request within conversion ratio boundaries if I position our shelter 5.2 feet from fence line (unsure if that is a practice in the consideration of relative comparison of lot deviations for actual lot size versus the assumed guidance in code and is what is used to validate approvals for the variance requests in this particular community, as I could not locate reference to it in code on the website).

**Second** and more importantly for ensuring welfare and safety, we have a buried 500-gallon tank of propane in the setback, which was above ground when the previous deed holder built the house, and we decided to permit the migration of it to an underground tank so we actually had space in our yard without the eyesore of a tank smack in the middle of our yard. A 10-foot setback in sides and back on .39 acres with a 30-foot setback in front really limited our footprint from the get go (**and even larger setback due to flood plain build restrictions – see deed survey attached**), **and our house is a rather large footprint (2650 square feet of living space not counting garage and outdoor patio built into home plan)**. There is a 10-foot distance regulation established for 500-gallon propane tanks as specifications per code under OSHA regulations outside of the Village ordinances for the fence, home dwelling, gas line, A/C, and the smoker placement (shelter is not their concern as a canopy is built over tanks for protection of a lot of propane tanks at residents). They confirmed that the smoker should remain 10 feet from tank, so if we



are forced move the canopy, then our smoker would have to move, which basically tied our hands for a lot of area from the get go.

In converting assumption of Ordinance assumed lot to actual lot size using a convertor rate may be a valid approach to fairness in the variance adjustment to be approved.

To suggest we move the shelter kit to 10-foot setback to become compliant with Village zoning ordinances in the  $\frac{3}{4}$  acre assumption would force me to be in violation **with OSHA regulations and passed inspections of that placement on file with the permit associated with that project, since it would move the smoker inward and not within 10 feet of tank. This would create safety concerns and considering those existing permitted and compliant circumstances that support our necessary variance adjustment to comply with the layout of the lot.** I have taken pictures (attached of the area that the tank consumes and relativity to what remains our available space for a shelter to be set to ensure smoker is in compliant distance from tank. We placed it as far into the yard as possible so as not to interfere with the ground space dug out to place the tank and backfill to ensure that was not altered or tampered with. The measurements are slightly over 4 feet off of each fence line. Pictures of space are attached with measuring tape to show property limitations present. My husband and I can easily pick the canopy, and move it 5.2 feet to fall within compliance based on the conversion for actual lot size relative to assumed size in ordinance and still be 10 feet away from the tank to adhere to the distance requirement by OSHA for the smoker placement, as my husband and I considered that in our decision to put the shelter it in a spot to ensure permit inspection pass identifiers were not deterred from so as to jeopardize safety as a FIRST priority, but still serve a purpose to keep the smoker out of the rain.

I'd prefer to leave it at the approx. 4 feet though if possible, but understand and respect your decision for what is appropriate of that variation. **Moving it towards the waterfall would impede with underground approved pipes for the pool equipment to flow through the water feature, so that's also not a sound alternative either as deemed in the 2017 inspection phases. All other areas of the yard pose the same limitations of the propane tank underground.**

I'd like to mention that for peace of mind after willing to pay 100% cost to remove and replace existing fence with our current fence, we lost 2 feet of space on the side adjacent to 601 to ensure the fence we erected was truly inside our property line over 3 inches but still within the setback to pool structure or claims of ownership with the neighbor, as well as maintain the back with staining and general maintenance. That would also allow the utility company immediate access if necessary to the large pole on 601 River Oaks Drive (not our property) in event of emergency or servicing issues they may need to adhere to.

We offered to pay 100% for fence demolition of neighbor's existing fence and 100% of cost of installing the new fence, but our neighbor "only wanted that if we gave him the good side", which

was ridiculous considering we paid above and beyond a “normal fence” to construct a 9 foot average double sided cedar in steel post horizontal fence for the sake of both of our privacy (the existing fence is still there and functional and fine, but this one served a noise barrier, peace-making was our intent), and his response and very demanding requests for specs to adhere to at our full expense raised concerns of ensuring ownership as ours if we were to build it on the line or over the line in his property where dividing fence had been for what seems like a very long time (in the time his family has resided there in the 1990s at least). That side equates to 91 feet of fence (including gate) and 2 feet depth lost = 182 square feet of space we sacrificed

I hope that this can be taken into consideration and ensure that our shelter and variance request is not in attempts to impede or overstep spaces. I believe this helps to show our consideration and willingness to sacrifice in a peaceful manner a space larger than the square footage of the smoker shed that we are required to get variance approval on within our existing now 182 less footprint I hope opinions of adjacent lots that are to have a voice in variance and will be considered in approval/denial can be reasonable, as we have been trying to “keep the peace” in our own backyard with a “nuisance” for over 4 years now with resolution being us to sacrifice 182 square feet of space and pay for a barrier to mitigate contact or interaction without third-party interference. We aren’t asking to overtake another’s property for anyone to pay for anything, just to build in the only available spot left to put shelter to be able to cook in the rain.

Due to special conditions I mentioned, literal enforcement of setback requirements of the Ordinance without the variance approved will result in an unnecessary hardship for us to prepare meals in a sheltered space that others in the community are allowed to have (up to 2 even). Our goal is to keep it away from our attached home cover, which is deemed unsafe for wood burning smokers and what we have to resort to in inclement weather. I appreciate your consideration to all matters related to our smoker shelter kit and ensuring compliance is allowed in form of approved variance requested and a decision is made for the classification of a kit and how it relates to a “building”. I look forward to working with you to resolve this matter.

My husband and I take much pride in our home and work continuously to improve and maintain a beautiful space for friends, family, and ourselves. We are saddened with the circumstances we are faced with in defending this matter as a result of a complaint and would hate to be seen as defiant or having intent to break a rule. We truly apologize for misunderstanding interpretations of ordinances and look forward to ensuring compliance and would love to discuss further concerns with anyone in person, on a call, etc.

Sincerely,

Chris & Lindsay Goldstein

605 River Oaks Drive, Austin, TX 78748





Back of fence 10 feet in (basically center of yard and over propane and pool piping to grotto)



Back of fence to propane tank w kit shown to see limitation of space as smoker distance 10 feet



Back of fence to underground lid of propane tank (lid is in middle of tank) zoom to see 21 feet)\_





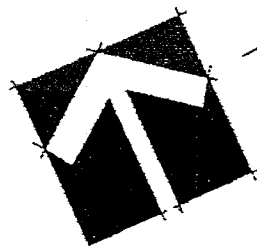
Back of fence to back leg of shelter



Back side of view of shelter







Scale: 1" = 30'  
BEARINGS BASED ON:  
DEED RECORDED AS  
DOC. #2012075960

F.E. TAYLOR  
3756/1653

MICHAEL L. REMENY AND  
KATHRYN  
REMENY 12842/  
2285

LESTER W. SCHILLER  
6628/1404

FENCE TIES (FT) WITH A PLUS (+) SIGN  
INDICATE FENCE INSIDE THE PROPERTY LINE.  
FENCE TIES (FT) WITH A MINUS (-) SIGN  
INDICATE FENCE OUTSIDE THE PROPERTY LINE.

LEGEND	
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "CS, LTD"
■	FENCE POST
○	UTILITY POLE
---	WOOD FENCE
---	ELECTRIC LINES
---	PAVEMENT
( )	RECORD INFORMATION
AC	AIR CONDITIONER
CE	CLEANOUT
EL	ELECTRIC
GA	GAS METER
MB	MAILBOX

NOTE 1:  
BULD LINES (BL) PER THE CITY OF SAN LEANNA

NOTE 2:  
APPROXIMATE LOCATION OF THE ZONE AE FLOOD AREA AS SCALED FROM FEMA'S  
FIRM MAP # 48453C0590H DATED SEPT. 26, 2006. AN APPROXIMATE BASE  
FLOOD ELEVATION OF 631' IS INDICATED BY SAID MAP. THIS AREA MUST BE  
KEPT FREE OF ENCROACHMENTS PER SAID MAP.

NOTE 3:  
APPROXIMATE LOCATION OF THE ZONE X FLOOD AREA AS SCALED FROM FEMA'S  
FIRM MAP # 48453C0590H DATED SEPT. 26, 2006. AREA OF DUK CHANCE  
FLOOD, PER SAID MAP.

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	34°29'35"	230.00'	138.47'	135.38'	S 68°15'31" E
RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	-	-	-	135.45'	S 67°08'00" E

PAGE 2 OF 2: FIELD NOTES ATTACHED

STATE OF TEXAS §  
COUNTY OF WILLIAMSON §  
I, KNOW ALL MEN BY THESE PRESENTS

THAT SURVEYOR FOR CASTLEBERRY SURVEYING, LTD., HAVE THIS DATE CAUSED TO BE PERFORMED AN ON-THE-GROUND SURVEY UNDER MY  
SUPERVISION OF THE FOREGOING PLATTED TRACT OF LAND AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO  
DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AND THAT SAID  
PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

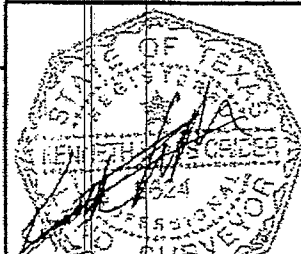
THIS AREA DOES APPEAR TO BE IN  
SPECIAL FLOOD HAZARD AREAS PER  
FEMA'S FLOOD INSURANCE RATE MAP  
#48453C0590H, DATED SEPT. 26, 2006.  
THIS STATEMENT IS NOT MADE IN LIE  
OF AN ELEVATION CERTIFICATE.



**Castleberry Surveying, Ltd.**

3813 Williams Drive, Suite 903 - Georgetown, Texas 78628  
(512) 930-1600/(512) 930-9389 fax  
www.castleberrysurveying.com

IF THIS DOCUMENT DOES NOT CONTAIN THE RED STAMPED SEAL OF THE UNDERSIGNED SURVEYOR, IT IS AN UNAUTHORIZED/ILLEGAL COPY.  
CASTLEBERRY SURVEYING, LTD. ASSUMES NO LIABILITY FROM THE USE OF ANY UNAUTHORIZED/ILLEGAL DOCUMENT.



Witness my hand and seal this the  
20th Day of December, 2013 A.D.

# TEXAS POOLS & PATIOS

"Creating Beautiful Backyards"  
2105 Ranch Road 620 North, Lakeway, TX 78734 Office: 512-402-3175

## Pool Specifications

Length 32' Width 18.4'  
Depth 3.5' x 5' x 7'  
Perimeter 92' SqFt 401  
Capacity 15,440 Gal  
Bubbler in Tanning Ledge

## Spa Specifications

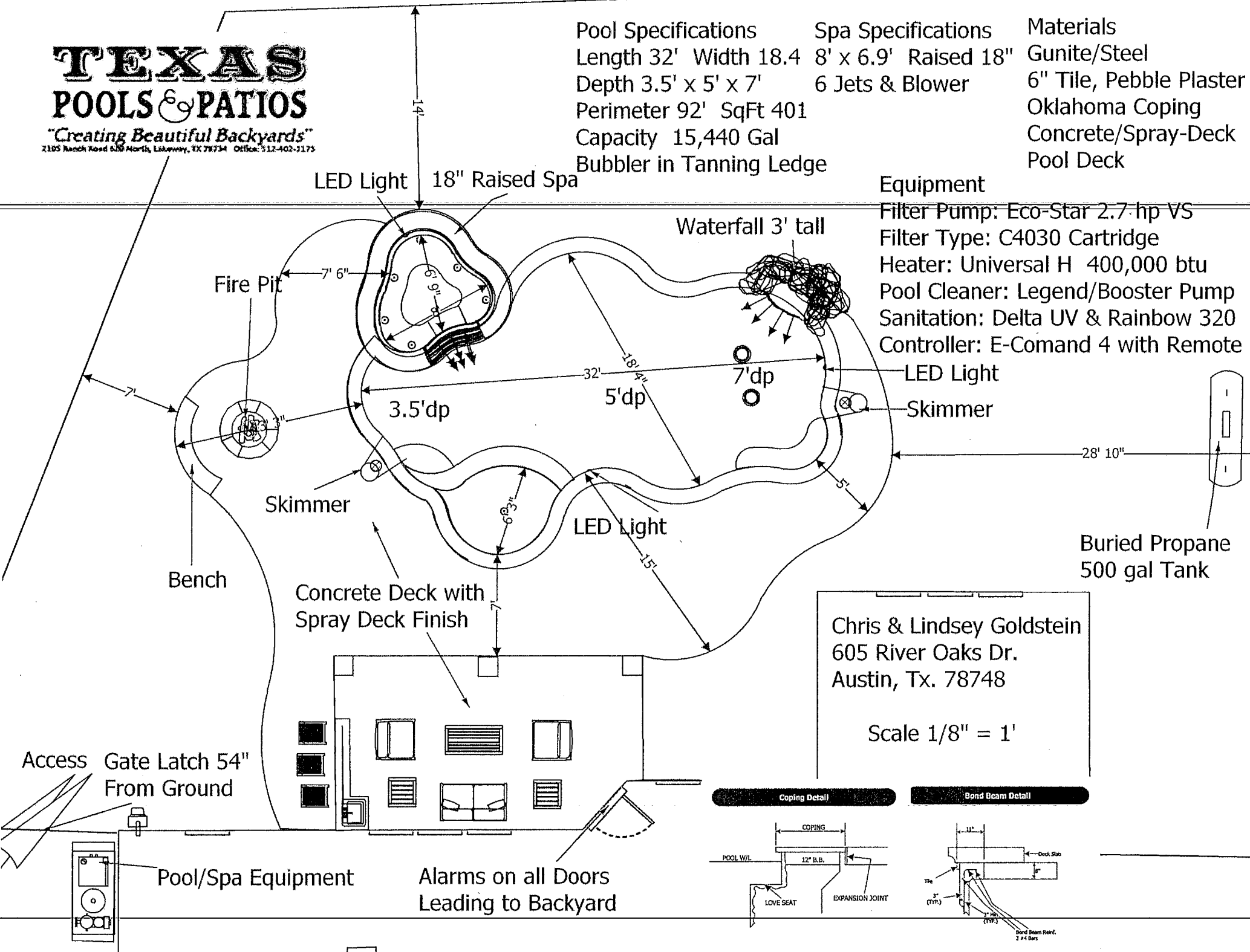
8' x 6.9' Raised 18"  
6 Jets & Blower

## Materials

Gunite/Steel  
6" Tile, Pebble Plaster  
Oklahoma Coping  
Concrete/Spray-Deck  
Pool Deck

## Equipment

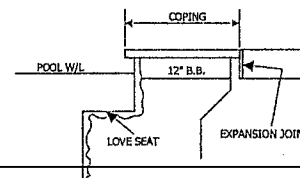
Filter Pump: Eco-Star 2.7-hp VS  
Filter Type: C4030 Cartridge  
Heater: Universal H 400,000 btu  
Pool Cleaner: Legend/Booster Pump  
Sanitation: Delta UV & Rainbow 320  
Controller: E-Comand 4 with Remote



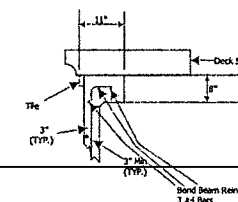
Chris & Lindsey Goldstein  
605 River Oaks Dr.  
Austin, Tx. 78748

Scale 1/8" = 1'

Coping Detail



Bond Beam Detail





- (2) A permanent accessory structure with residential plumbing may be used as an office, pool house, or a guest house, provided the habitation does not exceed two (2) consecutive weeks EXCEPT for immediate family, i.e., parents, in-laws, children, grandchildren, or siblings. Variances MAY be given for health care providers.
- (3) Any use other than the ones stated above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (4) Accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

## **SECTION 12. REQUIREMENTS FOR PORTABLE ACCESSORY STRUCTURES**

- (A) **Size:** A portable accessory structure may not be more than 120 square feet in size and not more than sixteen (16) feet in height. Only two accessory buildings are allowed per Village lot.

- (B) **Location:** A portable accessory structure must be:

- (1) located on the same lot as the main residence;
- (2) located in the backyard or behind the main residence;
- (3) at least ten (10) feet or more from any side or rear lot line; and
- (4) at least thirty (30) feet or more from the side lot line in the case of corner lots.

- (C) **Construction:**

- (1) A portable accessory structure must:
  - (a) be of new construction or structurally sound construction, as determined by the inspection company;
  - (b) have a roof pitch of 1/12 or greater;
  - (c) be on skids and not have capabilities of axles;
  - (d) be painted or sealed, if wood or wood products; and
  - (e) be secured firmly to the ground.
- (2) The exterior construction of a portable accessory structure must be completed;
  - (a) within six (6) months of the issuance of the building permit (with a separate fee) if the structure is being built in conjunction with the construction of the main residence; or

**AKERS & BOULWARE-WELLS, LLP**

Attorneys at Law

816 Congress Avenue, Suite 1725 ♦ Austin, Texas 78701 ♦ Phone: (512) 404-7880 ♦ Fax: (512) 320-5638

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Mayor James Payne  
Village of San Leanna  
P.O. Box 1107  
Manchaca, TX 78652-1107

Re: Tunnel Trail

Dear Mr. Payne:

Please accept this letter as a summary of our discussion and my legal advice regarding the means whereby the Village of San Leanna may assume responsibility for maintaining Tunnel Trail.

Tunnel Trail is a street located on the eastern edge of the Village, but the village boundary stops at its western edge, so that it is not located in the village, but in an unincorporated area of Travis County. Two online maps are attached that depict the street.

Although it appears to be a street and has been used as one for several years by people who live along Tunnel Trail and in the Village, it is common understanding that it is, or was, privately owned, first by an estate and now, it is believed, by a California-based trust. Those residents would like for the Village to repair and maintain it, which the Village Council is willing to do, but because the street is technically private property, the Village is arguably prohibited by Article 3, Sec. 52, Texas Constitution from spending public money on it.

However, due to its having been used for years, possibly decades, as a public way, and nothing having been heard from the trust, assuming it still exists, it is virtually certain that Tunnel Trail has become a public right of way under the doctrine of prescription. Stated simply, prescription is a common law doctrine, similar to adverse possession, that says that long-continued, open, continuous use and enjoyment of real property by a party, without objection from the record owner, results in acquisition of title by the using party, which in this case would be the public.

If Tunnel Trail was located inside the corporate limits of San Leanna, it would be my legal advice that it has become a public street by prescription, so that the Village would not be precluded from spending public money to maintain it. However, due to its location just outside the village, it is the County that may legally maintain it rather than the village.

As we discussed, the County may be willing to deed or dedicate any legal interest in Tunnel Trail that it possesses to the Village if the Village so requests. Alternatively, if the County Commissioners Court were to go on record recognizing Tunnel Trail as a public street, perhaps with approval of the County Attorney, the Village could, under Sec. 43.103, Local Government Code, annex the street into its corporate limits.

It is my understanding that you intend to pass along a copy of this letter to your Travis County Commissioner, and perhaps to the County Attorney. Please pass along as well my offer to provide any additional information, legal research, or document preparation that may be desired.

Yours truly,

Monte Akers

March 2009

**THE VILLAGE OF SAN LEANNA  
MINUTES**

Regular Board of Aldermen Public Meeting & Public Hearing  
Thursday, April 16, 2009  
7:30 p.m. – Community Center – 11906 Sleepy Hollow

**ITEMS SCHEDULED FOR ACTION**

4. Mayor Payne presented background information regarding the history and usage of Tunnel Trail, which is identified as a private road, but one that has become a public thoroughfare after many years of providing the sole access to all homes on the road. No governmental entity has assumed responsibility for the road, and maintenance has been paid for by members of the informal homeowners association formed by property owners residing on the road, both residents and non-residents of the Village. The six homes on the north end of the road are within Village limits; two of the property owners have come before the Board of Aldermen on many occasions to request funds, as taxpayers, for maintenance of the road, but the Village is prohibited from spending tax revenue on a private road. The Village attorney has stated annexation of the road is possible according to State law since it is now established as a public thoroughfare. The Mayor proposed sending a letter to the six property owners residing on Tunnel Trail, asking each if they are in favor of annexation of the portion of the road adjacent to the Village boundary in order for the Village to provide funds to maintain the road as is, with absolutely no plans to pave or widen the road or to remove any trees, and with no increase in traffic as a result. Ed McDonough and Tom Stinson, long-time residents of the Village, have requested financial assistance from the Village. Kyle Johnson, a new Village resident on Tunnel Trail, does not want Village assistance as offered. All other residents on Tunnel Trail present at the meeting were non-Village residents, and all expressed great resistance, including threats to take legal action, to any steps the Village might take to annex the road or to involve itself in any way in the maintenance of the road. Following lengthy discussion, Elaine Voeltz moved to send a letter to the six residents of the Village of San Leanna who reside on Tunnel Trail to ascertain their opinion regarding annexation of the road by the Village; Russell Naron seconded; motion carried with a vote of 5 in favor – 0 opposed.

Village of San Leanna  
P.O. Box 1107 • Manchaca, Texas 78652  
Phone/Fax (512) 280-3898  
Email – [sanleanna2@yahoo.com](mailto:sanleanna2@yahoo.com)  
[www.geocities.com/sanleannatx](http://www.geocities.com/sanleannatx)

April 13, 2009

Dear Resident:

The Village of San Leanna is considering annexation of the north end of Tunnel Trail, from FM 1626 to the general area of the fork in the road – just the section of the road adjacent to the east boundary of the Village. **The sole purpose of this action would be to save homeowners the expense of continuing to pay for maintenance of that section of the road.**

The annexation agreement would include a description of services the Village would provide, stating that the Village would maintain the road as is, with absolutely no plans to pave or widen the road or to remove any trees, and there would be no increase in traffic as a result. This would simply be a change in who pays for the maintenance of that portion of the road – the Village instead of the Homeowners' Association.

The matter is up for consideration at the next Council meeting on Thursday, April 16th, at 7:30 p.m. at the Community Center - 11906 Sleepy Hollow. We welcome your input – for or against – and any plans to proceed will depend upon majority support from Village property owners residing on Tunnel Trail.

Sincerely,

Mayor James E. Payne  
and the Board of Aldermen

**VILLAGE OF SAN LEANNA  
GENERAL FUND REPORT  
10-1-2020 -- 10-31-2020**

**REVENUES:**

<u>ACCOUNT</u>	<u>ACCOUNT NAME</u>	<u>CURRENT MONTH</u>	<u>YTD. BEG. CURRENT MO</u>	<u>YTD. END OF CURRENT MO</u>	<u>DIFFERENCE</u>	<u>BUDGET</u>
101	PROPERTY TAXES	\$302.26	\$0.00	\$302.26	\$174,697.74	\$175,000.00
102	FRANCHISE TAXES	\$53.49	\$0.00	\$53.49	\$14,946.51	\$15,000.00
103	INTEREST	\$59.01	\$0.00	\$59.01	\$440.99	\$500.00
104	BUILDING PERMITS	\$640.00	\$0.00	\$640.00	\$3,360.00	\$4,000.00
105	CAPITAL METRO	\$0.00	\$0.00	\$0.00	\$28,000.00	\$28,000.00
106	MISCELLANEOUS	\$0.00	\$0.00	\$0.00	\$100.00	\$100.00
109	TRANSFER FROM SAVINGS	\$0.00	\$0.00	\$0.00	\$205,691.67	\$205,691.67
<b><u>TOTALS:</u></b>		\$1,054.76	\$0.00	\$1,054.76	\$427,236.91	\$428,291.67

**EXPENSES:**

<u>ACCOUNT</u>	<u>ACCOUNT NAME</u>	<u>CURRENT MONTH</u>	<u>YTD. BEG. CURRENT MO</u>	<u>YTD. END OF CURRENT MO</u>	<u>DIFFERENCE</u>	<u>BUDGET</u>
112	ROAD MAINTENANCE	\$0.00	\$0.00	\$0.00	\$15,000.00	\$15,000.00
113	CITY ADMINISTRATOR	\$2,988.96	\$0.00	\$2,988.96	\$33,677.71	\$36,666.67
114	TML INSURANCE	\$648.00	\$0.00	\$648.00	\$2,152.00	\$2,800.00
115	LEGAL	\$0.00	\$0.00	\$0.00	\$3,000.00	\$3,000.00
116	TAXES	\$347.85	\$0.00	\$347.85	\$4,552.15	\$4,900.00
117	ENVIRONMENTAL MAINTENANCE	\$20,010.00	\$0.00	\$20,010.00	\$16,990.00	\$37,000.00
118	PUBLIC INFORMATION	\$0.00	\$0.00	\$0.00	\$800.00	\$800.00
119	AUDIT	\$0.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00
120	SECURITY LIGHTS	\$255.20	\$0.00	\$255.20	\$2,944.80	\$3,200.00
121	OFFICE EXPENSES	\$274.32	\$0.00	\$274.32	\$3,225.68	\$3,500.00
122	ORG. MEMBERSHIP DUES	\$705.60	\$0.00	\$705.60	\$294.40	\$1,000.00
123	APPRAISALS	\$0.00	\$0.00	\$0.00	\$825.00	\$825.00
124	BUILDING INSPECTIONS	\$440.00	\$0.00	\$440.00	\$3,560.00	\$4,000.00
125	MISCELLANEOUS	\$0.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00
126	ARBORIST	\$1,000.00	\$0.00	\$1,000.00	\$12,000.00	\$13,000.00
127	ROAD IMPROVEMENTS	\$0.00	\$0.00	\$0.00	\$186,000.00	\$186,000.00
128	COUNCIL EXPENSES	\$0.00	\$0.00	\$0.00	\$100.00	\$100.00
129	PUBLIC AFFAIRS	\$135.18	\$0.00	\$135.18	\$4,864.82	\$5,000.00
130	COMMUNITY CENTER	\$54.46	\$0.00	\$54.46	\$1,945.54	\$2,000.00
131	ENGINEER	\$0.00	\$0.00	\$0.00	\$1,500.00	\$1,500.00
132	FLOOD PREVENTION	\$0.00	\$0.00	\$0.00	\$90,000.00	\$90,000.00
133	EMPLOYEE REIMBURSEMENT	\$0.00	\$0.00	\$0.00	\$500.00	\$500.00
134	HEALTH DEPT. CONTRACT	\$0.00	\$0.00	\$0.00	\$1,500.00	\$1,500.00
135	PUBLIC SAFETY	\$0.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00
136	ADVISOR	\$433.18	\$0.00	\$433.18	\$5,566.82	\$6,000.00
137	EMPLOYEE BENEFIT STIPEND	\$250.00	\$0.00	\$250.00	\$2,750.00	\$3,000.00
<b><u>TOTALS:</u></b>		\$27,542.75	\$0.00	\$27,542.75	\$400,748.92	\$428,291.67

**VILLAGE OF SAN LEANNA  
WATER FUND REPORT  
10-1-2020 -- 10-31-2020**

**REVENUES:**

<u>ACCOUNT</u>	<u>ACCOUNT NAME</u>	<u>CURRENT MONTH</u>	<u>YTD. BEG. CURRENT MO</u>	<u>YTD. END OF CURRENT MO</u>	<u>DIFFERENCE</u>	<u>BUDGET</u>
201	WATER BILLING	\$13,058.63	\$0.00	\$13,058.63	\$111,941.37	\$125,000.00
202	WATER TAP FEES	\$0.00	\$0.00	\$0.00	\$4,800.00	\$4,800.00
203	METER DEP/CONNECT FEES	\$150.00	\$0.00	\$150.00	\$850.00	\$1,000.00
204	MISCELLANEOUS	\$0.00	\$0.00	\$0.00	\$100.00	\$100.00
205	TRANSFER FROM RESERVE	\$220,512.49	\$0.00	\$220,512.49	\$50,133.98	\$270,646.47
<b><u>TOTALS:</u></b>		\$233,721.12	\$0.00	\$233,721.12	\$167,825.35	\$401,546.47
<b><u>TOTALS (less transfer from reserve):</u></b>		\$13,208.63				

**EXPENSES:**

<u>ACCOUNT</u>	<u>ACCOUNT NAME</u>	<u>CURRENT MONTH</u>	<u>YTD. BEG. CURRENT MO</u>	<u>YTD. END OF CURRENT MO</u>	<u>DIFFERENCE</u>	<u>BUDGET</u>
210	WATER OPERATOR	\$2,224.00	\$0.00	\$2,224.00	\$24,464.00	\$26,688.00
211	DISTRICT FEES	\$0.00	\$0.00	\$0.00	\$6,000.00	\$6,000.00
212	MAINTENANCE/REPAIR	\$1,880.26	\$0.00	\$1,880.26	\$28,119.74	\$30,000.00
213	ELECTRICITY	\$739.24	\$0.00	\$739.24	\$6,760.76	\$7,500.00
214	BOOKKEEPER	\$1,494.49	\$0.00	\$1,494.49	\$16,838.84	\$18,333.33
215	BILLING SUPPLIES	\$70.00	\$0.00	\$70.00	\$1,530.00	\$1,600.00
216	METER READER	\$154.16	\$0.00	\$154.16	\$1,699.84	\$1,854.00
217	METER REFUNDS	\$0.00	\$0.00	\$0.00	\$500.00	\$500.00
218	MISCELLANEOUS	\$0.00	\$0.00	\$0.00	\$100.00	\$100.00
220	CITY OF AUSTIN CONTRACT	\$0.00	\$0.00	\$0.00	\$2,600.00	\$2,600.00
221	CITY OF AUSTIN WATER	\$1,641.29	\$0.00	\$1,641.29	\$23,358.71	\$25,000.00
222	LOAN PREPAYMENT FUND	\$281,348.66	\$0.00	\$281,348.66	\$22.48	\$281,371.14
<b><u>TOTALS:</u></b>		\$289,552.10	\$0.00	\$289,552.10	\$111,994.37	\$401,546.47

**CHECKING ACCOUNT BALANCE:**

BEGINNING BALANCE	\$9,089.40	\$323,352.79
TOTAL REVENUES	\$14,263.39	
TRANSFER-TEXPOOL	\$300,000.00	
TOTAL EXPENSES	\$317,094.85	
TRANSFER-TEXPOOL	\$0.00	
INTEREST RET-TEXPOOL	\$59.01	\$317,153.86

**ENDING BALANCE**

4imprints charge for FY19-20 - posted Oct 13,2020

**\$6,198.93**

**(\$438.67)**

**\$5,760.26**

**CHECKBOOK BALANCE**

**\$5,760.26**

**TEXPOOL BALANCE:**

BEGINNING BALANCE	<b>\$690,877.27</b>
DEPOSITS	\$0.00
INTEREST	\$59.01
TOTAL	\$690,936.28
WITHDRAWALS	\$300,000.00

**ENDING BALANCE**

**\$390,936.28**

**VILLAGE OF SAN LEANNA  
FINANCIAL REPORT  
10-1-2020 -- 10-31-2020**

**FUND BALANCES**

	<u>PREVIOUS MONTH</u>	<u>CURRENT MONTH</u>
<b><u>BOND DEBT BALANCE</u></b>	\$280,000	\$0
<b><u>WATER FUND:</u></b>		
LOAN PAYMENT RESERVE	\$45,000	\$0
LOAN PREPAYMENT RESERVE (payable in August 2020)	\$30,841	\$0
OPERATION/EMERGENCY RESERVE	<u>\$144,671</u>	<u>\$50,000</u>
<b>TOTAL WATER RESERVE</b>	<b>\$220,512</b>	<b>\$50,000</b>
<b><u>ROAD FUND:</u></b>		
RESTRICTED CAPITAL METRO	\$28,040	\$28,040
RESERVE FOR PROJECTS	<u>\$140,000</u>	<u>\$140,000</u>
<b>TOTAL ROAD RESERVE</b>	<b>\$168,040</b>	<b>\$168,040</b>
 <b>GENERAL FUND CONTINGENCY</b>	 <b>\$50,000</b>	 <b>\$50,000</b>
<b>CURRENT BUDGET RESERVE</b>	<b><u>\$0</u></b>	<b><u>\$82,319</u></b>
<b><u>TOTAL ALL RESERVED FUNDS</u></b>	<b>\$438,552</b>	<b>\$350,359</b>
<b>TOTAL TEXPOOL AND CHECKBOOK</b>	\$699,967	\$396,697
<b>LESS TOTAL RESERVED</b>	<u>\$438,552</u>	<u>\$350,359</u>
<b><u>UNALLOCATED AVAILABLE FUNDS</u></b>	<b>\$261,414</b>	<b>\$46,338</b>