



Minutes
City Council
Village of Volente, TX
Tuesday, March 11, 2014
7 pm.

Council Members Present

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

Absent

Chris Wilder, Council Member

Others Present

Tom Buckle, City Attorney

1. Call to Order of the City Council.

Meeting was called to order by Mayor Graber at 7:02 p.m.

2. Roll Call.

City Secretary, Joan Jackson, called roll and a quorum was established.
Barbara Wilson, City Administrator, explained Council Member Wilder is out of town on business and very much hated to miss this meeting. She read a statement from him that he is out of town tonight on business.

3. Open Public Hearing.

Council Member Yenawine made a motion to open the public hearing. Council Member Beck seconded the motion. The motion passed unanimously. Public hearing opened at 7:05 p.m.

4. Public hearing on waterway annexation of extraterritorial jurisdiction of 634.11 acres, more or less in Travis County.

Mayor Graber thanked the public for coming together on behalf of the Council. It is important to hear everyone's opinions. Council Members Beck and Graci have entered statements regarding the annexation and both will be drafted into the meeting minutes. Mayor Graber read his statement stating the primary benefits regarding the proposed annexation. He said annexing the surface water from our village boundary at the estimated level of 671 to the center of the lake protects Volente's community spirit, small town atmosphere and protects Volente's independent roots. We continually strive to maintain our "live and let live" attitude. But all of us know that what was once a



41 hidden escape from the City of Austin--Volente-- has been discovered. Annexation gives
42 our Village a legal standing with other government agencies, commercial industries and
43 water districts wanting to relocate or construct projects on our side of the lake.
44 Currently LCRA is the only one that reviews and approves development plans.
45 Annexation would allow the Village to weigh in and would ensure Volente's voice in the
46 decision making process. It clarifies our jurisdictional authority to have a decision over
47 water. The goal of the Council is to protect the Village and annexation can do this.
48 Annexation is the clearest and least expensive way to have a decisive jurisdictional
49 determination favorable to the village. His statement is attached to the minutes. He
50 explained the hearing process and made sure everyone had copies of materials including
51 the handout supplemental writings of Council Member Beck and Council Member Graci.

52
53 Council Member Graci read her statement. She explained how Austin gave up their ETJ
54 territory in 2012 and Jonestown annexed their portion and we are interested in annexing
55 our portion now. Annexation gives the Village the ability to control issues. It gives
56 Volente a seat at the table with other government entities. Her statement is attached to
57 the minutes.

58
59 Council Member Beck stated that the annexation included the land from the 671'
60 elevation down to the 627' elevation or surface water's edge and the surface water.

61
62 City Attorney Tom Buckle defined that it is not the land between the city limits and the
63 water, it is surface water only.

64
65 Council Member Yenawine stated most of the time this land is underwater. We control
66 that land when it is under water.

67
68 City Attorney Tom Buckle clarified the land in question is in our ETJ. He said we have
69 limited ability to regulate in the ETJ. Volente can regulate subdivision, signage and
70 watershed. It cannot regulate zoning and building codes in the ETJ.

71
72 Council Member Yenawine said there was a misconception that we are going to deal with
73 boat docks or septic systems. That is the LCRA's job, not ours. He said the Village spent
74 \$30,000 on law enforcement in order to have coverage when the party boats were
75 operating last year. That includes \$10,000.00 over the budget and that could have been
76 spent on better things. He stated those funds could have instead been used to codify our
77 ordinances or for purchases. He would like to see the annexation take place and then a
78 permitting process put in place. If we do this, then we have some leverage. He added
79 there are good party boat operators, but some refuse to abide by any standards of



80 conduct and are bringing back problems into our Village and we have to pay for the
81 cleanup and to keep our Village safe.

82

83 **Public Comments:**

84 John & Judy Schlotzhauer, 16514 Jackson, Volente, TX believe the Village should proceed
85 with annexation. They are for it and believe it may help control aspects of BCRUA and if
86 any problems are on our shoreline, we would be able to help address them.

87

88 Linda Lemieux, 8205 West Drive, Volente, TX said she and her mother (Marguerite) are in
89 support of the annexation. A statement from her was read into the record.

90

91 Allison Thrash, 15100 FM 2769, Volente, TX said she has read everything, looked at the
92 map and listened to the comments. She thinks it is a very prudent move for our Village to
93 make so we can keep the quiet bedroom community naturalness of our village. This
94 gives us the leverage and ability to do this.

95

96 Gary Gross, 16113 Jackson Street, Volente, TX applauds the Council for trying to control
97 the water out there. The boat situation has gotten a lot better. He stated Starnes Island
98 is out of our control and that is where boats park and crank up music. He wondered if
99 we have any control over the boats out there. Council Member Yenawine explained
100 Jonestown has a police boat and they have agreed to enter our water area and control it.
101 This can be controlled with an interlocal with Jonestown. We are trying to work and
102 address this and assist Jonestown. Gary Gross asked if we did not annex this, does
103 Jonestown have the ability to annex it or does it become a lawless area. City Attorney
104 Tom Buckle explained it will be a no man's land and no one else can annex it. Gary Gross
105 feels like Jonestown should be able to handle the island issue. Mr. Gross stated he did
106 not think we would be able to reduce the noise with this annexation, but if we could, he
107 would be all for it.

108

109 Walt Thompson, 7500 Reed Drive, Volente, TX supports the annexation and the
110 questions he had were cleared up when Council Member Graci read her statement.

111

112 Joyce Beck, 15911 Booth Circle, Volente, is trying to understand. She would like to hear
113 or see the cons on annexation. She is not sure of her position, yet. She asked what kind
114 of liability would we have if we annex. City Attorney Tom Buckle explained it is
115 enforcement that we would have to pay for. She wants to know what the cost would be.

116

117 Council Member Graci explained that we are already spending \$30,000.00 for
118 enforcement. She would rather see those dollars spent directly addressing the root of
119 the problem rather than having to spend those dollars to protect us from what they are



120
121 bringing back to our shores. With the annexation and the ability to enforce, she hopes to
122 see voluntary compliance. Joyce Beck thinks it is doubtful those costs will go down. She
123 thinks it will be more liability and more costs.

124
125 City Attorney Tom Buckle said it has to do with the way you enforce. The no man's land
126 will go away and there will be enforcement there. There should be the ability to get a
127 interlocal between the two cities. Council Member Graci explained it is a package deal.
128 It is all or nothing. Look at the issues and address them the best way we can. The
129 annexation allows you to get control of the surface water to oversee any floating
130 operations near our shoreline.

131
132 Council Member Yenawine feels by requiring licensing to launch from our shores, this
133 could reduce the problems and the costs of enforcement, maybe by 50%. When we
134 have the ability to control the bad players—we will not be needing the law enforcement
135 as much if we can control them with a permit. Council Member Yenawine said the
136 problem is originating in the Village and coming back into the Village. The noise is coming
137 from 3 different marinas.

138
139 Council Member Graci stated for her it comes down to where do you want to control it,
140 in the water or on the streets?

141
142 Gary Gross asked if noise was from a variety of boats from all over or were all the boats
143 originating here In Volente. Council Member Yenawine answered the noise is from a
144 variety of boats all over the lake, but what costs is the enforcement of what is being
145 brought back to our shores.

146
147 Judy Barrick, 15907 Booth Circle, Volente, TX is concerned about the law enforcement
148 and the possibility of policing more area now. She said there is no way we can spend
149 less with the annexation. She would like to see a list of pro and cons.

150
151 Mayor Pro Tem Scott said he was making a list of pro and cons. He added the boat
152 operators are free to do what they want and then the party on the boats comes ashore
153 and the problem is here. He thinks if we can control the operators then the problems
154 will stop and the violators will go away. Jonestown cannot control our jurisdiction now
155 and if we do the annexation then they can come into our water and enforce. It seems
156 there is a possible upside because we could potentially save money since having an effect
157 on the operators should reduce the costs we incur on land. Council Member Graci said
158 it is a hidden cost and we don't know right now, but annexation allows us to oversee
159 additional potential development on the surface waters.



160
161 Council Member Yenawine says when you look at cost, we have very serious calls and by
162 annexing the surface we can tell the boat operators they must have a license to operate
163 in the Village of Volente. A fine does not do anything to them but if they have a permit,
164 the Village has the ability to pull the permit and they could lose the permit. Judy Barrick
165 says we need to get beyond not being able to enforce compliance. Council Member
166 Graci says we need to have the ability to enforce. Judy Barrick says they are not being
167 open-minded and they need to sit down and come to an agreement with the boat
168 owners.

169
170 Nancy Carufel, Joy Rd, Volente, TX said Volente wants to take in more and control more.
171 There are no reports given and no accident reports. LCRA said they do not enforce
172 regulations on boat docks if our ordinances are more stringent. She wants to see facts
173 and traffic reports. She wants to know how did Austin give us the opportunity to annex?
174 Did we approach them or they approach us? She wants to see the annexation of the
175 surface waters put out as a community vote. She also stated boats park on the
176 Jonestown side below her property and nothing is being done about it by Jonestown
177 boat patrol. She does not have a problem with people partying below her property, that
178 is part of being on the lake. She added that Jim Richardson with LCRA stated the LCRA
179 standards in place would be enforced unless the Village of Volente's were stronger. She
180 said some future Council could adopt stringent regulations on boat docks and we have
181 too many already. She does not feel Volente has the authority to annex because she said
182 that Lake Travis was a reservoir, not a navigable stream.

183
184 City Attorney Tom Buckle gave the definition of navigable water. The definition means if
185 you can navigate it. He said Lake Travis is defined as a navigable stream. He also told
186 Nancy that Jonestown had initiated talks with the City of Austin due to the problems in
187 Devil's Cove. The City of Austin realized it made sense to release the ETJ to the adjacent
188 municipalities.

189
190 Kit Hopkins, 15943 Booth Circle, Volente, TX said she was concerned about costs. She
191 said she was surprised at the noise level. Water intakes seem to be cropping up every
192 day. Her lakefront property is diminishing every day. Why wouldn't property owners not
193 want control? Protect your neighbors' property, don't look at the party boats as the
194 issue but protect your property. Keep an open mind and think about her property value,
195 if nothing else. She is seeing her property value diminish every day. This is her
196 retirement home and she paid top dollar for the house. She agrees with Council Member
197 Yenawine regarding licensing boat operators.

198



199 Mike Nitz, 16209 Dodd Street, Volente, TX is a party boat owner and barge operator. He
200 said he wrote the code of conducts for most marinas and has seen his fair share of
201 problems. He asked what services will the annexation really provide. The police have
202 controlled his parking lot every weekend for the last 2 yrs. There has not been any
203 arrests there. They call 911 and police and fire will come from the same person. More
204 ordinances will come with this. He has seen issues with this Council concerning docks
205 and building a ramp. Village is trying to annex 49% of the territory of the Village. This is
206 not legal. It was explained to him we are annexing water surface not land. He thinks
207 there is a huge flaw if Council did not know the annexation was for water surface, not the
208 land. His concern is a lack of services he is going to get in return for this annexation. All
209 he sees, from the annexation is more ordinances. Annexing more than 30% is illegal and
210 to expect a lawsuit.

211
212 Babs Yarbrough, 8100 Joy Rd, Volente, TX asked how many people bought out here
213 when there were party boat barges. We all did. She likes the party barges. No vulgar
214 languages. Some music concerns her and some people in the Village will call when the
215 party barge comes by. To control sound on the lake is impossible. She does not want
216 any businesses affected by this annexation. You will run them out of here and they will
217 leave. There will be no fun on this lake. There is responsibility to behave yourself on the
218 barge. What will be the cost to enforce this area? She also brought up the possibility of
219 Sunset Valley controlling our streets. She asked what is going on? Why do we need so
220 much control? This prevents neighbors from talking to neighbors. She likes the idea of a
221 public vote. BCRUA can be controlled by talking. There is a subdivision off 1431 and
222 every person who lives there, their docks looks the same. She does not want Volente to
223 turn into this. She stated trust is the issue here. There are unproven promises being
224 given by Council.

225
226 Linda Carter, 16120 Wharf Cove, Volente, TX said she believes her thoughts have already
227 been expressed by others and will not be commenting at this time.

228
229 Mike Smith, 8212 West Drive, Volente, TX said he has lived on the lake a long time He
230 doesn't think we can control the noise without a decibel level and asked who would do
231 this. He wants to make sure LCRA keeps control of the docks. He asked if LCRA owns
232 the water and someone else owns the private land, can a boat stay and park there.
233 Mayor Pro Tem Scott explained we want to control the water only. Mr. Smith does not
234 want noise on the water and does not want to see drunks causing problems. If the
235 annexation is for this, then he is for it. If annexation is for other reasons, then he wants
236
237
238



239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278

to know what the reasons are. He also said controlling drunks is a good thing but feels we cannot control the noise level. City Attorney Tom Buckle said the police do this. No one likes the noise. Mayor Pro Tem Scott said the annexation does give us some power and control whereas now we do not have any. The ability to control water intakes would be good if we annex. We can control the intake process. Mr. Smith feels we need more information. Mayor Pro Tem Scott said it is more about nuisance activity and drunkard behavior. Mr. Smith does not want anyone to tell him what to do with his private dock. Tom Buckle reinforced that LCRA does do this.

Council Member Graci said the issue is everyone expects noise on water but the party boat operators changed with party packages, DJs, and a new level of partying began. The majority of party boat operators comply. So we are talking about the few that need to be regulated. There is not voluntary compliance coming from them now.

Council Member Beck discussed the issue of working with party boat operators and gave his compliments to Mike Nitz and Rett Scudder on regulations and improvements. Councilmember Beck was on Planning & Zoning Commission and they had looked at a permitting process for the party boats. The bus would come here from 6th street and the party would spend all day here on a boat and then return to 6th street. We had no say once they got off the bus and walked to the boat or returned from the boat. We want to support your businesses, but also protect the community.

5. Close Public Hearing.

Council Member Yenawine made a motion to adjourn the public hearing. Council Member Graci seconded the motion. The motion passed unanimously. The public hearing was adjourned at 8:30 p.m.

6. Adjourn

Council Member Beck made a motion to adjourn the meeting. Council Member Yenawine seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:30 p.m.



279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295

Approved this 17 day of June, 2014.

Frederick Graber,
Mayor

Joan Jackson,
City Secretary