



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 hidden escape from the City of Austin-Volente, has been discovered. Annexation gives our Village a legal standing with other government agencies, commercial industries and water districts wanting to relocate or construct projects on our side of the lake.



Currently LCRA is the only one that reviews and approves development plans. Annexation would allow the Village to weigh in and would ensure Volente's voice in the decision making process. It clarifies our jurisdictional authority over water to have a decision. The goal of the Council is to protect the Village and annexation can do this. Annexation is the clearest and least expensive way to have a decisive jurisdictional determination favorable to the village. His statement is attached to the minutes. He explained the hearing process and made sure everyone had copies of materials including the handout of Ken Beck's from the first meeting, Judy Graci's supplemental writings.

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

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

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

Council Member Yarbrough: most of the time this land is underwater. We control that land when it is under water.

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

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

**Public Comments:**

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

Linda Lemieux: 8205 West Drive. Her mother (Marguerite) and her are in support of the annexation. A statement from her was read into the record.



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

Gary Gross, 16113 Jackson Street, Volente, TX applaud the Council for trying to control the water out there. The boat situation has gotten a lot better. He stated Starnes Island is out of our control and that is where boats park and crank up music. He wondered if we have any control over the boats out there. Council Member Yenawine explained Jonestown has a police boat and they have agreed to enter our water area and control it. This can be controlled with an interlocal with Jonestown. We are trying to work and address this and assist Jonestown.

Gary Gross asked If we did not annex this, does Jonestown have the ability to annex it or does it become a lawless area. City Attorney Tom Buckle explained it will be a no man's land and no one else can annex it. Gary Gross feels like Jonestown should be able to handle the island issue.

Mr. Gross stated he did not think we would be able to reduce the noise with this annexation, But if we could, he would be all for it.

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

Joyce Beck, 15911 Booth Circle, Volente, is trying to understand. She would like to hear or see the cons on annexation. She is not sure of her position, yet. She asked what kind of liability would we have if we annex. City Attorney Tom Buckle explained it is enforcement that we would have to pay for. She wants to know what the cost would be. Council Member Graci explained that we are already spending \$30000.00 for enforcement. She would rather see those dollars spent to directly addressing the root of the problem rather than having to spend those dollars to protect us from what they are bringing back to our shores. With the annexation, she hopes to see voluntarily control and they will comply.

Joyce Beck thinks it is doubtful those costs will go down. She thinks it will be more liability and more costs.

City Attorney Tom Buckle says it is way you enforce. The no man's land will go away and there will be enforcement there. This should be the ability to get a interlocal between the two cities. Council Member Graci explained it is a package deal. It is all or nothing: look at the issues and address them the best way we can. The annexation allows you to get control of the surface water to oversee any floating operations near our shoreline. Council Member Yarbrough feels by requiring licensing to launch from our shores could reduce the problems and the costs of enforcement, maybe by 50%. We have the ability to control the bad players—we will not be needing the law enforcement as much if we can control them with a permit. Mr. Yenawine said the problem is originating in the Village and coming back into the Village. The noise is coming from 3 different marinas .

Councilmember Graci stated for her it comes down to where do you want to control it, in the water or on the streets?

Gary Gross asked if noise was from a variety of boats from all over or were all the boats originating here In Volente.



Council member Yenawine stated the noise is from a variety of boats all over the lake, but what costs is the enforcement of what is being brought back to our shores.

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

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

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

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

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

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



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

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

Linda Carter said she believes her thoughts have already been expressed by others and will not be commenting at this time.

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

