



Minutes  
City Council  
Village of Volente, TX  
Wednesday, March 12, 2014  
7 pm.

**Council Members Present**

Frederick Graber, Mayor  
Mark Scott, Mayor Pro Tem  
Judy Graci, 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 7:07 p.m.

**2. Roll Call.**

City Secretary, Joan Jackson, called roll. A quorum was established.

**3. Pledge of Allegiance/Reading of the Village Vision Statement.**

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

**5. Open Public Hearing**

Council Member Yenawine made a motion to open the public hearing. Council Member Beck seconded the motion. The motion passed unanimously. The public hearing began at 7:08 p.m.

Mayor Graber thanked the Council for being present. He gave an introduction to why Volente would want to annex, naming the primary benefits. These benefits include a legal standing, a voice at the table with other government entities, e.g.: BCRUA, it clarifies authority over any surface water and protects your property value.

Councilmember Beck gave a presentation explaining where the city limits end and where the water begins. Annexation proposal is from the 681 to middle of lake wherever the edge of the water is-lower or higher. He explained 671 to the center of lake is our ETJ, but we are talking surface of water only.



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City Attorney Tom Buckle explained the law regarding the amount of land that can be annexed at one time. This law does not apply to water annexation which is what Volente is trying to do.

Council Member Graci said annexation is a tool so we have the ability to address any issue on our surface water. The party barge issue is 5 yrs. old. Annexation protects your property values and gives you control. She added regulation is sometimes necessary to keep what you have. If it is not us, then it is someone else. She said we have a budget to work with and hopefully this will bring the law enforcement down in price and the option of not enforcing is there.

Mayor Pro Tem Scott spoke about having control of someone who is building something in the water. There is concern about regulation and he is concerned about that, too. This Council does not have new ordinances that they are coming up with and this would give control over mischief on the lake. If we don't do this, what are some things that could happen? He gave the example of a big project that could happen here in the water surface and they could do whatever they want and Volente would not have a say in it.

Public Comments:

David Woodward, 16321 Jackson Street, Volente, TX stated it would be nice if we could understand the timing of this. He asked when is the vote? Mayor Graber responded that we are on the 3rd hearing, then we will have 2 readings with public hearings and action on the table at the last reading. Mr. Woodward is worried about items on water such as barges, and items in the water such as pipelines. Mr. Woodward said he gets water from the lake and he asked if Volente has control of this. Mayor Graber and City Attorney Tom Buckle both explained the LCRA controls the water. Council Member Yenawine gave an example of Trails End where residents had no say and with annexation Volente can have a say.

Allison Thrash, 15100 FM 2769, Volente, TX says the issue of trust keeps getting raised and we are all a community and she is wondering why trust keeps coming up. Why is the Council's intent being interpreted as control? She recommended using the word protection instead of control. The Village does need legal standing and in order to protect us and if the things we say are important to us, the annexation does need to move forward. Annexation is for each of us to protect our health and safety. Health and safety brings us to party boats and who plays by the rules and who does not. The excesses of drink, obscene language, quality of life and property values. Council is trying to deal with the excesses of what happens on the water and we do not have the ability to do so and the annexation is the cheapest and easiest way to do this. She is not OK with the BCRUA and has seen the video stated and the limbo of what is happening with BCRUA is preventing people from moving here. She stated the concern about private boat docks hasn't happened in 10 years and we should be able to ensure it doesn't happen in the future.



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Joyce Beck, 15911 Booth Circle, Volente, TX says she hears each side and she tends to lean one way and then the other. She stated the benefits of annexation are that we have a voice at the table, noise control, nuisance control, water intake control. Nuisance control feels like a moving target. The water moves and the boundaries move. She is not sure there is that much benefit to the annexation. We have had a voice at the table. How much problem do we have with drunken behavior? Short term vs. long term. Annexation really is more regulation.

City Administrator Barbara Wilson did bring a log enforcement activity report. 93.8 % of the problems were with patrols and the Shore Club.

Joyce Beck asked if it was public information. She is curious about the report. Were there 10 calls or 50 calls? Ms. Wilson explained our law enforcement is off duty security work. When there is a problem, Travis County Sheriff's Office sends another officer out here to take care of it and the off duty security officer stays here. She has asked Travis County for a report and they are attempting to try and give us a year's worth of crime reports here in Volente.

Nancy Carufel, 8138 Joy Rd, Volente, TX commented that Travis County cops patrol this area. She wants to see the reports. Could we compile how many arrests on this date and make it a general report? She stated Council does not listen. This is the 3<sup>rd</sup> hearing for annexation and it seems to her that the Council has one course: controlling the drunks. She says we have drunks here in the Village. She then quoted Council Member Graci's report which used the word control, not protect. She is saddened we incorporated and there is more control and more dissatisfied people. She doesn't think Volente will have any control of anything that goes under the water, such as a pipeline. Whoever has the most ordinances will have the control of the boat docks. She asked what happens if Jonestown decides not to control in the interlocal? Will we have to enforce that area then with a boat and a driver? The council needs to look at what the people want and thinks it would be a good idea to have a community vote.

Mike Nitz, 16209 Dodd Street, Volente said he is a party boat operator.. He stated every car that leaves from a party barge, the operator of the car is not a drunk. Where the robbery took place in Volente, it was a disgruntled worker who had worked on the home during construction. He stated the Council looked at annexation in 2012 and it was tabled and now it is back, so what is different now? Council Member Yenawine said it was tabled to give party boat operators a chance to come back with rules. Mr. Nitz brought up the public notices in the Hill Country News and said the newspaper is not contingent or adjacent to the Village. Mr. Nitz said he is more than ever willing to work with people



122 about party goers coming onto or going off his boats. He has met with other operators and  
123 they have eliminated mikes and DJs and if they have DJs they float away from the Village.  
124 He stated he and Rett Scudder help each other with the sound by letting each other know  
125 when there is a problem. He says they have Texas Alcohol Beverage Commission and they  
126 have eliminated ticket sales on 6<sup>th</sup> street, jello shots, and trash can punch. As a community  
127 if you want party boat operators to work with you, then work with us. Ordinances and  
128 rules jammed down our throat do not work.

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130 Babs Yarbrough, 8100 Joy Rd, Volente, TX said a public vote would be appreciated  
131 sincerely. She mentioned the crowd is less tonight than those who attended the last  
132 meeting. She said a neighbor of hers received more notices about the Christmas party  
133 than this. She felt communication from the Council has not been the best. She is confused  
134 about annexation and controlling docks. Council Member Yenawine said we cannot  
135 regulate things we do not have an ordinance on. She feels the Council has not been  
136 truthful. She said party barges could hire their own law enforcement and asked why do we  
137 want to arrest on the boat? City Attorney Tom Buckle explained the steps that first you  
138 annex the surface water and then you decide with ordinances you want to enforce. She  
139 felt like that information should have been made available earlier. She reinforced the idea  
140 of a public vote.

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142 Rett Scudder, 15809 Booth Circle, Volente, TX said we have less than 600 people in Volente.  
143 The bottom line is in 2012 this was brought before Council and delayed and that gave  
144 party boat officers time to respond and come up with ideas. He stated in the last 10 years  
145 the number of deaths on the lake have gone down and last year there were not any.  
146 Mayor Graber said that it was due to lower lake level and less people on boats. Graber  
147 also stated there is no public access on ramps to the lake due to the lake level. Council  
148 Member Graci said we need voice at the table. Mr. Scudder said Council spent \$30,000.00  
149 on law enforcement and he enjoyed having the Travis County law enforcement there. He  
150 questioned how much enforcement was there really? If \$30,000.00 was spent, he wants to  
151 know which party boats had the enforcement. He encouraged the Council not to penalize  
152 everyone for some of the bad ones. He learned this morning that Jonestown is trying to  
153 get out of the patrol boat business. Travis County deputies have 2 boats and share them.  
154 He wondered how we would enforce on the party boats just floating through. Mayor Pro  
155 Tem Scott said the noise would be enforced at night just like it is now. Mr. Scudder said  
156 there are 5 party boats here and obviously, what are we getting for the money? How are  
157 we going to recoup this money? If there is an ordinance and you have to comply, and now  
158 you have to obey new rules and then they can't operate. City Administrator Barbara  
159 Wilson said Jonestown has hired a new chief and the lake patrol is being decided. City  
160 Attorney Tom Buckle said the City Council of Jonestown is in chaos. Jonestown at one time  
161 wanted to annex all the water but they couldn't do that. Ms. Wilson said it would be good  
162 to address the complaints and said in prior years our security was told to patrol the



163 marinas and party boats. Mr. Scudder said if we are paying deputies, then we should find  
164 out where are the party boat goers coming from and which boats are involved. Mayor Pro  
165 Tem Scott said we did spend a lot of money last year and maybe we spent too much. He  
166 thanked Mr. Scudder for all his efforts and how it helped. Mr. Scudder said he wasn't  
167 around when the Village incorporated and since Jonestown is in flux, maybe we should put  
168 this up for a referendum. Council Member Yenawine said we don't receive many  
169 complaints from the marina where Rett works. He said Rett enforces all the rules and it is a  
170 tight operation and there are no complaints because they follow the rules. He said if  
171 everyone followed the rules then it would be that way. Some of the boat owners do not  
172 follow the rules. He said boat owners cannot make everyone follow those rules and keep  
173 residents safe.

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175 Linda Carter, 16201 Wharf Cove, Volente, TX, stated she is a business person and has been  
176 here a long time. She trusts that Council is doing their best. She wavers on the annexation  
177 process. She and Rett work hard to do things right. She is curious about if this is an ETJ,  
178 why can't we control things like that. City Attorney Tom Buckle said you can only control  
179 limited things in your ETJ and the Type B General status of the city cuts into this. He said  
180 the party boats are a very small portion of what the annexation deals with. Ms. Carter said  
181 we do have limited enforcement in the ETJ. Mr. Buckle said it is limited to watershed and  
182 signage. Ms. Carter said she tries to work with any regulations and wants what is best for  
183 the people she works with and lives with. She is worried about annexation and what kind  
184 of control it brings. The word, yet, concerns her. She will keep coming back to the  
185 meetings and see what is going on. She likes the idea of being able to pick and choose  
186 what to enforce after annexation.

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188 David Gordon, 15761 Booth Circle, Volente, TX says everyone is stuck on party boats and  
189 we are mixing up this concern with a voice on the table. That is the bigger issue and we  
190 want that. We want to be able to be in the meetings and be at the table. He says, why not  
191 annex? One issue could be a problem with building services? LCRA does not inspect  
192 private docks and they have wires and they are dangerous. He thinks inspection of docks  
193 for the Village isn't a bad idea but then we might be liable if that happened. He doesn't see  
194 a cost and does not see why not annex?

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196 Rett Scudder, 15809 Booth Circle, Volente, TX asked can the annexation stop the BCRUA  
197 or give us control over noise? Council Member Yenawine said BCRUA would have to abide  
198 by our rules. BCRUA will take the water out of the lake but we would have control of where  
199 it is built, how it is built, and they would have to observe our rules. Rett said so it doesn't  
200 stop them, it only controls them.

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202 City Administrator, Barbara Wilson, read Linda Olsen's comments against the annexation  
203 into the record. She sees no value in the annexation and is against it.



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City Administrator, Barbara Wilson, read Wynn Estes comments and he is in favor of the annexation. He wants to have the control and keep a good quality of life.

Council Member Beck says the meetings are important. We are looking at annexation first but there is nothing to enforce until we pass ordinances. He hopes everyone is as interested in the ordinances to enforce, if we pass the annexation. He thinks Council should try to resolve issues first and then when that means is exhausted, then move forward. Water construction is important, not just party boats. What are we annexing and what we enforce are two different things.

Council Member Graci said annexation brings us into a situation where we have a say. She displayed the BCRUA map that is illustrated with a target on Jackson Street and the many other homes it will effect that are not on Jackson Street. She wants Volente to be at the table.

Babs Yarbrough, 8100 Joy Rd. Volente, TX asked for clarification on how is the annexation going to help BCRUA. Mayor Graber answered that BCRUA still wants to come through the Village with 8 foot pipes.

**5. Close Public Hearing.**

Council Member Beck made a motion to close the public hearing. Council Member Judy Graci made a second to the motion. The motion passed unanimously.

**B. Adjourn**

Council Member Beck made a motion to adjourn. Council Member Graci seconded the motion. The motion passed unanimously.

Approved this 17 day of June, 2014.

**Frederick Graber,  
Mayor**

**Attest:**



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*Joan Jackson*

**Joan Jackson, City Secretary**