



Minutes  
**City Council**  
Village of Volente, TX  
Tuesday, 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, ex: BCRUA ; it clarifies authority over any surface water and protects your property values.

Councilmember Beck gave a presentation explaining where the city limits ends and where the water begins. Annexation proposal is from the 681 to middle of lake or 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.



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 value 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 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 Woodard, 16321 Jackson Street, Volente, TX 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. Woodard 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 have 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 said use 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, -work toward 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 and the limbo of what is happening with BCRUA is preventing people from moving here. 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.



Joyce Beck: 15911 Booth Circle, Volente, hear each side and she tends to lean one way and then the other. She stated the benefits of annexation: we have a voice at the table, noise control, nuisance control, water intake. 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 with 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 Sheriff's Office sends another officer out here to take care of it, the off duty security officer stays here. She has asked Travis County for a report and if 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 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, 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 about party goers coming onto or going off his boats. He has met with other operators and they have eliminated mikes and DJs and if they have DJs they float away from the Village. Rett Scudder and he help each other with the sound by letting each other know when there is a problem. He says they have Texas Alcohol Beverage Commission and they have eliminated ticket sales on 6<sup>th</sup> street, jello punch, and trash can punch. As a community if you want



party boat operators to work with you, then work with us. Ordinances and rules jammed down our throat does not work.

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

Rett Scudder, 15809 Booth Circle, Volente, TX said we have less than 600 people in Volente. The bottom line is in 2012 this was brought before Council and delayed and that gave party boat officers time to respond and come up with ideas. He stated in the last 10 years the number of deaths on the lake have gone down and last year there were not any.

Mayor Graber said it was due to lake level and less people on boats. Graber also stated there is no public access on ramps to the lake due to the lake level. Council Member Graci said we need voice at the table. Capt. Scudder said Council spent \$30,000.00 on law enforcement and he enjoyed having the Travis County law enforcement there. He questioned how much enforcement was there really? If \$30,000.00 was spent, he wants to know which party boats had the enforcement. He encouraged the council to not penalize everyone for some of the bad ones. He learned this morning that Jonestown is trying to get out of the patrol boat business. Travis County deputies have 2 boats and share them. He wondered how we would enforce on the party boats just floating through. Mayor Pro Tem Scott said the noise would be enforced at night just like it is now. Capt. Scudder said there are 5 party boats here and obviously, what are we getting for the money? How are we going to recoup this money? If there is an ordinance and you have to comply and now you have to obey new rules and then they can't operate. City Administrator Barbara Wilson, said Jonestown has hired a new chief and the lake patrol is being decided. City Attorney Tom Buckle said the City Council of Jonestown is in chaos. Jonestown at one time wanted to annex all the water but they couldn't do that. Ms. Wilson said it would be good to address the complaints and said in prior years, our security were told to patrol the marinas and party boats. Capt. Scudder said if we are paying deputies, find out where are the party boat goers coming from and which boats. Mayor Pro Tem Scott said we did spend a lot of money last year and maybe we spent too much. He thanked Capt. Scudder for all his efforts and how it helped. Capt. Scudder said he wasn't around when the Village incorporated and since Jonestown is in a flex, maybe we should put this up for a



referendum. Council Member Yarbrough said we don't receive many complaints from the marina where Rett works. He said Rett enforces all the rules and it is a tight operation and there are no complaints because they follow the rules. He said if everyone followed the rules then it would be that way. Some of the boat owners do not follow the rules. He said boat owners cannot make everyone follow those rules and keep residents safe.

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

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

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

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

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 too 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      day of                      , 2014.**

**Frederick Graber,  
Mayor**

**Attest:**

**Joan Jackson, City Secretary**

