



Minutes  
City Council  
Village of Volente, TX  
Wednesday, April 2, 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

**A. ITEMS OPENING MEETING**

**1. Call to Order.**

Meeting was called to order at 7:00 p.m.

**2. Roll Call.**

The City Secretary called roll and a quorum was established.

**3. 1<sup>st</sup> Reading of the Ordinance Annexing a Portion of Lake Travis, being Approximately 637 acres, more or less of a Navigable Stream in Travis County, TX and providing for a Municipal Services Plan for the annexed area.**

Barbara Wilson, City Administrator, read the Annexation Ordinance 2014-4 to the public. She gave a summary of the Ordinance. The complete ordinance was available for the public. A large map was on display and she referenced the map during her summary.

**4. Open Public Hearing.**

Public hearing: began at 7:06 p.m.

Judy Barrick, 15907 Booth Circle, Volente, TX received her notice of the annexation in the Newsletter. She looked up the agenda for Jonestown and there was a previous agenda item for deannexation of the previously annexed waters. It has not gone forward since then and upon inquiring, Jonestown told her they were looking at the cost involved in enforcing in the annexed water area.

Debbie Lowndes, 8116 Sharon, Volente, TX asked what the financial cost to the city would be. She stated that legally, Volente would want to be in the strongest position possible. Mayor Pro Tem Scott told her that we are not going to be enforcing docks in the annexed water if the annexation passes. Scott said we want to control development on the lake and there are no costs involved.



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46 Babs Yarbrough, 8100 Joy Rd, Volente, TX asked about the boundaries adjacent to the  
47 proposed annexation. She asked if the area between the village limits and the water would be  
48 annexed and controlled by ordinances. She questioned if there was any discussion of a public  
49 vote among Council since the subject had been brought up several times. The Council  
50 answered no. She asked if there was money placed in the budget before the annexation.  
51 Councilmember Graci answered that money was placed in the budget for police coverage for  
52 off duty police protection as it is each year. Ms. Yarbrough said so we do not have a budget  
53 for annexation. Mayor Pro Tem Scott said no additional money was added and no additional  
54 costs are anticipated with the annexation. Ms. Yarbrough talked about drunken behavior on  
55 the boats and that we cannot control that behavior. She told the Council you cannot regulate  
56 against stupidity and people getting drunk.. She asked the Council if they can publically state  
57 what their intentions are to ordinances if the annexation takes place? Council Member  
58 Yenawine responded that party boats and the behavior can be addressed by the Public Safety  
59 Committee and if an ordinance is needed, the committee would come back to Council with a  
60 recommendation. He said it is the construction on Sandy Creek that he is worried about. We  
61 need to be in position when BCRUA lays down the pipe line that we have control of the  
62 water surface. He said we can protect our citizens this way.

63  
64 Joe Lamoreux, FM 2769, Volente, TX 78641 has no questions at this time.

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66 Allison Thrash, 15100 FM 2769, Volente, TX said control is a scary term. She stated it is not  
67 about controlling us, it is controlling others that seek to adversely affect us. Without this  
68 Ordinance, we would have no seat at the table to discuss things that effect our Village  
69 negatively and this Ordinance allows us to respond. It is not about controlling, it is  
70 enabling us to live as we have been living. She said we need that place at the table.  
71 Annexation allows notification and time for response. Annexation is not about picking on  
72 party boat operators or raising taxes.

73  
74 Nancy Carufel, 8138 Joy Rd, Volente, TX asked if we are seriously doing this for the  
75 BCRUA reason, why are we making an enforcement with Jonestown. She stated we cannot  
76 control the BCRUA. There are pipes in Sandy Creek. People need water and they will get it  
77 from Lake Travis. She stated we are not going to have development with the annexation.  
78 We will need a police boat and someone to operate it. We have an ETJ and why do we need  
79 to annex it? We heard the words "no control" when we incorporated. She asked about the  
80 liability annexation will bring.

81 Mayor Pro Tem Scott responded by asking City Attorney, Tom Buckle, do we have any  
82 additional liability other than what we currently have? Tom Buckle said there is no  
83 additional liability involved. Mayor Pro Tem Scott said in reference to talk of the BCRUA,  
84 the reason we don't have trenches in the middle of Volente now is because we have strong  
85 ordinances in place to prevent this. He responded that we don't need a police boat and we  
86 aren't going to get one. He stated the contract with Jonestown

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91 was written long before annexation. There was no charge to pay Jonestown for patrolling or  
92 policing on the lake in the budget. As far as intent goes, this Council cannot bind future  
93 Councils and we have told Volente what our plans are. He continued by saying they  
94 are trying to do the right thing with party boats. Council has not brought cases against any  
95 party boat or businesses. He said there is not any additional cost to annexation. He answered  
96 her comment about control by stating it does give Council the ability to control until the next  
97 Council election.  
98  
99 Council Member Yenawine said he was not on Council when Trails End was having pipeline  
100 laid down and the people there had no say in in. BCRUA blocked the roads and did damage  
101 to the roads. If we don't move forward each individual property owner will fight on their own  
102 and the contractor will do his own thing. With the annexation, BCRUA will have to come to  
103 us and we can work with them and we can protect you, the people the Council represents.  
104  
105 Nancy Carufel said she talked to the trenching people and they said they will not trench in  
106 this area. Council Member Yenawine explained that may or may not happen. BCRUA would  
107 not have to even tell us what they are planning on doing.  
108  
109 Council Member Beck addressed intent. He is not in favor of police enforcement or presence  
110 on the lake. He is not in favor of regulating party boats. He believes dialogue and negotiation  
111 can solve that. Regarding the BCRUA, the leverage we have had in the past is due to  
112 personal involvement and working with elected officials. He is looking to see if the  
113 annexation gives us more leverage.  
114  
115 Council Member Graci said she wants a seat at the table and to have a say in what they  
116 are doing. She would like a say in issues like noise level, traffic, property values, blasting,  
117 and safety. She is in favor of ordinances for party boat operators. In response to the  
118 BCRUA, we have zoning regulations and that was the main thing that made BCRUA work  
119 with us.  
120  
121 Mayor Pro Tem Scott read a legal opinion about grandfathering and discussed to what extent  
122 we can regulate marinas. Tom Buckle, City Attorney, said you cannot take away their land  
123 use and structures. You can enforce for health and safety in the annexed area; that is all.  
124 Party boat operators could be enforced for health and safety in their activity on the surface  
125 water.  
126  
127 Joyce Beck, 15911 Booth Circle, Volente, TX stated she has a hard time listening because  
128 she feels the Council has such a hard agenda and Council wants us to agree with your  
129 thoughts. She still does not have all the answers she needs. She stated Jonestown may not be  
130 out there on the waters. The party boat operators was an issue and now it is not. Tonight,  
131 the issue is only a place at the table We did not have annexation before and we had a seat,  
132 why do we need annexation now? Council Member Yenawine replied we had a place at the  
133 table because it was in our city limits, but now it is in the water. There are differences  
134 tonight. He answered the police boat issue by saying no one is even thinking about Volente



135 providing police protection on the annexed water. The party boats have been an issue.  
136 Nothing in the Ordinance gives us the power to get a police boat. He is worried about zoning  
137 to protect residences around Sandy Creek. We would have to come up with ordinances.  
138 Election cycle can change the direction of a council.

139  
140 Council Member Graci wants the ability to protect quality of life, property values and safety.  
141 Enforcement should be LCRA and Travis County on the lake.

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143 Rett Scudder, 15809 Booth Circle, Volente, TX asked about control of the marinas. He  
144 asked what is on the lake and can it be controlled? Tom Buckle said anything already there,  
145 stays there. Rett said as a party boat operator, he is all for the BCRUA control. He asked  
146 about streets being safe and regulation of the party boats, so streets will be safe. He can only  
147 control what happens on his boat, not on the street 2 hrs. later. Council Member Graci  
148 answered saying if the party boat patrons are coming off the boat drunk, then the Village has  
149 to address the safety issues. If they are on your boat and they get stopped at the fire hall, then  
150 you know there is a problem with party boats. Rett responded that with anytime anyone is  
151 drinking, then are we going back to where they were? Anytime you have 1000 people, there  
152 is always a bad apple in the crowd. Rett asked what is our population? Barbara Wilson  
153 answered 502 people. Rett said at each meeting, the same people come here each time. He  
154 asked Council to put it up for a vote or a referendum for the 502 people. Council Member  
155 Graci said the newsletter went out and annexation is on the newsletter and we asked for  
156 comments and concerns and where are they now? It is the same group of people here.

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158 Brent Sandbak, 7503 Davey Drive, Volente, TX He would like a survey to be taken, if not a  
159 vote. What we have now is a dictatorial democracy.

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161 David Springer, 8504 Lime Creek Rd, Volente, TX Mr. Springer has a pipeline across his  
162 property. He has an agreement with Cedar Park and they were very cooperative. Why not  
163 annex on Jackson Street; why all of Volente? He does not see how trenching is part of the  
164 concern. We knew about the BCRUA twelve yrs. ago.

165 Council Member Yenawine said when we knew about it we were not informed and learned  
166 later about the trenching. We knew they existed, but they didn't tell us then they were going  
167 to build a pipeline through the Village. The pipeline is going down Sandy Creek now. Mr.  
168 Springer believes Cedar Park will offer the same agreement as before. He will bring his  
169 agreement to the next meeting.

170 Council Member Graci said we are talking about the deep water intake not the floating  
171 intake. The deep water intake construction will be the one that causes the issues with staging  
172 and traffic. You want to be able to have a seat at the table .

173 Mayor Pro Tem Scott asked if it was possible to do a partial annexation and not all of it?

174  
175 David Lowndes, 8116 Sharon, Volente, TX asked what do we need to do to work with  
176 Jonestown? What kind of cooperation do we have? If we go part way out, how does that  
177 effect it. Council Member Yenawine said it gives us a place at the table. Jonestown property  
178 owners are in litigation on this now where the intake got moved to. We can at least represent  
179 our property owners. David said it is important to work with them. Council



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181 Member Yenawine said if we go in together then there is not a line of what is Jonestown and  
182 what is Volente. David said will we have the same thing with the pipeline? Council Member  
183 Yenawine said we would work with Jonestown on protection.

184  
185 Council Member Beck said the police boat activity is very minimal. The main concern is the  
186 water intake coming to property owners. Jonestown has more lots that go to the middle of  
187 the lake. The issues are different here. We don't have property owners who have land out to  
188 the middle so it is different. Jonestown has not helped them.

189 Barbara Wilson said Jonestown intern police chief has formed a lake issue task force and  
190 they have asked us to attend their meetings.

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192 Public hearing was closed at 8:17 p.m.

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194 Mayor Pro Tem Scott made a motion to adjourn. Council Member Beck seconded the  
195 motion. The motion passed unanimously.

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197 The meeting adjourned at 8:17 p.m.

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203 Approved this *17<sup>th</sup>* day of *June* 2014.

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Frederick Graber, Mayor

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Attest:

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Joan Jackson, City Secretary.

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