



Minutes  
**City Council**  
Village of Volente, TX  
Tuesday, 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 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.



Babs Yarbrough, 8100 Joy Rd, Volente, TX asked about the boundaries adjacent to the proposed annexation. She asked if it was legal. She asked if the area between the village limits and the water, would it be annexed and controlled by ordinances. She questioned if there was any discussion of a public vote among Council since the subject had been brought up several times. Council answered no. She asked if there was money placed in the budget before the annexation. Councilmember Graci answered that money was placed in the budget for police coverage for off duty police, as each year. Babs then stated, so we do not have a budget for annexation. Mayor Pro Tem said no additional money was added and no additional costs are anticipated. She talked about drunken behavior on the boats and that we cannot control that behavior. She told the Council you cannot regulate against stupidity, people will get drunk and you cannot control that. She asked the Council if they can publically admit to what their intentions are to ordinances if the annexation takes place? Council member Yenawine responded that it is not the party boats and the behavior as that can be addressed by the public safety committee and if an ordinance is needed it would come back to Council with a recommendation, but it is the construction on Sandy Creek that he is worried about. We need to be in position when BCRUA lays down the pipe line that we have control of the water surface. He repeated we need to be in a position before construction starts and our citizens are protected this way.

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

Allison Thrash:15100 FM 2769, Volente, TX said it is a scary term to hear the word control. It is not about controlling us, it is controlling others that seek to adversely affect us. This is what it is about. Without this ordinance, we would have no seat at the table to discuss things that effect our Village negatively and this ordinance allows us to respond. It is not about controlling, it is enabling us to live as we have been living. We need that place at the table. Annexation allows notification and time for response. It is not about picking on party boat operators or raising taxes.

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

Mayor Pro Tem Scott responded by asking City Attorney, Tom Buckle, do we have any additional liability other than what we currently have? Tom Buckle said there is no additional liability. Scott continued to address the questions Nancy brought up: In reference to talk to the BCRUA, the reason we don't have trenches in the middle of Volente now is because we have strong ordinances in place. In response to the need for a police boat, he said we don't need one and we aren't going to get one. He stated the contract with Jonestown was written long before annexation. There was not charge to pay Jonestown for patrolling or policing on the lake. It is not in the budget. As far as intent goes, this Council cannot bind future councils and we have told Volente what our plans are. He continued by saying they



are trying to do the right thing with party boats.. Council has not brought cases against any party boat or businesses. He said there is not any additional cost to annexation. He answered her comment about control by saying it does give Council ability to control until the next council election.

Council Member Yenawine said he was not on Council when Trails End was having pipe line laid down and the people there had no say in in. BCRUA blocked the roads and did damage to the roads.. If we don't move forward each individual property owner will fight on their own and the contractor will do his own thing. With the annexation, BCRUA will have to come with us and we can work with them and we can protect you, the people we represent. Nancy said she talked to the trenching people and they said they will not trench in this area. Council Member Yenawine explained that they may or may not happen. BCRUA would not have to even tell us what they are planning on doing.

Council Member Beck addressed intent: His feelings: He is not in favor of police enforcement or presence on the lake. He is not in favor of regulating party boats. He believes dialogue and negotiation can solve that. BCRUA: the leverage we have had in the past is due to personal involvement and working with elected officials. He is looking to see if the annexation gives us anymore leverage.

Council Member Graci said she wants a seat at the table and have a say in what are they doing. She would like a say in issues like noise level, traffic, property values, blasting, and safety. The party boat operators have mostly done a great job and with annexation, she will hold them to guidelines and she will hold them to the ones who put Volente in danger. She is in favor of ordinances for party boat operators. In response to the BCRUA, we have zoning regulations and that was the main thing that made BCRUA work with us.

Mayor Pro Tem Scott read a legal opinion about grandfathering and to what extent can we regulate marinas. Tom Buckle, City Attorney, said you cannot take away their land use and structures. You can enforce for health and safety in the annexed area, that is all. Party boat operators could be enforced for health and safety in their activity on the surface water.

Joyce Beck:, Booth Circle, Volente, TX has a hard time listening because the Council has such a hard agenda because you want us to agree with your thoughts. She still does not have all the answers she needs. She stated Jonestown may not be out there on the waters. The party boat operators was an issue and now it is not. Tonight, the issue is only a place at the table. Why was Council laughing at the seat at the table, so how strong will that seat be? We did not have annexation before and we had a seat, why do we need annexation now? Council Member Yenawine said we had a place at the table because it was in our city limits, but now it is in the water. There are differences tonight. He answered the police boat issue by saying no one is even thinking Volente providing police protection on the annexed water. The party boats has been an issue. Nothing in the ordinance gives us the power to get a police boat. He is worried about zoning to protect residences around Sandy Creek. We would have to come up with ordinances. Election cycle can change the direction of a council.



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

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

Brent Sanbak, 7503 Davey Drive, Volente, TX he would like a survey to be taken, if not a vote. What we have not is a dictatorial democracy.

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

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

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

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

David Lowndes, Volente, TX asked what do we need to do to work with Jonestown? What kind of cooperation do we have? If we go part way out, how does that effect it.

Council Member Yenawine said it gives us a place at the table. Jonestown property owners are in litigation on this now where the intake got moved to. We can at least represent our property owners. David said it is important to work with them. Yenawine said if we go in together then there is not a line of what is Jonestown and what is Volente. David said will we have the same thing with the pipeline? Council Member Yenawine said we would work with Jonestown on protection.



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

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

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

Mayor Pro Tem Scott made a motion to adjourn.

Council Member Beck seconded. All were in favor.

The meeting adjourned at 8:17 p.m.

Approved this     day of     May, 2014.

Frederick Graber, Mayor

Attest:

Joan Jackson, City Secretary.