



Minutes
City Council
Village of Volente, TX
Friday, April 4, 2014
7 pm.

Council Members Present

Frederick Graber, Mayor
Mark Scott, Mayor Pro Tem
Judy Graci, Council Member
Jan Yenawine, Council Member

Others Present

Tom Buckle, City Atty.

Absent:

Chris Wilder, Council Member
Ken Beck, Council Member
Joan Jackson, City Secretary

A. ITEMS OPENING MEETING

1. Call to Order.

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

2. Roll Call by City Secretary.

Roll was called by City Administrator, Barbara Wilson.

3. 2nd 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.

Ms. Wilson read the Ordinance and a summary of the Ordinance.

4. Open Public Hearing

Public hearing was opened at 7:03 p.m.

Public Comments:

Allison Thrash, 15100 FM 2769, Volente, TX stated that this is the 5th public hearing and the 2nd reading of the Ordinance. She thanked the Mayor and Council, Staff, and Consultant for staying the course and giving the opportunity for the Village to give public comments and a voice in this annexation. She thinks the sign by the Village monument that is very readable telling the Village about the reading process, annexation process and the public hearings and there has been given plenty of time



41 and opportunity and notice to come give your public opinion. She thinks by the
42 percentage of the people who have not come that they have faith the Council
43 doing what is in their best interest. Three large topics from the last survey are
44 protect the health and welfare of the citizens, protect our commercial interest,
45 and protect the property values and to oversee traffic and keep transportation safe.
46 A small percentage have come and expressed their objections, and the larger
47 percentage have indicated they see no need to object or appear before you.

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49 Judy Barrick, 15907 Booth Circle, Volente, TX believes the small portion who do
50 come are aware of what is going on. This is a hot topic and has been so discussed for
51 several months. The proper thing to do would be to notify all the registered voters in
52 the Village because so many do not live here and know what is going on here. The
53 right thing to do would be to notify by email. Council has done the right steps but
54 there is a majority that have not had the opportunity to express their concerns and
55 Council should have let them know about it. She would have felt better if we had let
56 all know about it. We would have had more pros and cons than were given. We
57 have let the majority of the people down as they did not know and do not know.
58 They were not aware.

59 David Gordon, 15761 Booth Circle, Volente, TX read statement from his wife. The
60 annexation is a wise plan. She does not want herself or neighborhood to be
61 powerless. Thank you to the Council for doing this. She liked the newsletter hanging
62 from her mailbox. It felt like Old Volente again.

63 David is not sure why this is a hot topic. It has gone viral. The most important thing
64 is it puts another arrow in our quiver against Brushy Creek. We need all those
65 arrows. I see this as an important issue. He was looking at Exhibit C about services
66 provided and something about docks and that LCRA will still be inspecting the docks.
67 Are we (Volente) inspecting the docks? Dock inspection is important. Please clarify
68 this and if we are, I would like the Village's inspections to be better than LCRA's
69 inspections.

70 Mayor Pro Tem Scott said no personnel will be added to do that and he added he
71 does not intend to add dock inspection.

72 Council Member Graci feels like people should be aware they should be inspecting
73 their docks. The position of the Village is that LCRA should be regulating the boat
74 docks. She personally would feel safer swimming in the cove if inspections were
75 done. It needs to be out there as a community issue. Nobody even thought about
76 this before the accident happened. It is something that needs to be addressed and
77 make people aware it needs to be done.

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80 Council Member Yenawine said LCRA does the septic systems and he has difficulty
81 seeing us trying to develop the expertise to inspect docks. We need to educate
82 people and if someone thinks there is a problem, we need to address it. But
83 regarding having a dock inspections program, there is no viable way to do it
84 effectively without it costing too much for the dock person.

85 David Gordon feels a little let down by that. He would like our government entity to
86 help with the protection and danger of a live wire around a dock. He knows this is a
87 premature conversation. Council Member Graci said you brought it up and it needs
88 to be addressed. She said together we can come together and come up with a plan.
89 She thinks it is something we can look at, but that the Village has the stance that
90 LCRA inspects the docks.

91

92 Mayor Graber suggested the Public Safety Committee is the first place to start with
93 this. An awareness campaign could be put together about electricity and boat docks.
94 Council Member Yenawine said we needed the dock owners to help with this and we
95 need guidance. Let's do our business out here in the Council room where the people
96 who are affected can give us guidance. Council Member Graci would like it addressed
97 through LCRA first.

98 Nancy Carufel, 8138 Joy Rd, Volente, TX agrees with David Gordon that it was a
99 horrendous event that happened with the electrical. LCRA regulates this and her
100 understanding is that what we are doing with this is that we are trying to keep the
101 BCRUA from doing structures and LCRA said if we take over that, then they step out
102 of it. And then we regulate it. I don't understand the ordinances that will be passed.
103 Let's look at what we are doing and what you are saying and what needs to be done.
104 As for the Village's liability and inspections of the docks, they will not enforce if we
105 take over it. I am not for the annexation and let's look at partial annexation.

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107 Barbara Wilson, City Administrator, read the following statements into the record.

108 Janice A. Moses, 7601 Debbie Drive, Volente, TX is unable to make meeting. She is in
109 support of annexation. With so much of our village on the lake front, BCRUA
110 charging forward with their intake, and the LCRA's board seeming to have major
111 conflicts of interest, this annexation seems beneficial to our community. I am
112 strongly against micromanagement of those individual families affected, and we
113 should limit regulation to invasive commercial practices which may disrupt our
114 refuge.

115 Connie Ripley, 15781 Booth Circle, Volente, TX is in favor of surface water
116 annexation.



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119 David Gavenda and Janie Gavenda, 7317 Blue Heron Cove, Volente, TX are unable to
120 attend the reading of the annexation proposal before the Council but would like to
121 have our support of it read into the record. We believe that passage of the proposal
122 will be advantageous to the future of the Village in all of the ways suggested by the
123 proponents of it.

124 Clifford Aguero, 7601 Debbie Drive, Volente, TX states please note I am unable to
125 make the meeting tonight so I would like the Council to be aware I am in support of
126 the water annexation proposal. With so much of our Village on the lake front, BCRUA
127 charging forward with the intake and the LCRA board seeming to have major conflicts
128 of interest, this annexation seems beneficial to our community. That said, I would
129 strongly discourage micro-management of those individual families affected, and
130 limit regulation to invasive commercial practices which may disrupt our refuge.

131 Kit Hopkins, 15943 Booth Circle, Volente, TX asked please let it be known at the
132 meeting that I am totally in favor of the surface water annexation. It seems to me
133 this is a no brainer. And given the importance of this meeting for the city, I find it
134 inappropriate that not all Council members will be present at this meeting. I'm not
135 there because I am moving my house. As I stated at the meeting I attended, it's my
136 property value that I am concerned with. The inability to influence the uses of the
137 surface water out our backdoors and to control unbridled obnoxious behavior of any
138 kind will have a negative impact on property values. There's a lot of misinformation
139 that has been peddled in various forms that has not helped in the Council's process
140 to date. It is my hope that people will see this annexation as necessary to preserve
141 our homes and neighborhood and support the Council in any way they can.

142 Council Member Chris Wilder stated thanks for the email. Please see my comments
143 below: Please accept my regrets for not attending tonight but I am traveling on
144 business. To that end, I would like to formally put on record my opposition to the
145 water surface annexation proposal for the following reasons: **1.** I had requested we
146 hold the vote on this measure during a Regular Council Meeting when the entire
147 Council will be in attendance. I see no reason to conduct the vote on a Friday night
148 when fewer residents will be in attendance. This Council has a significant trust and
149 perception issue and these actions will only add fuel to the fire. **2.** I see no practical
150 value in annexing 600+ acres of surface water. While there may be valued reason to
151 do this, I believe **a)** the case for this annexation has not been consistently expressed,
152 **b)** there has been zero communication as to what the value to village residents will
153 be long term other than bigger government and more ordinances **c)** I fail to see how
154 these actions will improve the health and safety of our residences other than



155 enforcing specific ordinances targeted at local businesses. **3.** There are too many
156 unintended consequences from a legal and administrative perspective that have yet
157 to be considered. While the Village may go into this with the best intentions now,
158 there has been little or no discussion about what ordinances we will enact on the lake
159 and why this is the best course of action for our community down the road. We
160 should be looking at reducing the size and scope of our government not expanding its
161 reach for punitive or defensive posturing reasons. **4.** The BCRUA is our 9/11 and this
162 council, myself included, has voted to enact ordinances specifically to discourage
163 locating the intake systems and pumps within Volente. The BCRUA is a convenient
164 excuse for creating more ordinances, building a litigation war chest (when we could
165 have been improving our services) and now using annexation as a stick to dissuade
166 them from their plans. These tactics have not worked. The current LOI with the
167 BCRUA came through direct communications and negotiation between the two
168 entities. There is still a long way to go, but maybe we could change tactics and try a
169 carrot rather than a stick. This same principal is proving to be successful for working
170 with the party boats and other businesses so I am willing to continue to work with
171 them and hopefully meet half-way. While there is more, these are the main reasons I
172 am firmly opposed to the Village's adventures in annexation.

173 Council Member Ken Beck: Mayor Graber said at the February Council Meeting that
174 the issue with annexation would consist of two public hearings, two public readings
175 and then a vote at the April Council Meeting on April 15th. I am very much opposed
176 to a vote taking place tonight at the second reading with at least two of the council
177 members not present. I informed the village office over a week ago that I could not
178 be present at the April 4th reading.

179 My position on the annexation of the surface waters of Lake Travis opposite the
180 Village has taken a lot of research and lot of thought. I have tried to listen to as many
181 residents of the Village as possible. This has led me to several difficult observations:
182 **1.** I don't believe that we, as a Council, are clear or consistent with the intent of this
183 annexation. Our legal opinion from the first draft of the ordinance changed - are we
184 annexing the exposed land and the water surface or just the water surface of a lake
185 that is very dynamic in its levels. The area from 671 down to the water's edge will
186 remain governed by only the ETJ provisions as we most recently found out. **2.** Early
187 on in the public hearings the focus for the annexation was to address the amount of
188 money being spent for off duty police officers through the summer- this being driven
189 by the behavior of people getting off the Party Boats that operate out of Volente. At
190 the first reading of the proposed ordinance the general posture of the Council had
191 shifted to annexation allowing us to have a "seat at the table" to deal with Cedar
192 Park and the BCRUA and that we had no intentions of writing any ordinances to
193 control party boat activity on the water. I am very uncomfortable with this
194 inconsistency. The reason that we have had influence over the BCRUA started with a



195 meeting that I initiated in 2002 and 2003 and beyond with Rep. Donna Howard and
196 Sen. Kirk Watson, soliciting their support for Volente, and receiving their
197 commitment to help us get a “seat at the table”. Present were myself representing
198 the VNA in addition to Jan Yenawine, Judy Graci and Justine Blackmore-Hlista
199 representing the Village. These relationships should be continued and expanded, and
200 they have every possibility for influence building that does not require an ordinance
201 to maintain.

202 **3.** I am deeply disturbed by the rift that appears to be growing within Volente
203 between the residents and the Council, and equally disturbed by the rift that appears
204 be growing between members of the Council. I informed the Village Office that I
205 could not be present at this second reading of the proposed ordinance, and I
206 personally asked the Mayor that any vote regarding the annexation be held at the
207 April 15th Council Meeting which was the original explanation to the Council and to
208 the public.

209 I am asking that a vote not be taken tonight, April 4th. If in fact a decision is made to
210 move forward with the vote, my vote is **NO** for the reasons stated above. Action on
211 this subject tonight could negatively impact trust between the residents of Volente
212 and the City Council.

213 The public hearing was closed at 7:43 p.m.

214 **5. Discussion and possible action on proposed Ordinance Annexing a Portion of**
215 **Lake Travis, being approximately 637 acres, more or less, of a Navigable Stream in**
216 **Travis County, TX and Providing for a Municipal Services Plan for the Annexed Area.**

217 Mayor Pro Tem Scott said what does annexation do? Regulate construction and
218 health and safety in the waters just like we do on the land. Who does that affect?
219 Anyone who is doing construction under the water or health and safety issues on the
220 water. Who is that? It eliminates 98% of the Village who is not affected by this. Why
221 are we objecting? Is legality. It is legal. He trusts our legal opinion. What are the
222 costs and will taxes go up? I see no additional expense to the Village to have ability
223 to enforce on the water.

224 Will it lead to new regulations? In 2012 we had two regulations-- one setting the
225 budget and one setting the tax rate. In 2013 we did the budget, tax rate and a
226 budget amendment and the administrative ordinance and in 2014 we did a budget
227 amendment and amendment to the administrative ordinance. There have been
228 issues and they have taken care of themselves. No additional costs. This is putting an
229 arrow in our quiver and the ability to be able to regulate the same way we do on
230 land.

231 Council Member Graci: There is no downside to annexation. It allows the Village a
232 seat at the table. It is the least expensive way to give us the strongest legal position.



233 Our first priority is to Village residents, not party boat operators who cannot self-
234 regulate. The Village's strength in dealing with the BCRUA intake project has been
235 zoning regulations and the stance that BCRUA needs Council's consent to proceed
236 within our boundaries, along with elected officials. Sometimes added regulation is
237 required to keep what we have. I want this for my property as a lot of residents do,
238 that I have talked to. It is for issues to come and for issues we do not know about.
239 When the lake fills up and boat ramps open, I want a say to protect our quality of life,
240 our property values, and our safety. I want to be at the table and be informed about
241 what is happening.

242 Council Member Yenawine: If you do not have the ability to make some people come
243 to the table, they will not come to the table. We want to protect our residents.

244 Council Member Yenawine made a motion to adopt Ordinance 2014-0-4 to annex.
245 Mayor Pro Tem Scott seconded the ordinance. The motion passed unanimously with
246 Council Member Beck and Council Member Wilder absent.

247 Mayor Pro Tem Scott made a motion to adjourn. Council Member Yenawine
248 seconded
249 the motion. All were in favor. The meeting adjourned at 7:56 p.m.

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251 Approved this day of , 2014.

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254 Frederick Graber, Mayor

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257 Joan Jackson, City Secretary

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