



Minutes
City Council
Village of Volente, TX
Tuesday, 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, C. 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 7:0

Public Comments:

Allison Thrash, 15100 FM 2769, Volente, TX repeated 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 opportunity for the Village a for public comments and a voice in this annexation. She thinks the sign by the 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 and opportunity and notice to come give your public opinion. She think by the percentage of the people who have not come show they have faith the Council is doing what is in their best interest. Three large topics from the last survey are protect the health and welfare of the citizens, protect our commercial interest, and protect the property values and to oversee



traffic and keep transportation safe. A small percentage who have come and expressed their objections and the large percentage who have indicated they see no need to object or appear before you.

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

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

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

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

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

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

David Gordon feels a little let down by that. He would like our government entity to help with the protection and danger of a live wire around a dock. He knows this is a premature conversation. Council Member Graci said you brought it up and it needs to be addressed. She said together we can



come together and come up with a plan. She thinks it is something we can look at but Village has the stance that LCRA inspects the docks.

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

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

Barbara Wilson read the following statements into the record.

Janis A. Moses, unable to make meeting. She is in support of annexation. With so much of our village on the lake front, BCRU charging forward with their intake, and the LCRA's board seeming to have major conflicts of interest, this annexation seems beneficial to our community. I strongly am against micromanagement of those individual families affected and limit regulation to invasive commercial practices which may disrupt our refuge.

Connie Ripley in favor of surface water annexation.

David Gavenda and Janie Gavenda are unable to attend the reading of the annexation proposal before the Council but would like to have our support of it read into the record. We believe that passage of the proposal will be advantageous to the future of the Village in all of the ways suggested by the proponents of it.

Clifford Aguero please note I am unable to make the meeting tonight so I would like the council to be aware I am in support of the water annexation proposal. With so much of our village on the lake front, BCRU charging forward with the intake and the LCRA board seeming to have major conflicts of interest, this annexation seems beneficial to our community. That said, I would strongly discourage micro-management of those individual families affected, and limit regulation to invasive commercial practices which may disrupt our refuge.

Kit Hopkins please let it be known at the meeting that I am totally in favor of the surface water annexation. It seems to me this is a no brainer. And given the importance of this meeting for the city, I find it inappropriate that not all Council members will be present at this meeting. I'm not there because



I am moving house. As I stated at the meeting I attended, it's my property value that I am concerned with. The inability to influence the uses of the surface water out our backdoors and to control unbridled obnoxious behavior of any kind will have a negative impact on property values. There's a lot of misinformation that has been peddled in various forms that has not helped in the Council's process to date. It is my hope that people will see this annexation as necessary to preserve our homes and neighborhood and support the council in any way they can.

Council Member Chris Wilder : thanks for the email. Please see my comments below: Please accept my regrets for not attending tonight but I am traveling on business. To that end, I would like to formally put on record my opposition to the water surface annexation proposal for the following reasons: 1. I had requested we hold the vote on this measure during a regular council meeting when the entire council will be in attendance. I see no reason to conduct the vote on a Friday night when fewer residents will be in attendance. This council has a significant trust and perception issue and these actions will only add fuel the fire. 2. I see no practical value in annexing 600+ acres of surface water. While there may be valued reason to do this, I believe a) the case for this annexation has not been consistently expressed, b) there has been zero communication as to what the value to village residents will be long term other than bigger government and more ordinances c) I fail to see how these actions will improve the health and safety of our residences other than enforcing specific ordinances targeted at local businesses. 3. There are too many unintended consequences from a legal and administrative perspective that have yet to be considered. While the Village may go into this with the best intentions now, there has been little or no discussion about what ordinances we will enact on the lake and why this is the best course of action for our community down the road. We should be looking at reducing the size and scope of our government not expanding its reach for punitive or defensive posturing reasons. 4. The BCRUA is our 9/11 and this council, myself included, has voted to enact ordinances specifically to discourage locating the intake systems and pumps within Volente. The BCRUA is a convenient excuse for creating more ordinances, building a litigation war chest (when we could have been improving our services) and now using annexation as a stick to dissuade them from their plans. These tactics have not worked. The current LOI with the BRUCA came through direct communications and negotiation between the two entities. There is still a long way to go, but maybe we could change tactics and try a carrot rather than a stick. This same principal is proving to be successful for working with the party boats and other businesses so I am willing to continue to work with them and hopefully meet half-way. While there is more, these are the main reasons I am firmly opposed to the Village's adventures in annexation.

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



My position on the annexation of the surface waters of Lake Travis opposite the Village has taken a lot of research and lot of thought. I have tried to listen to as many residents of the village as possible. This has led me to several difficult observations: 1. I don't believe that we, as a council are clear or consistent with the intent of this annexation. Our legal opinion from the first draft of the ordinance changed - are we annexing the exposed land and the water surface or just the water surface of a lake that is very dynamic in its levels. The area from 671 down to the water's edge will remain governed by only the ETJ provisions as we most recently found out. 2. Early on in the public hearings the focus for the annexation was to address the amount of money being spent for off duty police officers through the summer- this being driven by the behavior of people getting off the Party Boats that operate out of Volente. At the first reading of the proposed ordinance the general posture of the council had shifted to annexation allowing us to have a "seat at the table" to deal with Cedar Park and the BCRUA and that we had no intentions of writing any ordinances to control party boat activity on the water. I am very uncomfortable with this inconsistency. The reason that we have had influence over the BCRUA started with meeting that I initiated in 2002 and 2003 and beyond with Rep. Donna Howard and Sen. Kirk Watson, soliciting their support for Volente, and receiving their commitment to help us get a "seat at the table". Present were myself representing the VNA in addition to Jan Yenawine, Judy Graci and Justine Blackmore-Hlista representing the Village. These relationships should be continued and expanded, and they have every possibility for influence building that does not required an ordinance to maintain.

3. I am deeply disturbed by the rift that appears to be growing within Volente between the residents and the council, and equally disturbed by the rift that appears be growing between members of the council. I informed the village office that I could not be present at his second reading of the proposed ordinance, and I personally asked the Mayor that any vote regarding the annexation be held at the April 15th council meeting which was the original explanation to the council and o the public.

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

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

5. Discussion and possible action on proposed 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.

Mayor Pro Tem Scott said what does annexation do? Regulate construction and health and safety in the waters just like we do on the land. Who does that effect? Anyone who is doing construction under the water or health and safety issues on the water. Who is that? It eliminates 98% of the Village who is not affected by this. Why are we objecting? Is it legality? Is it legal. He trusts our legal opinion. What



will it costs and taxes go up? I see no additional expense to the Village to have ability to enforce on the water.

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

Council Member Graci: There is no downside to annexation. It allows the Village a seat at the table. It is the least expensive way to give us the strongest legal position. Our first priority is to Village residents, not party boat operators who cannot self-regulate. The Villages strength in dealing with the BCRUA intake project has been zoning regulations and the stance that BCRUA needs Councils consent to proceed within our boundaries, along with elected officials. Sometimes added regulation is required to keep what we have. I want this for my property as a lot of residents do, that I have talked to. It is for issues to come and for issues we do not know about. When the lake fills up and boat ramps open, I want a say to protect our quality of life, our property values, and our safety. I want to be at the table and be informed about what is happening.

Council Member Yenawine: If you do not have the ability to make some people come to the table, they will not come to the table. He seriously considered just annexing Sandy Creek. That is where we are. If we don't move forward with this, we will have no way to get people to the table just like last summer was. We need the ability to make them come to the table. This is where we are. We want to protect our residents.

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

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

Approved this day of , 2014.

Frederick Graber, Mayor



Joan Jackson, City Secretary