

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
DECEMBER 18, 2014**

BE IT REMEMBERED that on the 18th day of December, 2014 the City Council held a Regular Meeting at 6:30 P.M., at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL, INVOCATION AND PLEDGE OF ALLEGIANCE

Randy Kruger	Mayor	Melissa Byrne Vossmer	City Manager
Dale Mitchell	Mayor Pro Tem	David Harrell	Development Services Director
Ron Smith	Council Member	Danny Smith	Police Chief
D'Anne Gloris	Council Member	Dave Stewart	Public Works Director
Darrel Hunt	Council Member	Belinda Kneblick	Assistant City Secretary
Ed Tidwell	Council Member	Laura Fowler	Public Works Assistant
Richard Bohn	Council Member	John Goble	Building Official
		Starr Lockwood	Finance Manager
		Barbara Boulware-Wells	City Attorney

Mayor Kruger called the Regular Meeting to order and recognized that all Council Members were present. Pastor Gary Olsen with Rolling Hills Community Church gave the Invocation and Mayor Kruger led the Pledge of Allegiance.

The numbering below tracks that of the agenda, whereas the actual order of consideration varied, primarily for the convenience of the guests.

PUBLIC COMMENTS

Michael Panter, resident of 20722 Camel Back Street, requested that the Council consider forming a committee and consider having an agenda item to discuss youth sports programs. He stated the sports facilities here are heavily lacking and most kids that live here play in Cedar Park. He said they to reach out to surrounding communities for inter-city play. He stated scheduling of the existing facilities is also an issue. He asked the Council to think about the future of the kids here and to see whether there is land available for additional facilities. He invited the Council to visit the fields and compare them to other cities. He urged the Council to find time to help them out and recognize sports other than football.

Mayor Kruger stated that the City is creating a parks and recreation group this year with a leader which should help with communications and that the Tessera development might have some park land that could be available. He stated they are taking under consideration.

Michael Panter stated that a committee could work with developers and find a way to make it economical and reiterated that scheduling is still an issue. He asked that baseball kids get priority over other events on the softball field and old high school field stating they are not allotted a block of time and he cannot schedule farther than one month out.

PUBLIC HEARING

1. Mayor Kruger stated the purpose of the public hearing is to obtain citizen input regarding the amendment of the Land Use Assumptions and Capital Improvements Plan and possible amendment to the Impact fees, and to discuss the proposed ordinance amending the Land Use Assumptions, the Capital Improvements Plan, and amendment to the water and sewer impact fees.

David Harrell stated this report covers impact fee land use assumptions and capital improvement projects and is a required 5 year update per the state under 395 of the Texas Local Government Code. On November 20, 2014 Council was given a presentation by staff and their consultants and held the public hearing for that report. He stated Council would be considering that report at this meeting. On October 30, 2014, under state law, the Impact Fee Advisory Committee made the following findings:

- That the report was consistent with state law and good engineering practices.
- That the underlying impact fee calculations were reasonable and useful for city purposes.
- That that the methodology used in the calculation of the water and wastewater fees were in good condition.

He stated the Impact Fee Advisory Committee unanimously recommended that the water fee, on the impact fee, be raised from \$1,500 to \$3,000 (which is not the maximum fee allowed under state law) and that that the wastewater fee, on the impact fee, be raised from \$1,250 to \$2,115(which is the maximum allowed under state law) with the stipulation that it be revisited in one year to make sure there are no adverse impacts on housing starts.

He stated impact fees are charged on new development, therefore new homes being built in the city would be assessed the new fees. He stated staff recommends Council approve the Impact Fee Advisory Committee recommendations as stated, with the increase to begin February 15, 2015, in order to give notice to the community, allow time for the completion of permits in progress, and to allow builders to plan for the extra

costs. He stated under state law, the maximum can only be 50% of the calculations in the report. He stated the proposed impact fees are in line with those of neighboring cities.

Tim Haynie and Tim Haynie, Jr. with Haynie Consulting, Inc. and Andy White, Impact Fee Committee Member, were also present to answer questions.

Michael Panter, of 20722 Camel Back, requested Council consider the density and how close houses are together in the neighboring cities. He stated the facilities in place at this time in those cities are more robust than ours. He stated he thinks the proposed fees are excessive and a \$2,600 increase in impact fees, in addition to the monthly utility bill (which seems high to him), the increase in property taxes, the \$10.00 drought fee, and the increase in water fees is a lot to swallow. He stated increased costs in developing property devaluates the property and requested Council consider that,

Dale Mitchell responded stating the intent of the impact fees is to not have the burden of the construction of new water and wastewater lines and facilities put on existing residents. He stated the object is to put that fee on new development and new construction so the current citizens don't have to pay higher taxes and have higher water rates to subsidize new development. He stated, when you look at the engineer's calculations of the equipment needed to put into the plants over the next several years to meet the expected growth (4.6% per year), it behooves us to make sure future people coming in pay for the extension of new plants and water lines.

Michael Panter questioned the validity of the numbers used to compare and contrast other communities.

Dale Mitchell stated they did not use the comparisons for any of their calculations, stating the calculations were strictly the cost to build new plants and lines. He stated the comparison was only for the Advisory Committee to see how the fees compare with neighboring towns and whether they would deter people from moving or developing here.

Michael Panter stated the comparison takes away from the actual cost and asked the Council to think about it from a citizen's point of view.

There being no further comments Mayor Kruger closed the public hearing.

ACTION ITEM

2. On a motion by D'Anne Gloris, seconded by Dale Mitchell, the Council unanimously adopted Ordinance O-29-14, an Ordinance of the City of Lago Vista, Texas, amending Ordinance No. 09-06-04-01; amending Chapter 13, Utilities, Article 13.200, Water and Wastewater Impact Fees; amending water and wastewater Impact Fees; amending Table 1, set out in Appendix "A", Article 6.00, Utility Related Fees, Section 6.100, Impact and Tap Fees, Code of Ordinances of Lago Vista; providing repealer, severability, open meeting and effective date provisions; and providing for related matters.

PRESENTATIONS

3. Tom Lawrence updated the Council regarding the City of Lago Vista, Texas 2015 General Obligation Refunding Bonds.
4. Shay Roalson with HDR Engineering, Inc. updated the Council on Water Treatment Plant #3.
5. The Council received the Board of Adjustment annual report.
6. Consultant Kim Foutz presented the Development Services Operational Assessment.

CONSENT AGENDA

7. Approval of the November 20, 2014 Regular Meeting minutes was pulled from the consent agenda for discussion. Dale Mitchell requested that a correction be made to the minutes of the public hearing regarding impact fees, referencing Randy Kruger's statement that there was a need for 150,000 to 200,000 homes when the intent was that there was a need for homes in the price range of \$150,000 to \$200,000. Darrel Hunt requested that the candidate's name, Tom Moody, be included under item #9. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council unanimously approved the minutes of the November 20, 2014 Regular Meeting.
8. On motion by D'Anne Gloris, seconded by Dale Mitchell, the Council unanimously approved Resolution R-31-14, a Resolution of the City Council of the City of Lago Vista, Texas authorizing the City Manager to sign the State assisted Routine Airport Maintenance Program Grant for the Lago Vista Rusty Allen Airport.

ACTION ITEMS

9. On a motion by Darrel Hunt, seconded by D'Anne Gloris, the Council voted unanimously to table consideration of Ordinance O-30-14, an Ordinance of the City Council of the City of Lago Vista, Texas, modifying Chapter 3, Article 3.100, Section 3.110, Permits and/or Approvals, Code of Ordinances to require a form survey and prescribe standards for the form survey; modifying Chapter 3, Article 3.100 Section 3.112, Inspection Requirements to prescribe at which portion of the inspection process a form survey is required to be completed; providing a savings clause; providing a severability clause; and, providing an effective date, and instructed staff to discuss proposed requirement with the local builders.

10. On a motion by Dale Mitchell, seconded by Richard Bohn, the Council unanimously adopted Ordinance O-31-14, an Ordinance of the City Council of the City of Lago Vista, Texas, modifying Chapter 3, Article 3.100, Section 2, Subsection 3.106, Building Code, Code of Ordinances of the City of Lago Vista in order to adopt 2012 editions of the *International Building Code*, the *International Residential Code for One and Two- Family Dwellings*, the *International Fire Code*, *Existing Building Code*, and *International Property Maintenance Code*; modifying Chapter 3, Article 3.100, Section 2, Subsection 3.107, Plumbing Code, Code of Ordinances in order to adopt the 2012 editions of the ICC *Plumbing Code* and ICC *International Private Sewage Disposal Code*; Modifying Chapter 3, Article 3.100, Section 2, Subsection 3.108, Electrical Code, Code of Ordinances in order to adopt the 2014 edition of the National Electrical Code; Modifying Chapter 3, Article 3.100, Section 2, Subsection 3.109, Mechanical Code, Code of Ordinances in order to adopt the 2012 editions of the ICC Mechanical Code, the ICC *Fuel-Gas Code* and the Energy Conservation Code, and their local modifications and additions; modifying Chapter 3, Article 3.1200, Section 2, Subsection 3.1202, Property Maintenance Code, Code of Ordinances in order to adopt the 2012 edition of ICC *Property Maintenance Code* and its local modifications and additions; Chapter 5, Article 5.100, Section 5.101 adoption of International Fire Code, Code of Ordinances, in order to adopt the 2012 edition of the *International Fire Code*; Chapter 5, Article 5.200, Section 5.201 Adoption of Code and Handbook, Code of Ordinances, in order to adopt the 2012 editions of *Life Safety Code* and *Life Safety Code Handbook*; providing a savings clause; providing a severability clause; and, provide an effective date.
11. On a motion by D'Anne Gloris, seconded by Dale Mitchell, the Council unanimously adopted Ordinance O-32-14, an Ordinance of the City Council of the City of Lago Vista, Texas, modifying the City's Code of Ordinances, Chapter 4, Article 4.900, Minimum Airport Standards, Section 4.901, Definitions; Section 4.914, Vehicular and Pedestrian Traffic, in order to remove provisions prohibiting vehicular traffic on runways except for emergency or maintenance purposes; repealing and replacing Section 4.918, Maintenance or Inspection vehicles in certain areas with requirements for crossing primary landing area (vehicle requirements for crossing primary landing area); modifying Section 4.922 to require announcement of landing and take-off in primary landing area and allow take-offs or landings for rotary wing aircraft associated with helicopter operations; Section 4.927, actions prohibited, in order to ban UAV Drones; adding a new Section 4.928, Licensing Requirements; and renumbering of Section 4.928 to 4.929, penalties; providing a savings clause; providing a severability clause; and, provide an effective date.
12. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council unanimously adopted Ordinance O-33-14, an Ordinance granting to Alliant Gas, LLC, the right, privilege and franchise to use streets, alleys and rights-of-way to operate and maintain a propane distribution system in the City of Lago Vista, Travis County, Texas; providing regulations for the conduct of the system by the company; providing for franchise compensation; containing a severability clause; providing for conflicts of ordinances; and providing an effective date.
13. On a motion by D'Anne Gloris, seconded by Richard Bohn, the Council voted unanimously to award a contract to Nelisa Heddin Consulting for the Water / Wastewater Utility Rate Study in an amount not to exceed \$14,090 and authorized the City Manager to execute the contract.
14. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council voted unanimously to table consideration of Resolution R-32-14, a Resolution authorizing the City Manager to execute an agreement for the financing of vehicles and equipment for the 2014/2015 Fiscal Year.
15. On a motion by Ed Tidwell, seconded by D'Anne Gloris, the Council unanimously approved Resolution R-33-14, a Resolution of the City Council of the City of Lago Vista, Texas, re-appointing Robert Durbin and appointing Vernon Reher as Regular members to the Building Committee with terms expiring January, 2017.
16. On a motion by Dale Mitchell, seconded by Ron Smith, the Council unanimously approved Resolution R-34-14, a Resolution of the City Council of the City of Lago Vista, Texas, re-appointing Vernon Reher, Richard Brown, and Andy White to the Planning and Zoning Commission with terms expiring January 1, 2017.
17. On a motion by Dale Mitchell, seconded by D'Anne Gloris, the Council unanimously approved Resolution R-35-14, a Resolution of the City Council of the City of Lago Vista, Texas, re-appointing Peggy Gibson and Sharon Macut to the Library Advisory Board with terms expiring January, 2017.
18. On a motion by Richard Bohn, seconded by Ron Smith, the Council unanimously approved Resolution R-36-14, a Resolution of the City Council of the City of Lago Vista, Texas, appointing Glen Overton, Gordon Stokes, Fehrenbach, and Frank Robbins to the Keep Lago Vista Beautiful Board with terms expiring January, 2017 and appointing Sherilyn Beal, Tom Roznowski, and Mike Leitko to the Keep Lago Vista Beautiful Board with terms expiring January, 2016.
19. On a motion by Ed Tidwell, seconded by Dale Mitchell, the Council unanimously approved Resolution R-37-14, a Resolution of the City Council of the City of Lago Vista, Texas, re-appointing Robert Durbin as a Regular Member Place 1, Bob Vance as Regular Member Place 3, and Bill Selph as Regular Member Place 5 to the Board of Adjustment with terms expiring January 1, 2017.

WORK SESSION

20. The Council discussed permitting the raising of chickens and other livestock within the city limits. Council directed staff to do additional research and bring it back to Council within the next three months.
21. The Council discussed the Fiscal Year 2013/2014 4th Quarter CIP report.

22. November, 2014 Departmental Reports

- A. Airport
- B. Municipal Court
- C. Utility Department
- D. Street Department
- E. Development Services
- F. Police Department
- G. Library
- H. Golf Course
- I. Finance

FUTURE MEETINGS

23. Consider schedule and items for future Council meetings.

EXECUTIVE SESSION

24. At 10:23 p.m. Mayor Kruger announced the Council will convene into executive session pursuant to Sections 551.071, 551.072 and 551.074 Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding;
- a) Status of eminent domain actions;
 - b) Claim or possible claim related to easements;
 - c) Discussion concerning status of negotiations with possible hotel venture;
 - d) Discussion regarding standards and criteria for City Manager's performance evaluation.

ACTION ITEMS

25. At 11:45 p.m. the Council reconvened from executive session into open session to take action as deemed appropriate in the City Council's discretion as follows:
- a) No action was taken regarding status of eminent domain actions;
 - b) No action was taken regarding claim or possible claim related to easements;
 - c) No action was taken regarding discussion concerning status of negotiations with possible hotel venture;
 - d) No action was taken regarding discussion regarding standards and criteria for City Manager's performance evaluation.

ADJOURNMENT

Mayor Kruger adjourned the meeting at 11:46 P.M.

Respectfully submitted,

Randy Kruger
 Randy Kruger, Mayor

ATTEST:

Belinda Kneblick
 Belinda Kneblick, Assistaht City Secretary

On a motion by Council Member *Darrel Hunt*, seconded by Council Member _____
Deanne Harris, the above and foregoing instrument was passed and approved this
 15th day of January, 2015.

