

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
AUGUST 20, 2015**

BE IT REMEMBERED that on the 20TH day of August, A.D., 2015, 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
Darrel Hunt	Mayor Pro Tem	Danny Smith	Police Chief
Ron Smith	Council Member	David Harrell	Development Services Director
Rodney Cox	Council Member	Sandra Barton	City Secretary
D'Anne Gloris	Council Member	Gary Graham	Engineer, Walker Partners
Dale Mitchell	Council Member	Starr Lockwood	Accounting Manager
Jason Shoumaker	Council Member	Barbara Boulware Wells	City Attorney

Mayor Randy Kruger called the Regular Meeting to order and recognized that all Council Members were present. Also, present, Librarian, Jan Steele. Mayor Kruger led the Pledge of Allegiance.

The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.

PUBLIC COMMENTS

Tim Campbell, Battalion Chief with Travis County ESD 1 appeared to invite the Council to Jonestown Fire Station 1 at 11:00 a.m. on Saturday to see the roll out of the first ladder truck in this district.

Andrew Watts appeared and offered his services regarding the golf courses in any way possible. His background is in Sales and Marketing.

PRESENTATION

1. Receive and discuss monthly update on Water Treatment Plant #3 by Shay Ralls Roalson, PE, HDR.

Shay Roalson, Civil Engineer with HDR appeared and provided the update for the Council and addressed questions from Council.

No action taken on this item at this time.

PUBLIC HEARINGS

2. ***PUBLIC HEARING***: Pursuant to the Texas Local Government Code, Chapter 102, notice is hereby given that the City Council of the City of Lago Vista, Texas will conduct a Public Hearing to receive citizen comments and views regarding the proposed City of Lago Vista

budget for the Fiscal Year 2015/2016 commencing October 1, 2015 and ending September 30, 2016.

A copy of the proposed budget is available for viewing between 8:00 A.M. and 5:00 P.M. on weekdays at the Lago Vista City Hall, 5803 Thunderbird and the Lago Vista Library at the Lago Vista Public Library, 5803 Thunderbird, Suite 40, Lago Vista, Texas 78645 and may be found on the City's website: <http://www.lagovistatexas.org>.

If adopted by the Lago Vista City Council, the FY 2015/2016 Budget will raise more total property taxes than last year's budget by an estimated \$ 79,419 or 1.91% and of this amount \$ 81,044 is tax revenue to be raised from new property added to the tax roll in 2015/2016.

The public hearing was opened at 6:58 p.m. Melissa Byrne Vossmer, City Manager gave a brief overview of the proposed dates for the required public hearings.

Ron Smith expressed his concerns regarding the golf expenditures going up.

The Council and Staff discussed the golf course budget and other budget items.

Andrew Watts addressed the Council saying that the golf courses are an asset to our city and the need to get the golf courses back on their feet.

Jimmy Lynam addressed the Council and express that he agreed with Councilman Ron Smith.

After no further comments, the public hearing was closed at 7:25 p.m.

3. **PUBLIC HEARING*:** Ordinance No. 15-08-20-01; Consider rezoning at 9207 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11333A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).

The public hearing was opened at 7:26 p.m. Council member D'Anne Gloris expressed her concerns with the rezone.

David Harrell, Development Service Director provided the Council with an overview of the proposed request and addressed questions from Council. The Planning and Zoning Commission heard this matter at their August 13, 2015 meeting and voted 6 to 0 with a recommendation to approve.

Alton Moore, applicant appeared to answer questions from the Council.

The public hearing was closed at 7:50 p.m.

4. Discussion, consideration, action if any regarding rezoning at 9207 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11333A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).

Following a brief discussion, Darrell Hunt motion to adopt Ordinance No. 15-08-20-01 as presented. The motion was seconded by Dale Mitchell. Dale Mitchell suggested that the Planning and Zoning Commission make some upgrades to the hangar requirements. Voting in favor; Shoumaker, Hunt, Kruger, Mitchell and Cox. Voting in opposition; Gloris and Smith. Motion carried.

5. ***PUBLIC HEARING***: Consider a Conditional use at 21104 Dawn Dr. (Lago Vista Section 1, Block E, Lots 27-28) from Chapter 14, Article 14.200, Section 6.10 (B)(4)(d) to allow an accessory building height of 21.8' instead of 18', for a proposed accessory building.

The public hearing was opened at 7:55 p.m. David Harrell, Development Services Director provided the Council with a brief overview of the request and addressed questions. He advised that the Planning and Zoning heard this request at its meeting on August 13, 2015 and voted 6 to 0 with a recommendation to approve.

Guy Burkhart appeared and addressed questions from the Council.

The public hearing was closed at 8:06 p.m.

6. Discussion, consideration, action if any regarding a Conditional use at 21104 Dawn Dr. (Lago Vista Section 1, Block E, Lots 27-28) from Chapter 14, Article 14.200, Section 6.10 (B)(4)(d) to allow an accessory building height of 21.8' instead of 18', for a proposed accessory building.

Following a brief discussion, Jason Shoumaker motioned to approve the conditional use of 21104 Dawn Drive as presented. This motion was seconded by Dale Mitchell. Voting in favor; Shoumaker, Hunt, Kruger, Mitchell and Cox. Voting in opposition; Gloris and Smith. Motion passed.

7. ***PUBLIC HEARING***: Ordinance No. 15-08-20-02; Consider rezoning at 7205-7207 Bar K Ranch Rd. (Bar K Ranches Plat 3, Lots 3089-3090) from U-1 (Utility, Governmental, Educational, and Institutional) to C-1C (Commercial-Professional, Business Office, Low Density Retail).

The public hearing was opened at 8:08 p.m. David Harrell advised that the Planning and Zoning did hear this item at its August 13, 2015 meeting and voted 6 to 0 with a recommendation to approve and gave a brief overview of the request.

Dale Mitchell made additional comments regarding zoning.

The public hearing was closed at 8:13 p.m.

8. Discussion, consideration, action if any regarding rezoning at 7205-7207 Bar K Ranch Rd. (Bar K Ranches Plat 3, Lots 3089-3090) from U-1 (Utility, Governmental, Educational, and Institutional) to C-1C (Commercial-Professional, Business Office, Low Density Retail).

On a motion by Jason Shoumaker and seconded by D'Anne Gloris the Council unanimously voted to approve Ordinance No. 15-08-20-02 as presented.

9. **PUBLIC HEARING***: Consideration of a re-plat in Highland Lakes Estates Section 16 Lots 16069-16072 from a total of four (4) existing lots to six(6) lots.

The public hearing was opened at 8:14 p.m. The Council discussed passed issues with this property. David Harrell gave a brief overview and advised that the Planning and Zoning Commission heard this item at its August 13, 2015 meeting and voted 6 to 0 to recommend

tabling this item because of staff comments that needed to be addressed and answered questions from Council regarding the time line.

The public hearing was closed at 8:16 p.m.

10. Discussion, consideration, action if any regarding a re-plat in Highland Lakes Estates Section 16 Lots 16069-16072 from a total of four (4) existing lots to six (6) lots.

Dale Mitchell did have a question regarding the requested re-plat which was addressed by David Harrell. On a motion by Darrel Hunt and seconded by Rodney Cox, the Council voted unanimously to table this item.

CONSENT AGENDA

11. Approval of the following minutes:

July 16, 2015 Regular Meeting

On a motion by Dale Mitchell, seconded by Jason Shoumaker, the Council unanimously voted to approve the minutes of the July 16, 2015 Regular meeting.

ACTION ITEMS (action and/or a vote may be taken on the following agenda items):

12. Discussion, consideration, action if any regarding a Vote on adoption of a proposal to set a 2015 Tax Rate of \$.65 for the City of Lago Vista and schedule Public Hearings and take any necessary action.

The Council discussed and addressed a question regarding the maximum tax rate.

On a motion from D'Anne Gloris, seconded by Dale Mitchell, the Council voted unanimously to set the 2015 maximum tax rate at \$.65 and schedule public hearings for Thursday September 10, 2015 at 6:30 p.m. and Thursday September 17, 2015 at 6:30 p.m. in City Council Chambers. Rodney Cox and Barbara Boulware-Wells made the correction to set the tax rate at a maximum of \$.65 and not set at \$.65. The change was accepted by D'Anne Gloris and Dale Mitchell.

13. Discussion, consideration, action if any regarding Resolution No. 15-1615; A Resolution by the City Council of the City of Lago Vista, Texas, confirming the re-appointment of Judge Stephen S. Spindler as Associate Municipal Judge for the City of Lago Vista, Texas.

Melissa Byrne Vossmer, City Manager stated that Judge Spindler would like to be considered recommends approval of this re-appointment to Council.

On a motion by Jason Shoumaker and seconded by Rodney Cox, the Council voted unanimously to re-appoint Judge Spindler as Associate Municipal Judge. Judge Spindler was not present but the Mayor did express his appreciation.

14. Discussion, consideration, action if any regarding Resolution No. 15-1616; A Resolution by the City Council of the City of Lago Vista, Texas, confirming the appointment of Judge Robert R. Durbin and Judge Bradley H. Medlin as Associate Municipal Judges for the City of Lago Vista, Texas.

Melissa Byrne Vossmer, City Manager addressed the Council and advised that some changes were being made to the Municipal Court and recommends approval of the appointment of the two new Municipal Associate Municipal Judges and gave brief background information on both. Brad Medlin was present and addressed Council and also provided some background information. The City Manager also advised Council that three out of four Judges that the City will have are attorneys and the fourth is a Law Enforcement Training Officer. Dale Mitchell asked if Robert Durbin will have to come off of the two Commissions that he is currently on. City Manager said he should. On a motion from Jason Shoumaker and seconded by Rodney Cox the Council voted unanimously to approve Resolution No. 15-1616 as presented.

15. Discussion, consideration, action if any regarding Resolution No. 15-1617; 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.

Melissa Byrne Vossmer, City Manager provided Council with a brief overview of the proposed Resolution which provides a grant that will reimburse the City for fifty percent of the overall maintenance costs associated with the Airport.

On a motion by D'Anne Gloris and seconded by Jason Shoumaker the Council voted unanimously to approve Resolution No. 15-1617 authorizing the City Manager to sign the State assisted Routine Airport Maintenance Program Grant for the Lago Vista Rusty Allen Airport agreement as presented.

Council member D'Anne Gloris advised Council that this is the only grant that the City received that reimburses fifty percent of the maintenance costs.

16. Discussion, consideration, action if any regarding Resolution No. 15-1618; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the City Manager to sign an agreement for Professional Planning Services for Development of a Comprehensive Plan.

City Manager, Melissa Byrne Vossmer, addressed the Council and provided a brief overview of proposed Resolution No. 15-1618. The Mayor asked if it could wait until next year's budget. City Manager proposed that the City use funds left from the LVISD project which was closed out in May.

Following a discussion by Council, Darrel Hunt motioned to adopt Resolution No. 15-1618 as presented. This motion was seconded by Jason Shoumaker. Voting in favor; Shoumaker, Hunt, Kruger, Mitchell, Smith and Cox. Gloris did not vote. Motion carried.

17. Discussion, consideration, action if any regarding recommendations from the Planning Sub-committee as proposed by the Golf Course Advisory Committee.

Kevin Sullivan, Golf Course Advisory Committee Chair, Frank Robbins and Jim Speckmann, Golf Course Advisory members appeared to address Council with the Committee's proposed recommendations.

The Planning Sub-committee recommended that the City spend a total of \$20,000 on a list of items this year. The Council, Committee and Staff discussed the proposed list and discussed

safety issues with cart paths. The Mayor did recommend the Committee gather additional information regarding the cost of the cart paths.

Jason Shoumaker made a motion to approve items under no. 3 c, d, e and f which would total \$4,400 and subheading B. items 5 and 6 for completion. This was seconded by Darrel Hunt. Voting in favor; Shoumaker, Hunt, Kruger and Cox. Voting in opposition; Mitchell, Gloris and Smith. Motion passed.

Dale Mitchell made a motion to add to the current fertilization and weed program to bring it up to \$25,000. This motion was seconded by Darrel Hunt. After a discussion by Council and direction to the City Manager to look into the program further, Dale Mitchell withdrew his motion.

18. Discussion, consideration, action if any regarding recommendations from the Finance Subcommittee as proposed by the Golf Course Advisory Committee.

Kevin Sullivan addressed Council to speak regarding the Committees' recommendation to raise membership rates. The Council, Committee and Staff discussed.

Jason Shoumaker motioned to raise membership rates by 12%. This motion was seconded by Rodney Cox. Following a discussion by the Council, Jason amended his motion to raise membership rates 8%. Rodney Cox withdrew his second. The amended motion was seconded by Dale Mitchell. Voting in favor; Shoumaker, Hunt, Kruger, Mitchell and Gloris. Voting in opposition; Smith and Cox. Motion passed.

19. Discussion, consideration, action if any regarding recommendations from the Operations/Maintenance Sub-committee as proposed by the Golf Course Advisory Committee.

Jim Speckmann addressed the Council to speak regarding the Committees' recommendation to hire an equipment maintenance position. The Council, Committee and Staff discussed.

Dale Mitchell motioned to add the machine maintenance person to the Golf Course budget. This motion was seconded by Darrel Hunt. Voting in favor; Hunt, Kruger, Mitchell and Gloris. Voting in opposition; Shoumaker, Smith and Cox. Motion passed.

ITEMS 20 AND 21 WERE CALLED AND ACTED ON JOINTLY

20. Discussion, consideration, action if any regarding the final report and proposed charter amendments recommended by the Charter Review Committee for submission to the voters of City of Lago Vista, Texas.

Nicolette Raley, Charter Review Committee Chair appeared to present the proposed amendments to the Council. Barbara Boulware-Wells, City Attorney also appeared to provide background information and to assist with the language and to address questions. The Council discussed and voted on each proposition separately.

Proposition – Section 3.02, Qualifications subsection (b) be amended to remove the words “or annexed area” to conform to state law requirements.

On a motion by Mayor Kruger, seconded by Rodney Cox, the Council voted unanimously to approve the amendment to Section 3.02 as presented.

Section 3.02, Qualifications, concerning possible language concerning nepotism and/or familial relations serving together on the City Council, either as Mayor or Councilmember or Councilmember and Councilmember. The Committee did review and voted to not make any recommendation with regard to such a provision.

The Council discussed. Mayor Kruger motioned to put this item up to the constituents to vote on to decide. There was no second, motion died.

Proposition – Section 3.06 Mayor

The Committee, Staff and Council discussed the proposed amendments to the Mayoral Powers and Duties in length.

Rodney Cox motioned to leave this section as it is currently in the Charter and make no amendments to the Charter regarding this section. Motion was seconded by Mayor Randy Kruger. Voting in favor; Cox, Kruger, Mitchell and Hunt. Voting in opposition; Smith, Gloris and Shoumaker. Motion carried.

Section 3.09 Filling Vacancies

The Committee and City Attorney presented the proposed amendment and Council discussed. On a motion by Darrel Hunt, seconded by D’Anne Gloris the Council unanimously voted to adopt the proposed amendment. Motion carried.

Section 3.17 Publication of Ordinances

The Committee and City Attorney presented the proposed amendment and Council discussed. On a motion by Dale Mitchell, seconded by Rodney Cox, the Council voted unanimously to approve this proposition as presented, removing this section. Motion carried.

Section 3.22 Transition

On a motion by Dale Mitchell, seconded by Jason Shoumaker, the Council voted unanimously to approve this proposition as presented. Motion carried.

Section 4.01 City Manager

The Committee and City Manager presented the proposed amendments and Council discussed.

On a motion by Mayor Randy Kruger, seconded by D’Anne Gloris, the Council voted unanimously to approve this amendment with the following changes; the leave Section 3.06 in the language and to strike “City Officers” from the section language.

Section 5.01 City Elections

The Committee and City Attorney presented the proposed amendment and Council discussed. On a motion by Dale Mitchell, seconded by Jason Shoumaker, the Council voted unanimously to approve the proposed amendments as presented. Motion carried.

Section 7.03 Planning and Zoning Commission

Section 7.05 Roads and Grounds Committee

Section 7.06 Building Committee

On a motion by Darrel Hunt, seconded by Jason Shoumaker, the Council voted unanimously to approve all of the above proposed Section amendments as presented. Motion carried.

21. Discussion, consideration, action, if any re: Consideration of an Ordinance of the City Council of the City of Lago Vista, Texas ordering and establishing procedures for a Special Election for November 3, 2015, in the City of Lago Vista to consider the Charter Amendments presented by the Lago Vista Charter Review Committee and approved by the City Council set forth as Exhibit A hereto; providing for Notice of Election, providing Election Precinct and Polling Places; providing for Early Voting; providing an effective date and open meetings clause; and providing for related matters.
22. Discussion and action, if appropriate, to Enter into an Agreement with Coats / Rose for Legal Services.

Barbara Boulware-Wells provided brief background information and introduction of Mr. John Josephs with Coats/Rose. Mr. Joseph appeared to join Council in Executive Session. On a motion by Jason Shoumaker, seconded by Darrel Hunt the Council voted unanimously to authorize the City Manager to enter into an agreement with Coats/Rose for Legal Services. Motion carried.

WORK SESSION

23. Budget Work session:

- Update on 5-year IT Plan.
Dave Street, I.T. Manager gave an oral presentation to the Council regarding his 5 year Strategic Plan. The Council asked questions and commended Dave Street on his efforts in saving money for the City. No action taken on this item.
- Department Budgets. D'Anne Gloris thanked all the Department Heads for getting the budget together. No further comments or action taken.

24. Departmental Reports

- A. Municipal Court
- B. Water/Wastewater Department
- C. Street Department
- D. Development Services
- E. Police Department
- F. Library
- G. Golf Course
- H. July and August Airport Report

25. Reports/Minutes from City Boards, Committees and Commissions

- a. June 3, 2015 Board of Adjustment regular meeting minutes
- b. July 9th, 2015 Planning and Zoning Commission minutes
- c. July 9, 2015 KLV B meeting minutes
- d. KLV B Report 13 August 15
- e. July 13, 2015 Charter Review Committee minutes
- f. July 14, 2015 Golf Course Committee minutes
- g. July 22, 2015 Golf Course Committee minutes
- a. June 9, 2015 Golf Course Committee DRAFT minutes

No comments on this item.

Brian Atlas addressed the Council with comments regarding pending lawsuits, his subdivision and releasing his letter of credit.

FUTURE MEETINGS

26. Consider schedule and items for future Council meetings.

No comments on this item.

EXECUTIVE SESSION

27. At 12:46 a.m. Mayor Kruger announced that the Council will convene into executive session pursuant to Sections 551.071, 551.072 and/or 551.074 Texas Government Code, and/or Section 1.05, Texas Disciplinary Rules of Professional Conduct regarding:

- a. Consultation with attorney to deliberate the acquisition of real property or possible use of eminent domain proceedings as set forth in Chapter 21 of the Texas Property Code regarding all or a portion of a 6.91 acre tract located in Travis County, Texas owned by James Otwell.
- b. Consultation with attorney regarding claims or possible claims arising in Cause No. D-1-GN-13-002224, James Otwell v. City of Lago Vista, filed in the 98th Judicial District in Travis County, including but not limited to possible settlement discussions;
- c. Consultation with attorney regarding claims or possible claims arising in Cause No. D-1-GN-15-000294, James Otwell v. Brian Atlas, Villa Montechino LP and City of Lago Vista, filed in the 98th Judicial District in Travis County, Texas;
- d. Consider, conduct and discuss the City Manager's performance evaluation including but not limited to possible adjustment to compensation.
- e. Consultation with attorney regarding claim or possible claim related to easements;

ACTION ITEMS

28. At 2:43 a.m. the Council reconvened from executive session into open session to take action as deemed appropriate in the City's Council's discretion regarding:

- a. The acquisition of real property and possible use of eminent domain proceedings as set forth in Chapter 21 of the Texas Property Code regarding all or a portion of a 6.91 acre tract located in Travis County, Texas owned by James Otwell.

No action taken on this item.

- b. Claims or possible claims arising in Cause No. D-1-GN-13-002224, James Otwell v. City of Lago Vista, filed in the 98th Judicial District in Travis County, Texas; including but not limited to settlement discussion;

No action taken on this item.

- c. Claims or possible claims arising in Cause No. D-1-GN-15-000294, James Otwell v. Brian Atlas, Villa Montechino LP and City of Lago Vista, filed in the 98th Judicial District in Travis County, Texas.

On a motion by Jason Shoumaker, seconded by Dale Mitchell, the Council voted unanimously to assign the City Manager to enter into negotiations and/or resolve issues relating to Brian Atlas and Montechino Development with strict reference that she is not authorized to release the letter of credit in the amount of \$60,000 until a resolution has been met and agreed. Motion carried.

- d. Action pertaining to City Manager performance evaluation and/or possible adjustment to compensation.

On a motion by Dale Mitchell, seconded by Jason Shoumaker, the Council voted unanimously for the City Manager to include in next year's budget a salary increase as discussed in Executive Session. Motion carried.

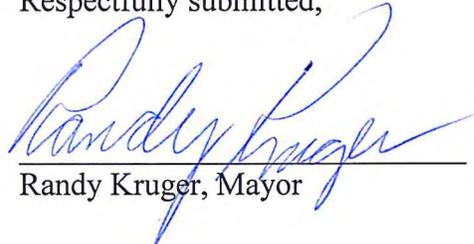
- e. Claim or possible claim related to easements;

On a motion by Jason Shoumaker, seconded by Rodney Cox, the Council voted unanimously to deliver the same response to the Attorney as was delivered the last time. Motion carried.

ADJOURNMENT

Mayor Randy Kruger adjourned the meeting at 2:48 a.m.

Respectfully submitted,


Randy Kruger, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Council Member D'Anne Gloris, seconded by Ron Smith, the above and foregoing instrument was passed and approved this 17th day of September, 2015.