

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
SEPTEMBER 17, 2015**

**BE IT REMEMBERED** that on the 17<sup>TH</sup> day of September, 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	Public Works Director
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, Eric Cupit, Golf Course Manager and the Fire Chief. Reverend Dale Chrisman with Trinity Anglican 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 may have varied.

**PUBLIC COMMENTS**

Larry Levy addressed the Council with a written statement expressing his concerns regarding a strip of property.

**PRESENTATION**

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

Gary Graham, PE, Public Works Director provided the update for the Council and addressed questions from Council.

Roland Rodriguez asked where the Water Treatment Plant #3 was located. Mayor Kruger answered his question.

2. Update regarding Buxton Project by Staff and Keith Billington, Lago Vista Chamber of Commerce.

David Harrell, Development Services Director provided an oral and visual presentation and updated the Council and Staff of the milestones and data findings from the Buxton consultant. Keith Billington also addressed the Council and advised that the Buxton report shows that we could easily support locally owned businesses as well.

## **PUBLIC HEARINGS**

3. **\*PUBLIC HEARING\***: Consider adoption of Ordinance No. 15-09-17-01 amending the official zoning map of approximately .52 acres of land, described as Bar K Estates, Plat 11, Lot 11331A, located at 9211 Bar K Ranch Rd., respectively, Lago Vista, Travis County, Texas zoned Restricted – Single Family with Aircraft (RR-A) to Commercial – Airport (C-4); providing a severability clause; and providing an effective date.

The public hearing was opened at 7:09 p.m. David Harrell gave a brief overview of the proposed requested amendment and some background information of the site.

The applicant Lee Wright appeared to address the Council with his plans and to answer any questions from Council.

The Council discussed and after no further comments, the public hearing was closed at 7:29 p.m.

4. Discussion and action if any regarding Ordinance No. 15-09-17-01 amending the official zoning map of approximately .52 acres of land, described as Bar K Estates, Plat 11, Lot 11331A, located at 9211 Bar K Ranch Rd., respectively, Lago Vista, Travis County, Texas zoned Restricted – Single Family with Aircraft (RR-A) to Commercial – Airport (C-4); providing a severability clause; and providing an effective date.

Darrel Hunt motioned to adopt Ordinance No. 15-09-17-01 as presented. Rodney Cox seconded this motion. The Council briefly discussed. Voting in favor: Shoumaker, Mitchell, Kruger, Hunt and Cox. Voting in opposition: Smith and Gloris. Motion passed.

5. **\*PUBLIC HEARING\***: Conduct the Second Public Hearing on the Proposed FY15/16 Budget to obtain taxpayers' views on a Proposed Tax Rate of \$0.65 per \$100 valuation for the 2015 Tax Year.

The public hearing was opened at 7:28 p.m. Melissa Byrne Vossmer, City Manager briefly commented on the updated revenues. The Council announced the date to adopt the budget and decide the tax rate for September 29, 2015 at 6:00 p.m.

After no further comments the public hearing was closed at 7:34 p.m.

## **CONSENT AGENDA**

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

6. Approval of the following minutes:  
July 16, 2015 Special called meeting  
August 6, 2015 Special called meeting  
August 13, 2015 Special called meeting and  
August 20, 2015 Regular meeting

On a motion by D'Anne Gloris, seconded by Ron Smith, the Council voted unanimously to approve all the above minutes as presented with a correction requested by Dale Mitchell for

correction to the August 6, 2015 minutes showing Rodney Cox was not present for the roll call but was present for the Executive Session.

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

7. Discussion, consideration, action if any regarding Ordinance No. 15-09-17-02; An Ordinance of the City Council of the City of Lago Vista, Texas approving an annual service and assessment plan (SAP) update and amendment to the SAP for the Tessera on Lake Travis Public Improvement District (PID).

David Harrell, Development Services Director provided a brief overview of the contents of the proposed ordinance and Exhibit containing the proposed SAP plan. Vanessa Star appeared to provide an outline of the proposed changes between the 2014 and 2015 plan and answer questions from Council.

On a motion from Dale Mitchell, seconded by Jason Shoumaker, the Council voted unanimously to adopt Ordinance No. 15-09-17-02 as presented. Motion carried.

8. Discussion, consideration, action if any regarding Resolution No. 15-1619; A Resolution by the City Council of the City of Lago Vista, Texas, moving existing alternate members to regular members on the Board of Adjustment.

The Mayor asked who the Council liaison was for the Board of Adjustment and was advised that it was Councilman Jason Shoumaker. The Council discussed briefly.

On a motion by D'Anne Gloris, seconded by Jason Shoumaker, the Council voted unanimously to approve the proposed resolution as presented. Motion carried.

9. Discussion, consideration, action if any regarding Resolution No. 15-1620; A Resolution by the City Council of the City of Lago Vista, Texas, moving an existing alternate member to a regular member on the Airport Advisory Board.

The Council discussed briefly. On a motion by D'Anne Gloris, seconded by Jason Shoumaker, the Council voted unanimously to approve Resolution No. 15-1620 as presented. Motion carried.

10. Discussion, consideration, action if any regarding a recommendation of the Planning & Zoning Commission of a Home Occupation at 3601 Hamilton (Highland Lakes Estate, Section 11, Lot 11003) for a kayak rental business (Permit #2244)

David Harrell, Development Services Director provided a brief overview of the proposed request, staff comments and findings and advised the Council that the Planning and Zoning Commission heard this item at its September 10 meeting and recommended approval with a vote of 6 to 0.

Applicant, Roland Rodriguez appeared to address Council and provided background of his business needs and to answer any questions from Council.

On a motion by Jason Shoumaker, seconded by Dale Mitchell, the Council voted unanimously to approve the recommendation of the Planning and Zoning Commission approving the request as presented. Motion passed.

11. Discussion, consideration, action if any regarding a recommendation of the Planning & Zoning Commission of a Home Occupation at 21607 Sierra Tr. (Bar K Ranches Plat 8, Lot 8133) for a massage therapy business (Permit #2225).

David Harrell, Development Services Director provided a brief overview of the proposed request, staff comments and findings and advised the Council that the Planning and Zoning Commission heard this item at its September 10 meeting and recommended approval with a vote of 6 to 0.

Applicant, Rachele Peralta appeared to address Council and provided background of her business and answered questions from Council.

On a motion by D'Anne Gloris, seconded by Jason Shoumaker, the Council voted unanimously to approve the requested home occupation permit as presented. Motion passed.

12. Discussion, consideration, action if any regarding formalizing a process of addressing appointed board vacancies for staff.

Melissa Byrne Vossmer, City Manager provided the Council with a brief outline of the proposed process. The Council and staff discussed. The Council provided direction to staff to move forward with the proposed process.

## **WORK SESSION**

13. Budget Work session:

- Discussion of the Updated Consolidated Statement for the FY15/16 Budget as Requested by Council reflecting a \$ 0.65 / \$100 Tax Rate General Fund Revenue.
- Discussion of Departmental Budgets
- Other

The Council and staff discussed. Staff was given some direction regarding budget items. No further action taken.

14. Departmental Reports

- A. Municipal Court
- B. Water/Wastewater Department  
The Mayor asked Gary Graham some questions regarding the effluent on the golf course. Rodney Cox also had some questions for Gary Graham regarding water the status of the latest report on the water/wastewater treatment plant. Gary will follow up on the report.
- C. Water Use Report
- D. Plant and Utility Report
- E. Street Department
- F. Development Services
- G. Police Department
- H. Library
- I. Golf Course

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

- a. August 5, 2015 DRAFT Charter Review Committee minutes
- b. August 11, 2015 Golf Course Advisory Committee minutes
- c. August 17, 2015 DRAFT Charter Review Committee minutes

**FUTURE MEETINGS**

16. Consider schedule and items for future Council meetings.

Ron Smith asked for a discussion regarding the sign ordinance.  
David Harrell will follow up on any ordinance changes.

**EXECUTIVE SESSION**

17. At 9:11 p.m. the Council convened into Executive Session pursuant to Sections 551.071 and 551.072 and/or 551.074, Texas Government Code and 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. Consultation with attorney regarding claim or possible claim related to easements;

Darrell Hunt left at 10:17 p.m. and was not present to vote on Executive session items.

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

18. At 11:19 p.m. the Council reconvened from Executive Session into open session to take action as deemed appropriate in City 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.

On a motion by Jason Shoumaker, seconded by Rodney Cox, the Council voted unanimously for Council to authorize the City Manager to proceed with negotiations of the contract. Motion carried.

- 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.

- 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 Rodney Cox the Council voted unanimously for the Council to authorize the committee to enter into discussions towards reaching a solution with set terms. Motion carried.

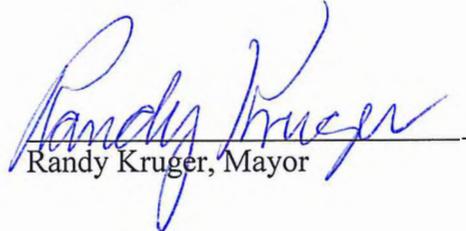
- d. Claim or possible claim related to easements;

On a motion by Jason Shoumaker, seconded by Rodney Cox the Council voted unanimously for the City representatives, including the City Attorney, City Manager and all related staff cease all communication and responses. Motion carried.

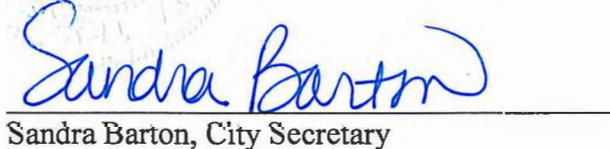
#### **ADJOURNMENT**

Mayor Randy Kruger adjourned the meeting at 11:23 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Randy Kruger, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Barton, City Secretary

On a motion by Council Member Jason, seconded by D'Anne Gloris, the above and foregoing instrument was passed and approved this 15<sup>th</sup> day of October, 2015.