

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
OCTOBER 15, 2015**

**BE IT REMEMBERED** that on the 15<sup>TH</sup> day of October, 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 in the audience were numerous Council candidates. D'Anne Gloris 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**

Brian Atlas addressed the Council with comments and concerns regarding the Montechino development project.

Nicole Miller appeared with comments regarding the Drive a Senior Northwest program and would like to be placed on a future agenda to have a presentation for the Council.

Jimmy Lynam expressed his appreciation for all the present Council has done.

**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.

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

Steven Curik made comments and asked questions regarding the Water Treatment Plant #3.

**PUBLIC HEARINGS**

2. **\*PUBLIC HEARING\***: Consider adoption of an Ordinance amending the zoning Ordinance No. 01-01-18-01 which established the Marshall's Harbor Planned Development District as amended by Ordinance No. 05-11-03-01, 07-11-15-01, 08-06-19-03, and 13-06-06-02 establishing the zoning requirements for the Montechino Planned Development District; making findings of fact and providing for related matters.

The public hearing was opened at 7:38 p.m. David Harrell gave a brief overview of the proposed requested amendment and some background information of the site and advised Council that the Planning and Zoning Commission heard this at its meeting on October 1, 2015 and voted 4-0 to recommend approval.

The applicant Brian Atlas appeared to address questions from the Council.

City Attorney, Barbara Boulware-Wells also addressed questions from Council Members.

Jimmy Lynam and Mrs. Curik made comments regarding the proposed amendment.

The Council discussed and after no further comments, the public hearing was closed at 8:21 p.m.

3. Discussion and action if any regarding Ordinance No. 15-10-15-01 amending the zoning Ordinance No. 01-01-18-01 which established the Marshall's Harbor Planned Development District as amended by Ordinance No. 05-11-03-01, 07-11-15-01, 08-06-19-03, and 13-06-06-02 establishing the zoning requirements for the Montechino Planned Development District; making findings of fact and providing for related matters.

On a motion by Jason Shoumaker, seconded by Rodney Cox, the Council voted unanimously to table Ordinance No. 15-10-15-01 to allow counsel to review with legal expert counsel. Motion passed.

## **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.

4. Approval of the following minutes:  
September 10, 2015, special called meeting  
September 17, 2015 regular meeting  
September 29, special called meeting and  
Amended minutes of June 18, 2015

On a motion by Jason Shoumaker, seconded by D'Anne Gloris, the Council voted unanimously to approve all the above minutes as presented with corrections requested by Dale Mitchell regarding misspellings.

## **WORK SESSION** (no action may be taken on the following agenda items):

5. Discussion concerning report regarding the sidewalk program.

Melissa Byrne Vossmer, City Manager provided a brief update regarding the funding for the sidewalk project.

D'Anne Gloris expressed credit to Stephanie Smith for her role in advocating this project.

Jason Shoumaker thanked Melissa, David Harrell and staff for their work on this project.

David Harrell provided the Council with an oral and visual presentation/update on the sidewalk project and addressed questions from Council.

Chief Smith also commented that this will greatly help with safety at the middle school with pick up and drop offs.

6. Departmental Reports

- A. Municipal Court
- B. Water/Wastewater Department

Dale Mitchell requested more information on the cedar breaks. Gary Graham will get Scooter to amend and resend this information.

Rodney Cox requested the water usage report.

Rodney Cox requested the final report for the Wastewater Treatment Plant.

- C. Water Use Report
- D. Plant and Utility Report
- E. Street Department
- F. Development Services

Jason Shoumaker had some questions for David Harrell regarding issuing CO's.

Jason also requested a report showing what CO's are outstanding.

Mayor Kruger mentioned a jump in water usage and high water bills. He requested that the City check into the meter reader system and if the city had higher water revenues.

- G. Police Department
- H. Library
- I. Golf Course
- J. Airport Report

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

July 27, 2015 Board of Adjustment minutes

- a. August 13, 2015 Planning and Zoning minutes
- b. September 10<sup>th</sup>, 2015 draft-Planning and Zoning Regular Minutes
- c. September 8, 2015 Golf Course Advisory Committee draft minutes
- e. KLVB October 8, 2015 Report

Jason Shoumaker mentioned that he attended the Golf Course Advisory Committee meeting and wanted to address a rumor about the City Council and Staff wanting to close one or both of the golf courses and wanted stop that rumor.

D'Anne Gloris requested that the Airport Advisory Board minutes be included in the monthly report to Council and asked about Board vacancies.

**FUTURE MEETINGS**

8. Consider schedule and items for future Council meetings.

Dale Mitchell made an inquiry regarding the status of the organization in charge of the old time share property and asked Jason to try to find this out more information and put on a later agenda as a report.

## **EXECUTIVE SESSION**

9. 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 including but not limited to possible settlement discussions.
  - d. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

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

10. At 11:36 p.m. the Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion 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.

On a motion by Jason Shoumaker, seconded by D'Anne Gloris, the Council voted unanimously for Council to establish a committee consisting of Councilman Mitchell, Councilman Shoumaker and Mayor Kruger to assist in the negotiations of the acquisitions as discussed in executive session.
  - 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;

No action taken.

- 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 including but not limited to possible settlement discussions.

On a motion by Jason Shoumaker, seconded by Rodney Cox, the Council voted unanimously for Council to authorize the City Manager and Staff to execute the agreement to purchase up to 20,000 yards of sandy loam from Mr. Brian Atlas as agreed and Brian Atlas to construct a 400 foot, 8 feet high, 24 inch wide rock wall with a gate to obscure sight into the lay down area. At the completion of the rock wall and removal of the sandy loam, the City will release the letter of credit in the amount of \$60,000 to Brian Atlas and also release the remaining earnest money for legal fees and also contingent upon all parties including Mickey Redwine, Brian Atlas and the City of Lago Vista agree that the resolution is completion of phase I.

- d. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

No action taken

#### ADJOURNMENT

Mayor Randy Kruger adjourned the meeting at 11:40 p.m.

Respectfully submitted,

  
Dale Mitchell, Mayor

ATTEST:

  
Sandra Barton, City Secretary

On a motion by Council Member Ron Smith, seconded by Rodney Cox, the above and foregoing instrument was passed and approved this 19<sup>th</sup> day of November, 2015.