

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
MAY 19, 2016**

**BE IT REMEMBERED** that on the 19<sup>th</sup> day of May, A.D., 2016, 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**

Dale Mitchell	Mayor	Melissa Byrne Vossmer	City Manager
Ron Smith	Mayor Pro Tem	Danny Smith	Police Chief
Rich Raley	Council Member	David Harrell	Development Services Director
Stephanie Smith	Council Member	Sandra Barton	City Secretary
Rodney Cox	Council Member	Gary Graham	Public Works Director
Ed Tidwell	Council Member	Starr Lockwood	Finance Director
		Mark Côté	Golf Manager
		Barbara Boulware-Wells	City Attorney

Mayor Dale Mitchell called the Regular Meeting to order and recognized that all Council Members were present except for Councilman Shoumaker. Other Staff members present, Robin Smith, Donna Clark and James Leblanc. Reverend Judy Loehr with United Methodist lead the Invocation and Mayor Mitchell led the Pledge of Allegiance.

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

**PUBLIC COMMENTS**

Daniel Forbes, 2907 MacArthur Av, Lago Vista, addressed the Council with some questions regarding the amount of his utility bill.

**PUBLIC HEARING**

1. Consideration by the City Council of a sign variance to allow continuance of three existing signs located at 7401 Lohman Ford Rd. Project # 2507 Sun Hardware sign variance.

David Harrell, Development Services Director addressed Council with a brief overview of the requested variances and addressed questions. He advised that the Building Committee, at their April 25<sup>th</sup> meeting voted on the requests as follows: Sign A – recommended approval, Sign B – recommended denial and Sign C – recommended denial.

On a motion by Councilman Cox, seconded by Councilwoman Smith, the Council voted unanimously to follow the recommendation of the Building Committee in approving Sign A variance and declining Sign B & C. Motion passed.

Councilman Raley asked how long we would give him to comply. David Harrell said that Code Enforcement will work with the applicant. The Council discussed different options for compliance.

## **PRESENTATIONS**

2. Presentation/Overview of Lago Fest by Sherri Jander, Lago Vista/Jonestown Chamber of Commerce.

Sherri Jander provided an overview of the Lago Fest that will take place on May 28, 2016 from 2-9 p.m. at Bar-K Park. CAPMetro will be providing shuttle to the park. The Austin Yacht Club will start their Regatta at 10 a.m. and make their way to Bar-K Park. There will be three bands playing beginning at 2:00 pm until 9:00 p.m. as well as Arts and Craft, food vendors and various activities. The Chamber of Commerce will be sponsoring the Beer Garden. She thanked all the sponsors who participated.

3. Second Annual Firewise Project Report.

James LeBlanc provided a power point and an oral report to the Council. They chose the area between 1431 and Bronco Lane which included 1.876 acres. It was completed over three days and involved seven people from City of Lago Vista Street Department, nine people from ESD #1 and two people from Firewise as well as Mayor Pro Tem Ron Smith.

4. 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, with HDR did not appear. Gary Graham, Public Works Director provided a brief update to the Council. The project status is really close to bringing the Water Plant into service. One electric motor burned up on one of the pumps so it is being serviced and hopefully be returned in the next 10 days to 2 weeks. The main work at the water intake 5 is complete.

## **THESE ITEMS TAKEN OUT OF ORDER**

## **WORK SESSION**

10. Update on the Water/Wastewater Rate Study for Year 2.

Nelisa Heddin with Heddin Consulting provided an in depth power point and oral presentation covering Economic reality of water, a project approach, a background overview, assumptions, scenarios and findings.

Councilman Cox stated that by discontinuing the drought contingency fee on the bills each month, we dropped revenues to the City by half a million dollars. Ms. Heddin stated this was correct, so then the rates had to be adjusted reflect that.

The Council adopted a rate increase for the first year of that plan for 2021. Water rates became effective October 1, 2015, sewer rates became effective on March 1, 2016.

Councilman Tidwell requested to see what the average residential customer will see as an increase from 2016 to 2021 for each scenario.

Councilman Cox would like to see what Ms. Heddin proposed last year based on the information you had and what she is proposing this year based on the purchase of the Otwell house and the CIP projects.

Melissa Vossmer also asked that we bring back all of the assumptions that are built into the model.

Mayor Pro Tem Smith asked if we stay at twice a week watering as a policy, and vary the rates to account for it, how much do the rates change as a positive or negative?

Steven Curik asked if a copy of the report was on the internet for viewing. Mayor Mitchell advised that it is in the packet on our website.

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

9. Discussion and Consideration of Accepting the Resignation of Councilman Jason Shoumaker, Council Place 2 and Declaring a Vacancy.

On a motion by Councilman Cox, seconded by Councilman Raley, the Council voted unanimously to accept the resignation of Councilman Shoumaker, Council Place 2 and declare a vacancy. Motion passed.

The Council and Staff discussed a process and timeline for filling the vacancy.

David Barclay, 20702 Hardin Cove suggested that the Council look at the people who took the time and the effort to run for office and consider them.

On a motion by Councilman Tidwell, seconded by Councilman Cox, the Council voted unanimously to approve the direction to the City Manager providing the process of filling the vacancy as follows:

Receive applications by May 27, 2016 at 5:00 p.m.

Have applications to Council by May 31, 2016

Discuss in Executive Session at the June 2, 2016 special called meeting to narrow candidates

Have interviews on June 6 or 7, 2016

Fill vacancy at the June 16 regular Council meeting

**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.

5. Approval of the following minutes:

March 17, 2016 Regular meeting

Mayor Mitchell explained that these minutes were brought back for approval following a request from Councilman Cox to add comments to the minutes. After listening to the recording, these comments were not found by the City Secretary. Councilman Cox added that the recording only caught a little of what was said and suggested that a way to capture specificity is for everyone stop talking over each other.

On a motion by Councilman Cox, seconded by Councilwoman Smith, the Council voted unanimously to approve the March 17, 2016 minutes as presented. Motion passed.

April 7, 2016 Special called meeting;

Councilwoman Smith requested that a comment made by our auditor be reflected in the minutes. Councilman Cox also requested that comments be added from someone in the audience who did not come to the podium or announce himself but made a comment that he thought was important to the discussion. City Attorney advised that if the City Secretary can identify that person and what they say by listening to the recording then that can be reflected in the minutes. City Attorney advised that the minutes are to be reflective of what occurred that night as they unfolded.

On a motion by Mayor Mitchell, seconded by Councilman Tidwell, the Council voted unanimously to pull these minutes from the Consent Agenda and have them redone with more specificity in the comments being made. Motion passed.

April 16, 2016 Special called meeting;

Councilman Tidwell requested a change be made to the April 16 meeting regarding the attendance during roll call.

On a motion by Mayor Mitchell, seconded by Councilman Tidwell, the Council voted unanimously to approve the April 16 minutes with the correction presented by Councilman Tidwell.

Councilman Cox requested that in the future that the minutes be more specific capturing what a person's comments reflect.

April 21, 2016 Regular meeting

On a motion by Mayor Pro Tem Smith, seconded by Councilman Cox, the Council voted unanimously to approve the April 21, 2016 minutes as presented. Motion passed.

## **ACTION ITEMS**

6. Discussion, consideration and possible action regarding Resolution No. 16-1650; A Resolution by the City Council of the City of Lago Vista, Texas repealing Resolution 08-1382 adopting the "Comprehensive Master Plan 2008"; Resolution 09-1437 adding a Throughfare Plan to the Comprehensive Master Plan 2008; Resolutions 10-1493, 10-1494, and 13-1576 which each amended the Future Land Use Map to the Comprehensive Master Plan 2008.

David Harrell, Development Services Director and City Attorney, Barbara Boulware-Wells explained that the Resolutions were adopted separate from an Ordinance. The resolutions are not necessary when you have an Ordinance adopting the Comprehensive Plan.

On a motion by Councilman Tidwell, seconded by Councilman Raley, the Council voted unanimously to approve Resolution 16-1650 as presented. Motion passed.

7. Discussion and consideration and possible action regarding Resolution No. 16-1652; A Resolution by the City Council of the City of Lago Vista, Texas appointing one individual as a regular member to the Golf Course Advisory Committee.

On a motion by Councilman Raley, seconded by Councilman Tidwell, the Council voted unanimously to approve Resolution 16-1652 as presented. Motion passed.

Councilman Cox added that he understood that the Golf Course Manager was going to be interviewing for a groundskeeper position. City Manager, Melissa Vossmer stated that the position that we are filling immediately is Assistant Pro position. The Council has not authorized a full time greens keeper position and the City is using existing personnel in different capacities.

## **WORK SESSION**

### 11. Discussion and consideration of a Council Economic Development Sub-Committee.

Melissa Byrne Vossmer, City Manager provided a brief overview and provided documentation for Council discussion.

No action taken at this time.

### 12. Discussion and Direction Concerning Projects in the FY15/16 Capital Improvements Program (CIP).

Melissa Byrne Vossmer, City Manager, provided a brief overview the proposed list of CIP projects that Staff is hoping the Council will provide direction and move forward with because of the timeliness or safety issue involved. The five projects are: (1) Continue with the design of reinforcement to the WWTP clarifier & design of 2<sup>nd</sup> clarifier - \$50,000. (2) Texas A&M Pavement Management Program - \$65,000. (3) Comprehensive Plan Update - \$70,000 (project is complete and approved by Council). (4) Airport Land Acquisition – Up to \$200,000. (5) Lago Vista Clubhouse Structural/Facility Improvements – Up to \$75,000.

The projects and amount of funding have to be identified in order to bring back the reimbursement Resolution to allow using the money in reserves.

On a motion by Councilman Cox, seconded by Councilman Raley, the Council voted unanimously to approve all of these items with reserves with the intention of having them reimbursed, move forward with these at a slow pace and the City Manager keep the Council apprised on a monthly basis where we are at in these numbers. Motion passed.

Barbara Boulware-Wells, City Attorney advised that there is a time frame for refunding Resolution of 60 days.

Mayor Pro Tem Smith suggested that as we move into the next budget, we need to be having better numbers going into the budget with more detail.

### 13. Departmental Reports

- A. Airport Report
- B. Development Services
- C. Golf Course Report
- D. Library Report
- E. Municipal Court Report
- F. Police Department
- G. Public Works Reports
  - a. Street Department
  - b. Utility Department (Water/Wastewater Services)
  - c. Water Loss Report

- d. Water/Wastewater Treatment – Councilman Rodney Cox asked if they wait another month to get the report to them, will it get rid of that line that nosedives to zero. He would rather have an old report than an inaccurate one.  
Councilman Cox also asked if we got a fine regarding the spill. Gary Graham answered that he didn't believe we did.

Mayor Pro Tem asked if we have to wait until a certain day of the month to have the financial report to get all the accruals.

#### 14. Reports/Minutes from City Boards, Committees and Commissions

- a. March 14, 2016 CPAC Special called meeting minutes
- b. March 31, 2016 Draft Planning and Zoning Commission minutes
- c. April 7, 2016 Draft Planning and Zoning regular meeting minutes
- d. April 12, 2016 Golf Course Advisory Committee minutes

Mayor Pro Tem Smith asked Councilman Raley if he sat in the Golf Course meetings because the minutes are vague and continue to say continue discussion and he doesn't know what direction they are going. Councilman Raley said there was a few months that part of it was, that they have already established the plan and are waiting for Mark to come in. They have some pretty comprehensive marketing plans, operations/maintenance suggestions for Mark to look over and take into consideration.

### **FUTURE MEETINGS**

#### 15. Consider schedule and items for future Council meetings.

June 2 – Update from Golf Course Advisory Committee, overview of Annexation, Broker Services for Marshall's Point property, recommendations on chickens, PEC Franchise Agreement and Electronic Device Use Policy.

Councilman Tidwell asked about Charter Amendments for the November election timeframe. City Manager advised that the ballot has to be ready 90 days before the election.

### **EXECUTIVE SESSION**

#### 16. At 9:58 p.m. the Council convened into Executive Session pursuant to Sections 551.071 and 551.072, Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Discussion and consideration of Resolution No. 16-1653; Appointments to the Park and Recreation Advisory Committee.
- B. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.
- C. Consultation with legal counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.

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

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

- A. Discussion and consideration of Resolution No. 16-1653; Appointments to the Park and Recreation Advisory Committee.

On a motion by Mayor Dale Mitchell, seconded by Councilman Raley, the Council voted unanimously to adopt Resolution No. 16-1653 appointing Ross Dewhurst, Hubbard Helm, Sheryl Speckmann and Travis Wilhow for terms expiring January 1, 2017 and Carolina Hale, Michael Panter and David White for terms expiring January 1, 2018. The Council will abstain from appointing a Council Liaison at this time. Motion passed.

- B. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.

No action taken.

- C. Consultation with legal counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.

No action taken.

**ADJOURNMENT**

Mayor Dale Mitchell adjourned the meeting at 11:13 p.m.

Respectfully submitted,



Dale Mitchell, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Councilman Tidwell, seconded by Councilman Cox, the above and foregoing instrument was passed and approved this 7<sup>th</sup> day of July, 2016.