

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
JULY 7, 2016**

**BE IT REMEMBERED** that on the 7<sup>th</sup> day of July, A.D., 2016, the City Council held a Special Called 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 and PLEDGE OF ALLEGIANCE**

Dale Mitchell	Mayor	Melissa Byrne Vossmer	City Manager
Ron Smith	Mayor Pro Tem	Danny Smith	Police Chief
Kevin Sullivan	Council Member	David Harrell	Development Services Director
Ed Tidwell	Council Member	Sandra Barton	City Secretary
Stephanie Smith	Council Member	Barbara Boulware-Wells	City Attorney
		Starr Lockwood	Finance Director

Mayor Dale Mitchell called the Regular Meeting to order and recognized that all Council Members with the exception of Rich Raley. Also, present in the audience; Lisa Meyers – HR Manager. Mayor Mitchell recognized Mayor Rita Jonse from Manor in the audience as well. 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**

Larry Levy, 13710 Vinery Ln, addressed the Council regarding concerns regarding a separating strip and denial of due process and denial of legal notification through legal publication. He asked how can the City have three attorneys that can all say there are no legs to his case?

Mayor Mitchell stated that he thought this City Council would probably be negligent in not following the three different attorneys' advice and we have done that on multiple occasions and will stand by that position.

Mayor Mitchell commended the City, the Citizens, Staff and all the volunteers for the July 4 festivities. He also said Staff and the 4<sup>th</sup> of July Council did a tremendous job and we are proud of our City.

Councilwoman Smith commended the restaurant Staff for immediately picking up trash that was left behind when the event ended.

**PUBLIC HEARING**

1. **SUB 1093-** Consideration of the City Council of a replat in Highland Lakes Estates Section 16 Lots 16069-16072 from a total of four (4) existing lots to six (6) lots.

David Harrell gave a brief overview of the request and stated it was tabled due to staff comments. Based on the fact that all staff comments have been addressed and all the laws have been met, Staff recommends approval and at Planning and Zoning's meeting on June 23 they recommended approval. The applicant appeared to answer any questions.

Mayor Pro Tem Smith asked if this was supposed to be zoned R-4 or some multi-district zoning as well. David advised that it is zoned R-4.

Councilman Sullivan and Councilwoman Smith asked about the responses from citizens and there were any that were opposed. There were four people opposed and their comments were included in the packet.

Larry Levy asked why this has to come to be proposed to the City.

Mayor Mitchell said because it is a replat.

Councilman Cox motioned to follow the advice from the Planning and Zoning Commission and approve it. This motion was seconded by Councilman Sullivan. Voting in favor; Tidwell, Sullivan and Cox. Voting in opposition; Ron Smith, Mayor and Stephanie Smith. Motion did not pass.

Mayor said he had a concern for less vision from the other adjoining properties to the lake.

Councilman Cox responded that, from the notes of the people who opposed this, that none of them brought that up. They opposed the size of the lots.

2. **ZON 1055** – Consideration of the City Council on ZON-1055; A petition to use a deck extension as a carport located at 21628 High Dr. (Lot 1596 Country Club Estates Sec 8).

David Harrell provided a brief overview of the request. Staff recommends approval with the condition that the deck structure extension be constructed of the same materials, painted the same colors and stay the existing height as the decking shown in attachment 3. The Planning and Zoning, at their June 23, 2016 meeting, recommended approval with the conditions listed above. Applicant appeared to answer any questions.

Mayor Pro Tem Smith asked how many carports were on High Drive and in Lago Vista.

David said he did not know of any on High Drive and did not have information regarding how many in the City.

Councilman Sullivan asked how the conditions would be enforced. David said the Building Official will approve.

Councilman Cox motioned to approve applicants request with the conditions as indicated in the report. The motion was seconded by Councilman Tidwell. Mayor would like to request an amendment to the motion to include storage limitations. Councilman Cox amended his motion to include that the only storage underneath the carport/deck would be automotive and watercraft. Councilman Tidwell agreed to include this amendment in his second. Voting in favor; Sullivan, Tidwell, Mayor and Cox. Voting in opposition; Ron Smith and Stephanie Smith.

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

9. Discussion of the Report and Recommendations from the CAPMetro Study Committee.

Melissa Byrne Vossmer, provided a brief history and background of this item.

She advised that the CAPMETRO Study Committee does recommend, by a vote of 5 to 2, to put this item on the November ballot to ask the community to determine whether they want to continue participation in CAPMETRO. The second question is if the withdraws from CAPMETRO, how would you propose that the sales tax be used by the community. The Committee also recommend putting on the ballot two questions; use one half of one penny be dedicated to establish a Community Development Corporation, the remaining one half of one penny should be set aside for an maintenance program which has stringent guidelines.

Rita Jonse, Mayor of the City of Manor and CAPMETRO Board Member, addressed the Council and Staff to provide her experience with CAPMETRO.

Sam Sargent, CAPMETRO Community Involvement Coordinator was present and answered Councilman Smith's question regarding ridership and questions regarding the City's responsibility in providing service.

Sam Sargent stated that if a City exits, they would still have to pay off a net financial obligation to CAPMETRO before a withdrawn City can start repurposing its penny.

Gerardo Castillo, Senior Vice President & Chief of Staff appeared and also addressed questions from Council regarding the calculations of the net financial obligation. Councilman Cox and Mayor Pro Tem Smith requested more information from CAPMETRO providing the amount that the City might be obligated to pay if the City withdraws.

Clive Rutherford, a member of the CAPMETRO Committee commented to the Council that there are holes in the system that we have right now, the cost is so high and the busses are not packed.

This item is reset until the August 4 Council meeting.

## **ACTION ITEMS**

4. Discussion and consideration of designating a Film Friendly City and Approval of Ordinance No. 16-07-07-01, An Ordinance of the City of Lago Vista, Adding Section 4.600 to Article 4.000, Business Related Fees of Appendix A of the Code of Ordinances to Add Fees from Use of City Property for Filming; Adding Section 4.1100 to Chapter 4 of the Code of Ordinance to Provide for Guidelines and Documents for Filming on City Property; Providing for Severability, An Open Meeting Clause, and Effective Date; and Providing for Other Related Matters.

On a motion by Councilman Cox, seconded by Councilman Sullivan, the Council voted unanimously to approve Ordinance No. 16-07-07-01 as presented. Motion passed.

Elaine Hughes, from the Chamber was present to provide a brief oral presentation. She attended a Film Friendly workshop in Waco. The purpose of the ordinance is to speed up the process once someone has called about a location. We can still say no to any offer we get. She will serve as the facilitator between the community leaders, the Police Chief and others, depending on what the film industry requests.

## **DISCUSSION ITEM**

7. Update from Nelisa Heddin, Heddin Consulting, on the Annual Water/Wastewater Utility Rate Study.

Nelisa Heddin provided a brief background overview and an updated analysis of the three scenarios for the Council and Staff.

It was the consensus of the Council to direct Staff to use Scenario #2 to incorporate into modifications to the Utility Fund. No further action.

## **ACTION ITEM**

3. Discussion and possible action regarding award of construction contract for WTP #1 Improvements to Excel Construction Services in the amount bid of \$634,050.00.

Will Parnell, Engineer with Walker Partners appeared for Gary Graham to address any questions.

Councilman Cox asked if we sold bonds to pay for this. Melissa advised that we did a bank note in 2015 and 1.6 million was for Water treatment plant #1 rehab. Melissa will find out if there are other uses that the money can be used for if there is money left over after the work is complete.

Mayor Pro Tem Smith asked if this would also cover any post implementation work, to make sure it all works together.

On a motion by Councilman Cox, seconded by Councilwoman Smith, the Council voted unanimously to award the contract to Excel Constructions Services in the amount of \$634,050.

5. Discussion and consideration of Ordinance No. 16-07-07-02, An Ordinance of the City Council of the City of Lago Vista, Texas, granting a Transmission and Distribution Electric Utility Franchise to Pedernales Electric Cooperative, Inc. for a ten year term commencing on the effective date; containing various terms and conditions with regard to the grant of such franchise; containing a severability clause; providing for the repeal of any and all kinds of ordinances, regulations, rules, or policies that are in conflict with this Ordinance; and providing an effective date.

Barbara Boulware-Wells, City Attorney provided a brief overview of the contents of the Ordinance. Currently the City received 2% franchise fee. The City is asking for 4% as contained in this ordinance. This may not go into effect until possibly, November, December or January.

On a motion by Councilman Cox, seconded by Councilman Sullivan, the Council voted unanimously to approve Ordinance No. 16-07-07-02 as presented.

## **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:

May 19, 2016 Regular meeting;  
June 2, 2016 Special Called meeting  
June 16, 2016 Regular meeting

On a motion by Councilman Tidwell, seconded by Councilman Cox, the Council voted unanimously to approved the May 19, June 2 and June 16, 2016 meeting minutes as presented.

## **WORK SESSION**

8. Discussion of Proposed Revised Personnel Policies and Procedures Manual.

Melissa Vossmer, City Manager, provided a brief oral background and overview of the process. Mayor Pro Tem Smith, worked with the City Manager, the City Attorney, Barbara Boulware-Wells and Lisa Meyers, HR Manager.

Mayor Pro Tem Smith advised Council that he did read every page and met with Staff to review the policy section by section. Staff was able to answer questions to his satisfaction and he recommends approval. This item will be brought back at the August 4 meeting for approval by Council.

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

- a. May 26, 2016 DRAFT Planning & Zoning minutes
- b. June 21, 2016 CAPMetro minutes

Mayor Pro Tem Smith commented that the minutes look very good.

11. Presentation of Proposed FY 16/17 Budget.

Mayor Mitchell commented that he is very pleased to see a first draft of the proposed budget three months before it has to be approved. Mayor Mitchell asked if Staff could, at the August 4 Council meeting, have nine months actual instead of seven months. Melissa Vossmer, City Manager provided an oral presentation of the Executive Summary portion of the proposed budget. No action taken at this time.

**FUTURE MEETINGS**

12. Consider schedule and items for future Council meetings.

Items for the August 4, meeting:

- |                                 |   |
|---------------------------------|---|
| Personnel Policy                | Airport Zoning                            |
| Tessera SAP                     | Golf Course Advisory Committee 6mo report |
| PID bonding overview            | CAPMETRO item                             |
| Work session on proposed budget | Refinancing Plan                          |
| Replat of Tessera               | CIP Closeout discussion                   |
| LVISD Resolution                | Update on Camille & Dawn Traffic issues   |
| ESD Resolution                  | Reversal of Water transfer to Golf        |

**EXECUTIVE SESSION**

13. At 10:18 p.m. the City Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551,074 (Personnel), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Consultation with legal counsel regarding real property and possible issues and questions related to acquisition, sale or lease.
- B. Consultation with legal counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.

- C. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Brian Atlas v. City of Lago Vista*, Travis County 200<sup>th</sup> District Court.
- D. Consider, conduct and discuss the City Manager's performance evaluation.

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

14. At 12:29 a.m. the City Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

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

No action taken

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

No action taken

- C. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Brian Atlas v. City of Lago Vista*, Travis County 200<sup>th</sup> District Court.

No action taken

- D. Action pertaining to City Manager performance evaluation.

No action taken

**ADJOURNMENT**

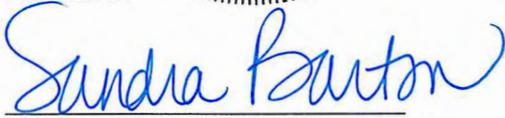
Mayor Dale Mitchell adjourned the meeting at 12:30 a.m.



Respectfully submitted,

  
Dale Mitchell, Mayor

ATTEST:

  
Sandra Barton, City Secretary

On a motion by Mayor Pro Tem Smith, seconded by Councilman Sullivan, the above and foregoing instrument was passed and approved this 18<sup>th</sup> day of August, 2016.