

**AGENDA
CITY COUNCIL
SPECIAL CALLED MEETING AND EXECUTIVE SESSION
THURSDAY, AUGUST 4, 2016**

BE IT REMEMBERED that on the 4th day of August, A.D., 2016, the City Council held a Special Called Meeting and Executive Session beginning at 5:00 p.m. at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL

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
Rich Raley	Council Member	Starr Lockwood	Finance Director

Mayor Dale Mitchell called the Special Called Meeting to order and recognized that all Council Members were present.

EXECUTIVE SESSION

17. At 5:04 p.m. the 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:
Item A. only at this time. Mayor Mitchell advised that applicant Seth Bershadsky has withdrawn his application because of a personal surgery.

A. Consideration of applicants for filling the remaining term of Council Member Place 6 as follows:

5:00 p.m. Jimmy Lynam
5:15 p.m. Michael Gray
5:30 p.m. Seth Bershadsky
5:45 p.m. David Williams
6:00 p.m. Dave Lyons
6:15 p.m. David Abendschein
6:30 p.m. Suzanne Bland
6:45 p.m. Eric Hutchins
7:00 p.m. Michael Zaydel
7:15 p.m. Catherine A. Knox

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

18. At 7:38 p.m. the Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding item A. only:

A. Consideration of applicants for filling the remaining term of Council Member Place 6.

On a motion by Councilman Raley, seconded by Councilwoman Smith, the Council voted unanimously to appoint Suzanne Bland to the open City Council Place 6 position.

At 7:38 p.m., Mayor Mitchell called the Regular Meeting to order and led the Pledge of Allegiance.

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Helen and Bill Brown asked about the status of annexing Alfalfa Drive. Mayor advised that we will hopefully have the budget passed by the end of September and we will be looking at this.

1. City Secretary to administer the Statement of Officer and Oath of Office to newly appointed Council Member Place 6.
City Secretary, Sandra Barton, administered the Statement of Officer and Oath of Office to newly appointed Council Member Suzanne Bland.

AGENDA ITEMS TAKEN OUT OF ORDER

ACTION ITEMS

9. Discussion and consideration of Resolution No. 16-1660; A Resolution by The City Council of the City of Lago Vista, Texas, providing for a Public Hearing and Notice of Intent to issue General Obligation Refunding Bonds as required by the City's Home Rule Charter; providing an effective date; and containing other matters relating to the subject.

Melissa Byrne Vossmer, City Manager provided some background information to Council. Tom Lawrence, Financial Advisor appeared provide information on the process for a delegated pricing ordinance to refinance two tax notes. He stated this establishes parameters and if those parameters are satisfied, then the pricing officer can sign off on the ultimate financing. We basically have 6 months to complete it.

On a motion by Councilman Tidwell, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 16-1660 as presented.

4. Discussion and possible action regarding Resolution No. 16-1659; A Resolution granting the Consent of The City of Lago Vista, Texas, to the creation of Travis County Emergency Services District No. 7.

Melissa Byrne Vossmer, City Manager provided some background information to Council and advised that ESD citizens presented a petition to ask consideration for Lago Vista in creating Travis County Emergency District No. 7.

Kelli Carlton, Attorney for North Lake Travis Firefighters Association who is the entity who is bringing the petition to create Travis County ESD No. 7. ESD No. 7 will be a direct overlay of ESD No. 1 with the same boundaries. The purpose of ESD No. 7 is to provide emergency medical services, first responder, higher level paramedic training as well as

transport. ESD No. 1 would provide the fire related services and ESD No. 7 would provide emergency services and ultimately transport. In order to create an ESD at all, they have to get the consent of the cities and ETJ's that are affected. This item will have to go on the November ballot.

Donnie Norman, Fire Chief also appeared to answer any questions from Council.

Larry Levy asked a question regarding now having two taxing authorities and if there were any chance there would be more than two.

On a motion by Councilwoman Smith, seconded by Councilwoman Bland, the Council voted unanimously to adopt Resolution No. 16-1659 as presented.

PUBLIC HEARING AND ACTION

2. **SUB 1117-** Consideration by the City Council of a replat for Lots 14-15, Block D, Tessera on Lake Travis Phase 1A from a total of two (2) existing lot to eleven (11) lots.

Barbara Boulware-Wells, City Attorney advised the Council that the Planning and Zoning Commission tabled this item at their meeting on July 28, so there is no recommendation to be made to Council, so Council cannot take under consideration at this time. However, public hearing notices were sent out so she encourages Council to go ahead and open the public hearing and leave it open so then on August 18, it can be continued. The Mayor opened the public hearing at 8:31 p.m.

On a motion by Councilman Raley, seconded by Councilman Tidwell, the Council voted unanimously to table this item until August 18, 2016.

3. **SUB 1093** – Consideration of the City Council 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.

David Harrell, Development Services Director provided a brief overview and background information. He stated Staff does believe this replat does meet the City's Subdivision standards and Chapter 212 requirements of the Texas Local Government Code and recommends approval.

Greg Billings, the agent for Red Cardinal LLC, agent for the property owner answered some questions from Council regarding zoning and use.

The Mayor opened the public hearing at 8:46 p.m. and closed the public hearing at 8:47 p.m.

On a motion by Councilman Raley, seconded by Councilman Tidwell, the Council voted unanimously to approve the re-plat as requested.

5. Discussion and consideration of Ordinance No. 16-08-04-01; An Ordinance ordering and establishing procedures for the 2016 General Election in the City of Lago Vista to Elect Councilmembers for Place 2, Place 4 and Place 6; providing for notice of the Election; providing Election Precinct and polling places; providing for Early Voting; providing an effective date and Open Meetings clause; and providing for related matters.

City Secretary, Sandra Barton provided a brief outline of the contents of the proposed Ordinance for Council and advised Council of Travis County's intention of holding early voting at City Hall on November 3rd and 4th.

On a motion by Mayor Pro Tem Smith, seconded by Councilwoman Bland, the Council voted unanimously to approve Ordinance No. 16-08-04-01 as presented.

6. Discussion and consideration of Ordinance No. 16-08-04-02; An Ordinance of the City of Lago Vista, Texas calling a Special Election for November 8, 2016 concerning the City of Lago Vista's continued participation in Capital Metropolitan Transportation Authority; authorizing a Joint Election to be held with Travis County; making provision for the conduct of the Election; establishing procedures; resolving other matters incident and related to such Election; and providing an effective date.

Melissa Byrne Vossmer, City Manager advised that this is on the agenda because of the work of the CAPMETRO Advisory Committee who finalized their recommendations and provided to Council in June. She also provided additional background information and overview of the proposed Ordinance. She advised that the Committee voted 5-2 to recommend to the City Council to place this item on the November ballot.

If the CAPMETRO services are withdrawn, the City still has a net financial obligation, based on a formula, to CAPMETRO in the amount of \$974,054 which would take the City two and half years to pay off. The City would be certain of this amount before agreeing with it.

Sam Sargent, CAPMETRO representative appeared and answered questions from Council regarding alternate services.

Councilman Sullivan asked Committee members who were present at the meeting if they had known that the NFO was almost a million dollars, would that have impacted their decision.

Rambie Briggs, 22017 Redbird Drive voiced his appreciation to Capital Metro for nicely paved street. He expressed concerns about not having enough information to make an informed decision.

Greg Billings wanted to point out that since Cedar Park opted out, it greatly affected our desirability in ridership out here. He wants to make sure we know what the needs of the community are going to be in the coming years.

Jim Speckmann said that the City pays \$350,000 net dollars, Sam told us we were getting over \$500,000 worth of service; his personal opinion is that we are not to the point of withdrawing from Capital Metro.

Peggy Sharp has a 35 year old special needs son who rides Capital Metro to work every day.

Without that service, she and her husband would have to take off of work to take him places.

She agrees that we should have a say so in where they stop in Lago Vista.

Councilwoman Smith asked if the voters opt to stay with the service, can we renegotiate what we currently have. Sam Sargent answered yes. These are discussed in January, June and August.

On a motion by Councilman Tidwell, seconded by Councilman Raley, the Council voted unanimously to adopt Ordinance No. 16-08-04-02 as presented.

The Council took a break at this time from 10:00 am – 10:08 p.m.

7. Discussion and consideration of Ordinance No. 16-08-04-03; An Ordinance of The City of Lago Vista, Texas calling a Special Election for November 8, 2016 concerning two Propositions solely conditioned upon the voter rejection to continue participation in the Capital Metropolitan Transportation Authority – one Proposition to determine whether the citizens support creation of a Type B Community Development Corporation through the adoption of the local sales and use tax at the rate of one-half of one percent to be allocated to the Type B Community Development Corporation and the other Proposition to determine whether the citizens support authorization of the local sales and use tax at the rate of one-half of one percent to provide revenue for maintenance and repair of Municipal streets; authorizing

a Joint Election to be held with Travis County; making provision for the conduct of the election; establishing procedures; resolving other matters incident and related to such election; and providing an effective date.

Melissa Byrne Vossmer provided a brief overview of the proposed Ordinance and the reallocation of the 1 penny sales tax. One way is the establishment of a Type B Community Development Corporation Sales Tax at the rate of ½ of 1% and the establishment of a Street Maintenance Sales Tax at the rate of ½ of 1%.

Barbara Boulware-Wells, City Attorney answered legal questions from Council regarding the two options. Council discussed different options.

Councilwoman Smith asked if the Grill repairs could fall under one of these options. City Attorney said it could be a prospect.

On a motion by Mayor Mitchell, seconded by Councilman Sullivan, the Council voted unanimously to approve Ordinance No. 16-08-04-03 as presented.

8. Discussion and Direction Concerning a Full-Time Public Works / City Engineer.

Melissa Byrne Vossmer, City Manager advised Council that after the first of the year, Gary Graham, Interim Public Works Director will not be available to work with the City for the 20 hours a week as he does presently.

Council directed City Manager to begin advertising for this position.

10. Discussion and Direction Concerning the Close-Out of Completed Capital Improvement Projects and Movement of Project Fund Balances.

Melissa Byrne Vossmer, City Manager stated that we are in a position to close-out Capital Improvement Projects and move the fund balances. The amount that is available is \$677,903.84.

Gary Graham gave a brief overview of the Capital Improvement Projects that were completed. Staff recommends moving these funds to the reserve account.

On a motion by Mayor Mitchell, seconded by Councilwoman Smith, the Council voted unanimously to move the funds from the Capital Improvement Projects that we closed out and move into our reserve.

WORK SESSION

12. Discussion of Comprehensive Plan Housing Goals & Incentives.

David Harrell, Development Services Director provided an overview of the proposed goals and incentives. David provided example from other cities as a reference.

Keith Billington, Silverton Custom Homes, made comments regarding the square footage costs of homes, areas in Lago Vista that do not have utilities, limiting the amount of homes built.

11. Three month report from Lago Vista Golf Manager.

Mark Cote spoke about his observations since he began. He spoke about the some changes he would like to implement such as creating junior programs, instituting kids play for free with

paying adult, super twilight play, instituting a birthday club and working on greens condition. Some of the challenges are course conditions, the irrigation system, personnel, overseeding and decreasing revenues. Some of the future opportunities include; working on membership study comparisons, getting a mixed beverage license and grill refurbishment, implementing military, police and fireman rate discounts, create collateral pieces for Chamber, builders, new residents, perspective outings and negotiate a news GolfNow agreement.

Councilman Sullivan asked Mark for the plan for revenue generations.

Mayor Mitchell told Mark that we have never had as good a professional golf course manager as him in Lago Vista and he has the expertise that we need.

Gary Graham addressed questions regarding effluent and reclaimed water on the golf courses.

13. Work session on Proposed FY 16/17 Budget.

Starr Lockwood, Financial Director advised the Council of several changes to the proposed budget since July 7th. According to the Texas County Tax Appraisal Office, the net taxable property tax values at \$742,240,361.

The seeding that was previously included in the Effluent Budget, but the Auditors moved it back to the golf courses as part of the audit.

Adjustments have been made to the utility fund following the presentation from Nelisa Heddin and Council's election to go with option 2. The rates presented that support that option have an increased potential for additional revenues for water in the amount of \$479,653 and for wastewater in the amount of \$64,261.

Additional marketing for the 2017 Lago Fest in the amount of \$4,000 has been added to the Hotel Occupancy Fund Budget for a total of \$10,000.

Council and staff discussed the new positions are in Water/Wastewater, the part-time position in Development Services and the part-time position to be shared by Finance, HR and utility billing.

Mayor Pro Tem Smith asked the City Manager if staff has been accommodated with all the technology and needs to perform their jobs. City Manager advised that she believes they have been.

14. Departmental Reports

A. Development Services

B. Financial Report

C. Library Report

D. Municipal Court Report

E. Police Department

F. Public Works Reports

a. Pool Revenue

b. Street Department

c. Utility Department (Water/Wastewater Services)

d. Water Loss Report - Mayor Mitchell had a question for Gary regarding terminology issues with effluent disposal and reclaim disposal.

e. Water/Wastewater Treatment - Mayor Pro Tem asked if WTP #3 was running. He was advised that it is. Mayor asked when the ribbon cutting will be.

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

- A. May 26, 2016 Airport Plan Advisory Committee minutes – No comments
- B. June 14, 2016 Golf Course Advisory Committee minutes – No comments
- C. June 20, 2016 Parks and Recreation Advisory Committee minutes – No comments
- D. July 14, 2016 KLVB minutes – No comments

FUTURE MEETINGS

16. Consider schedule and items for future Council meetings.

Mayor asked that the Golf Course Advisory Committee give their Semi-annual report.
Mayor Pro Tem requested the HR Handbook approval on August 18 and an item to consider abolishing the Golf Course Advisory Committee.
Councilman Raley asked that the 10U All Star Team be recognized at the September 1 meeting.

EXECUTIVE SESSION

17. Convene 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:

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

Barbara Boulware-Wells offered that there is nothing on the Executive Session that require discussion.

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

18. Reconvene from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

- 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.

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

ADJOURNMENT

Mayor Dale Mitchell adjourned the meeting at 12:59 a.m.



ATTEST:

Sandra Barton

Sandra Barton, City Secretary

Respectfully submitted,

Dale Mitchell

Dale Mitchell, Mayor

On a motion by Councilman Ed Tidwell, seconded by Councilman Rich Raley, the above and foregoing instrument was passed and approved this 15th day of September, 2016.