

**OFFICIAL MINUTES OF THE CITY COUNCIL  
SPECIAL CALLED MEETING  
THURSDAY, SEPTEMBER 1, 2016**

**BE IT REMEMBERED** that on the 1<sup>st</sup> day of September, 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, PLEDGE OF ALLEGIANCE**

Dale Mitchell	Mayor (Via Skype)	Melissa Byrne Vossmer	City Manager
Ron Smith	Mayor Pro Tem	Barbara Boulware-Wells	City Attorney
Rich Raley	Council Member	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	Starr Lockwood	Finance Director
Suzanne Bland	Council Member	Mark Cote	Golf Manager

Mayor Pro Tem Ron Smith called the Special Called Meeting to order and recognized that all Council Members were present and led the Pledge of Allegiance.

**PRESENTATIONS**

1. Mayor Mitchell will recognize and present Proclamations to the Lago Vista United Baseball 10U Vikings All-Star Baseball Team and the 12U All-Star Vikings Baseball Team.

Mayor Pro Tem Smith read the Proclamation out loud for Council, team members and audience. Mayor Pro Tem Smith Councilman Raley presented the two teams with Proclamations and posed for photos with both teams.

**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.

Eric Hutchins, 2503 Ford Cove, asked Council if the CAPMETRO item on the ballot is voting “no”, does the Council have a plan. This will be discussed later on the agenda.

2. Update from Jacque Wittmuss for property located at 18001 Marshall’s Point.

The property is currently listed, active on the market in the Austin Board of Realtors, the Highland Lakes Board of Realtors as well as LoopNet. She stated the average time on market is about 267 days. Right now this property has been on the market 10 days.

Melissa Byrne Vossmer, City Manager stated that all of the repairs have been completed and has sent a link to Council to a video tour of the property.

Councilman Tidwell asked if there were any nibbles, Jacque stated that she had shown it once but the gentleman wasn’t real excited about the power line but that is the only activity so far.

## **PUBLIC HEARINGS AND POSSIBLE ACTION**

3. The City Council will conduct the First of Two Required Public Hearings on Setting the FY16/17 Tax Rate at \$ .65 / \$100.

The Public Hearing was opened at 6:45 p.m.

Mayor Pro Tem Smith stated that this will be the fourth consecutive year that the tax rate has been at \$.65, so the rates have not changed.

Rich Piasecki, 20617 Highland Lake Loop, asked how much the appraised values of property's gone up from last year to this year and over the last four years.

Melissa Byrne Vossmer stated that it does vary based on the individual properties.

After no further comments, the Public Hearing was closed at 6:47 p.m.

4. The City Council will conduct a public hearing on the issuance of the City of Lago Vista, Texas General Obligation Refunding Bonds, Taxable and Tax-Exempt, in the Amount of \$6.1 Million.

The Public Hearing was opened at 6:48 p.m.

Melissa Byrne Vossmer, City Manager stated that this is an opportunity to refund the taxable and nontaxable issuances that the City made in 2015. One was for WTP #1 for the rehabilitation project in the amount of \$1.6 million and the other was an additional \$600,000 to be dedicated towards finalizing WTP #3. In 2015, we issued as second taxable debt of \$3.738 million in debt for the acquisition of the property located at 18001 Marshall's Point. These were done on short term of 7 years, typically they would go out to 12 to 15 years depending on what the market is doing.

After no further comments, the Public Hearing was closed at 6:51 p.m.

5. First and Final Reading – Consideration and action with respect to Ordinance No. 16-09-01-01; Ordinance authorizing the issuance of City of Lago Vista, Texas General Obligation Refunding Bonds in a Tax-Exempt and Taxable Series in an Aggregate Principal amount not to exceed \$6,100,000; establishing procedures and delegating authority for the sale and delivery of the bonds; levying an annual Ad Valorem Tax and providing for the security for and payment of such bonds; declaring an effective date and authorizing and enacting other matters and provisions relating to the subject.

Tom Lawrence, Financial Advisor for the City. He stated if the City meets the parameters that and if Melissa Vossmer is satisfied with the pricing structure, then the transaction will be completed at that time.

The parameters are that we will not exceed \$6,100,000 in refunding bonds;

The maximum interest rates on the tax exempt and the taxable at 3.25% and the taxable bonds shall not exceed 4.50%;

The final maturity of the tax exempt and taxable bonds may not be later than twenty-five years maximum; and

The delegation shall expire if not exercised on or before March 1, 2017.

Mayor Pro Tem asked if the house does not sell and the bonds are refinanced, then later on if the property sells, how do we deal with this.

Tom said if it is done after, he would suggest, because of other future debt issue that we have in mind, it would supplant one or two of those debt issues and because it is taxable it could be used for any lawful municipal purpose.

Jana Edwards appeared and advised that the ordinance was prepared with the parameters as Tom discussed.

On a motion by Councilman Tidwell, seconded by Councilman Sullivan the Council voted unanimously to approved Ordinance 16-09-01-01 as presented. Motion passed.

6. The City Council will conduct a public hearing, consider and possible action regarding Ordinance No. 16-09-01-02; 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).

The Public Hearing was opened at 7:13 p.m.

David Harrell, Development Services Director gave a brief overview of the Service Assessment Plan and stated that Staff has reviewed the documents.

Vanessa Stowe, the PID Administrator with DPGF appeared to address any questions.

She stated they did update some pages containing information on principal assessments and annual installments.

Mayor Pro Tem Smith stated that at the last meeting the Council passed an ordinance re-platted fourteen lots to eleven lots and that is not reflected in here and need to be updated as well as other corrections that need to corrected and updated. He is not prepared to vote on it tonight and would like to table until the corrections are made.

The Public Hearing will be left open until the updated documents are received.

On a motion by Councilwoman Bland, seconded by Councilman Raley, the Council voted unanimously to table this item until the documents are corrected. Motion passed.

7. Report on the status of the Lohman Ford - Boggy Ford Signalization Project.

Gary Graham, City Engineer, gave a brief overview and oral presentation containing several drawings of the intersection. He stated he has been working on improvement to this intersection for several months. Alliance Transportation Group has been designing improvements which is chiefly signalization. Some of the proposed improvements plans that were shown are to widen the median on Shoreline Ranch Road, another plan shows how the lanes will be striped and how the signals will be setup and the portion of the intersection will be milled resurfaced.

Derrick Deere answered Melissa's question regarding reducing the speed from the Southern portion of the area. He stated that right now, they haven't proposed lowering the speed limit, but it could be looked at, as well as advanced warning signs of the upcoming signal as part of this project. He also stated that we are looking at construction of about 3 months.

Rich Piasecki asked if there would be consideration of putting motion sensors so that if there is no traffic, the light doesn't change.

Derrick Deere stated there will be some at the intersection.

Caroline Hale asked if there would be a crosswalk, there will not be.

No action to be taken at this time.

8. Discussion on Airport Action Plan.

David Harrell, Development Services Director provided an overview of the proposed plan and brief history. The Airport Plan Action Committee have recommended unanimous approval of this plan as presented in the packet.

Derrick Mayo with Parkhill Smith & Cooper appeared to present the Airport Action Plan to Council and address questions.

Michelle Hanna with TXDOT also appeared to address questions.

Rich Piasecki, stated that this will have a tax base for the City as well.

9. Discussion and consideration of Resolution No. 16-1661; A Resolution of the City Council of the City of Lago Vista, Texas assigning the Administrative responsibilities of the Tessera on Lake Travis Public Improvement District to a Third Party Contractor and authorizing the City Manager to execute a contract thereto.

Barbara Boulware-Wells, City Attorney provided an overview and background information. DPFPG has been the has the PID Administration entity that worked with the Developer and the City around 2012 and have been since that time. We recently received another offer by PIDWorks. PIDWorks is run by Jon Snyder who was with DPFPG at the time that it was entered into in 2012 and was instrumental in getting the PID administration function up and going.

DPFG has represented both sides, however, there are times when the City Council has been presented with items and City Staff has felt that there might be a bit of conflict.

Rick Rosenberg, Managing Principle for DPFPG stated that he appreciated the opportunity to be considered for an ongoing relationship. He stated that they will work harder in the disclosure process so that home buyers understand the role of the PID. They have separated the responsibilities in their team in that Vanessa will be primary consultant responsible for the administration and Patrick will work with the Developer.

Jon Snyder, with PIDWorks stated they are a new company, about three months old. He stated that they will not represent the Developers whatsoever. Their only clients will be cities and counties.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to adopt Resolution No. 16-1661 as presented. Motion passed.

10. Discussion and consideration of Ordinance No. 16-09-01-03; An Ordinance of the City of Lago Vista, Texas; providing for the amendment of the City of Lago Vista Personnel Policy; providing for conflicting Ordinances; providing for severability; and providing effective date and Open Meetings clauses.

Melissa Byrne Vossmer provided a brief outline and some background information. She stated that there are some minor changes as outlined in the packet.

Mayor Pro Tem Smith stated the read the whole document and feels satisfied that all of his concerns where answered.

On a motion by Councilman Sullivan, seconded by Councilwoman Smith, the Council voted unanimously to approve Ordinance No. 16-09-01-03 with the two amendments as noted on the packet cover sheet. Motion passed.

11. Presentation, discussion, consideration, action if any regarding Ordinance No. 16-09-01-04; An Ordinance of the City of Lago Vista, Texas, Amending Appendix A, Section 6.200, Utility rates and fees, Lago Vista Code of Ordinances and prescribing changes in rates and fees;

providing for severability, an Open Meeting clause, an effective date; and providing for related matters.

Barbara Boulware-Wells provided a brief overview and background information. She stated that the changes are only to the rates, not the fees.

Mayor asked that the City Secretary place an updated packet on the website with the new ordinance and new appendix showing the corrected information.

On a motion by Councilwoman Smith, seconded by Councilman Raley, the Council voted unanimously to adopt Ordinance No. 16-09-01-04 with the corrections to the ordinance heading striking "and fees". Motion passed.

12. Appointment of a Council Representative to CAPCOG's General Assembly.

Melissa Byrne Vossmer stated that the City is a member of CAPCOG and has a representative to the General Assembly. About a year and a half ago, the City appointed Jason Shoumaker as the representative. Councilman Tidwell has volunteered to be the new representative.

On a motion by Councilman Raley, seconded by Councilman Sullivan, the Council voted unanimously to appoint Councilman Tidwell as the Council representative to the CAPCOG General Assembly. Motion passed.

## **WORK SESSION**

13. Budget Discussion and Possible Direction - Communications & Marketing Supervisor.

Melissa Byrne Vossmer stated that the city would like to improve on ways to get information out to our residents and there a number of projects coming up that would require more time that warrants a full time position.

Councilwoman Bland asked if this person could help coordinate funnel information to the Council. She suggests that one amendment be made to the job description to include helping coordinate some of the events and help Mark.

Council directed City Manager include this position and modify the budget.

Mark Tippetts asked if this would be an in house position. Melissa stated that yes it would be a full time position. He also asked if we had looked into an outside company to do this.

14. Discussion and Possible Direction Concerning the Provision of Limited Transit Services from Lago Vista to Jonestown.

Melissa Byrne Vossmer provided a brief overview of the proposed services. The primary focus would be to get folks from Lago Vista to Jonestown to catch Route 214 and would the Council be interested in funding a service to move residents to Jonestown.

Dave Williams asked if there has been discussion with CAPMetro regarding them offering limited service and/or routes. Melissa stated that they gets that one penny regardless of the level of service.

Direction given to City Manager is to include this expenditure in the final budget.

15. Discussion regarding CIP Schedule.

Gary Graham, Interim Public Works Director provided an oral overview presentation showing the various phases of the projects.

Councilwoman Bland asked that Gary denote prioritization in the reports.

Councilwoman Smith asked if the sidewalk project construction could be done in October or November.

#### 16. July Financial Report

Starr advised Council that this was not in the last Council packet, so it was included in this packet.

#### **FUTURE MEETINGS**

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

Councilwoman Bland expressed hesitation in not having a Council meeting from September 15 until October 20 and would like to have a meeting for citizens to have an opportunity to express their concerns in a public forum.

#### **EXECUTIVE SESSION**

#### 18. At 10:08 p.m. the Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel) and 551.072 (Real Property), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Consultation with legal counsel regarding LVISD subsequent user fees and questions related to payment thereof.
- 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 200<sup>th</sup> District Court.

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

#### 19. At 11:29 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 legal counsel regarding LVISD subsequent user fees and questions related to payment thereof.

No action taken

- 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

- D. 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

**ADJOURNMENT**

Mayor Pro Tem Ron Smith adjourned the meeting at 11:30 p.m.



Respectfully submitted,

  
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Ronald Smith, Mayor Pro Tem

ATTEST:

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

On a motion by Mayor Pro Tem Ron Smith, seconded by Council Member Ed Tidwell, the above and foregoing instrument was passed and approved this 20<sup>th</sup> day of October, 2016.