

**AGENDA
CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, SEPTEMBER 29, 2016**

BE IT REMEMBERED that on the 29th 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	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
Stephanie Smith	Council Member	Sandra Barton	City Secretary
Suzanne Bland	Council Member	Starr Lockwood	Finance Director
		Gary Graham	City Engineer
		Mark Cote	Golf Manager
		Dave Street	IT Manager

Mayor Dale Mitchell called the Special Called Meeting to order and recognized that all Council Members were present except for Councilman Ed Tidwell. Also present were Donna Clark, Utilities and Elaine Hughes, Chamber of Commerce Executive Director. Mayor Mitchell 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.

Cher Coleman, 21205 Mt. View Circle appeared to ask if someone could look into some road repairs in front of her home. Work was started in June, but it has stopped. Mayor Mitchell indicated that there will be a presentation on October 20 regarding all streets. City Manager, Melissa Vossmer will also speak with the Street department and get an update.

Jackie Goodwin, 4501 Nettle Lane, said she had heard about Rich Raley moving out of the City and how and when this position will be filled. Mayor Mitchell said Rich Raley has not yet submitted his resignation so when and if he does, we will address at the next regular meeting and we will use the same process as used before.

Dan Deveze, 18908 Kelly Drive, Point Venture, appeared to express his concerns regarding discrimination, harassment, retaliation and wrongful termination from the City of Lago Vista.

PRESENTATION

1. Police Department Citation Writer Program

Dave Street, IT Manager provided an oral and visual presentation. The ticket writers will eliminate issues with legibility, eliminate discrepancies and improve timeliness of citation data begin submitted to Court. This has been in the research and test phase and is at the point

of bringing forward for approval. The Court Technology Funds will be used for the funding of the ticket writers, printers and Incode maintenance costs. Anticipated completion date is at the end of this calendar year.

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

2. A. Consider approval of Ordinance No. 16-09-29-01, An Ordinance of the City of Lago Vista, Texas adopting a Budget for the Fiscal Year beginning October 1, 2016, and ending September 30, 2017; appropriating the various amounts thereof, and repealing all Ordinances or parts of Ordinances in conflict therewith; and providing for an effective date.

Melissa Byrne Vossmer, City Manager advised that the direction that Staff has received from Council at prior work sessions have been incorporated into the proposed budget document. Mayor Mitchell thanked Staff for preparing the budget in the first week of July and provided introductory remarks and background information of the budget process. Council discussed the Golf Course budget and possible options to monitor the Golf Course expenditures and have benchmarks during the fiscal year.

Jackie Goodwin asked what it will cost the city to get rid of the effluent if we do not have the golf courses.

Carol Hale thanked the Council for doing the best for our community and asked what causes the golf course to go over budget and offered suggestions.

Mayor Mitchell offered that the budget is out of balance on revenues that were projected and did not come about.

Mark Cote said the course conditions are not where they should be, therefor our reputation isn't where it should be and our marketing isn't where it should be and he will be working on these things in the coming year.

Elaine Hughes updated Council on marketing opportunities.

Mark Tippetts advised Council that Tessera does promote the golf courses, they receive emails and brochures all the time. He believes a study does need to be done to see the actual benefit that the golf courses have to the city.

Councilman Sullivan motioned to adopt Ordinance No. 16-09-29-01; and including an amendment that would indicate that for the golf course budget, the transfer of \$280,000, that \$180,000 of that be made available immediately to the golf courses and when that is expended, that the issue come before the Council to pass the additional \$100,000 onto the golf courses and when that has run out, if that happens, it comes back to the Council for a public hearing and vote. Councilwoman Bland seconded this motion.

Barbara Boulware-Wells advised that there is special language that has to be used for the adoption of a budget.

Councilman Sullivan withdrew this motion and Councilwoman Bland withdrew her second.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council, with a roll call vote, voted 5 ayes (Dale Mitchell, Rich Raley, Kevin Sullivan, Stephanie Smith and Suzanne Bland) to 1 no (Ron Smith) for the approval of Ordinance No. 16-09-29-01 as amended adopting the Fiscal Year 2016/2017 Budget. Motion passed.

- B. Consider ratification of the portion of the FY 2016/17 budget reflecting an increase in property tax revenues.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to ratify the Ad Valorem property tax revenue increase reflected in the adopted 2016/2017 budget. Motion passed.

3. Consider approval of Ordinance No. 16-09-29-02, An Ordinance of the City of Lago Vista, Texas levying Ad Valorem Taxes for use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2016 and terminating September 30, 2017; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Melissa Byrne Vossmer, City Manager advised that Council has not increased the tax rate from \$.65 per \$100 value. This will be the fourth year in a row. She also advised that out of the \$.65, \$.3850 pennies goes to Maintenance & Operations and \$.2650 goes to Interest & Sinking Fund which is our debt.

On a motion by Councilman Raley, seconded by Councilman Sullivan, the Council voted unanimously, by roll call vote, to adopt the property tax rate be increased by the adoption of a tax rate of \$.65 per \$100 valuation which is effectively a 6.84 % increase in the tax rate. Motion passed.

4. Discussion, consideration, action if appropriate regarding Ordinance No. 16-09-29-03; An Ordinance of the City Council of the City of Lago Vista, Texas pursuant to Vernon's Texas Codes annotated, Local Government Code, Chapter 102, Section 102.007(b) providing for amendments to Ordinance No. 15-09-29-01, for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016; amendments to said Budget by Department are set forth in "Exhibit A" attached to this Ordinance.

Melissa Byrne Vossmer, City Manager advised that staff was trying to finish up August financials which several Council members have been requesting so attention was turned to this and we will be bringing this item to Council at the October 20 meeting.

On a motion by Mayor Pro Tem Smith, seconded by Councilman Sullivan, the Council voted unanimously to postpone Ordinance No. 16-09-29-03 until the regular Council meeting on October 20, 2016. Motion passed.

5. Discussion, Consideration, Action if appropriate regarding Resolution 16-1663; City of Lago Vista Fiscal & Budgetary Policy Statements for FY16/17.

Melissa Byrne Vossmer, City Manager advised Council that the Policy Statements will be reviewed with Council as part of the budget process each year. The documents presented are pretty much the same as last year with changes to dates that we presently have in place.

Councilman Sullivan stated that he loves the policy document but one thing that is does not address a situation in which a particular fund falls short on its revenues by more than \$40,000, what can the City Manager approve and thinks this should be addressed in the policy statement. Melissa stated that some language will be added and will bring back to Council to look at.

On a motion by Councilman Sullivan, seconded by Mayor Mitchell, the Council voted unanimously to table this item until October 20 meeting. Motion passed.

WORK SESSION

6. Discussion on proposed modifications to animal control related portions of the City Code.

David Harrell, Development Services Director provided a brief overview and background information. Some of the changes to the zoning code regarding chickens are taking chickens out of the Special Use Permit requirements, which currently, in order to have these animals would have to have to ask for a SUP, which is a special approval. The Commission would have to recommend to Council and Council would have to approve. Other changes: sets numbers of chickens, exempts maximum numbers of chickens for up to six months, gives definitions in the animal control section, requires animals to be kept in enclosures, prohibits male species, prohibits enclosures closer than fifty feet of any building or dwelling inhabited by humans or golf course. He also advised the Commission, on September 2, voted denial of it by a vote of 5 to 1.

Mayor Pro Tem asked if this requires a super majority vote in this case? Barbara Boulware-Wells, City Attorney stated that yes, it would require a super majority to overrule the action of P&Z on this item.

Councilman Raley stated that the Planning & Zoning Commission did not even want to send a proposal, but felt like the Council had asked that they make a proposal so they wrote the proposal as best as they could.

Melissa stated that even if this fails, it does not mean that a resident cannot have chickens, it just means there is a different process the SUP is still in place.

Following a discussion by Council and Staff, Councilwoman Bland requested that this item be on the next agenda for Council action.

7. First Session to discuss proposed changes to Chapter 10 (Subdivision Ordinance).

David Harrell, Development Services Direction gave an oral presentation of the proposed changes. He presented an overview of the major changes to Council and stated that the Planning & Zoning Commission, at their meeting on September 22, made a unanimous recommendation for approval of the Ordinance.

Mayor Pro Tem requested a flow chart of changes. David Harrell will share a document that was used. The Council discussed and Staff addressed questions from Council. Staff will coordinate put a schedule together for smaller groups to meet to discuss the proposed changes.

FUTURE MEETINGS

8. Consider schedule and items for future Council meetings.

Proposed items for the October 20 meeting are: monthly update on Marshall's Point, presentation from Veteran's Memorial Park Committee, update on retail development, public hearing on accessory buildings, resolution on possible changes to the Golf Course Advisory Committee, ordinance on improvements to Camille/Dawn intersection, conditional use permit for a boat dock, City Council Economic Development Committee, Reimbursement Resolution for CIP expenses, discussion on LV Golf Course Grill operations, discussion on CIP program,

Airport Master Plan, Tessera PID, budget amendments, budgetary policy statements, street evaluation report, discussion on Tessera Phase 3A & phase 3B.
Mayor Pro Tem Smith requested some revisions to the sign ordinance that deals with political signs for a future agenda item.

EXECUTIVE SESSION

9. At 9:15 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 LVIDS subsequent user fees and questions related to payment thereof.
- B. Consultation with legal counsel regarding Walters Wedding and real property issues and questions related to acquisition, sale or lease.
- C. 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.

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

10. At 10:37 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 LVIDS subsequent user fees and questions related to payment thereof.

No action taken

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

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 200th District Court.

No action taken

ADJOURNMENT

Mayor Mitchell adjourned the meeting at 10:37 p.m.



ATTEST:

Sandra Barton

Sandra Barton, City Secretary

Respectfully submitted,

Dale Mitchell

Dale Mitchell, Mayor

On a motion by Councilman Sullivan, seconded by Councilman Tidwell, the above and foregoing instrument was passed and approved this 17th day of November, 2016.