

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
OCTOBER 20, 2016**

BE IT REMEMBERED that on the 20th day of October, 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 AND PLEDGE OF ALLEGIANCE

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

Mayor Dale Mitchell called the Regular Meeting to order and recognized that all Council Members were present except Councilwoman Bland. Rev. David Hintze, Christ our Savior Lutheran Church gave 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.

CITIZEN COMMENTS

Melissa Byrne Vossmer, City Manager announced that the City's AA rating has been affirmed. Selima Harbison, 19820 Dos Amigo Drive, who started the Farmer's Market in Lago Vista, addressed the Council with concerns regarding signage restrictions and asked for the City's help in having directional signs on the day of the event. This item will be on the November 3 Council agenda.

Gene Griffin, 20800 Mohawk Street, appeared to ask a questions regarding commercial businesses in Lago Vista and address commercial buildings and getting them up to code. He would also like to see more Economic Development in the City.

Dan Deveze, 18908 Kelly Drive, appeared to address the Council with his concerns regarding his goals of creating businesses within the communities to include using the vacant commercial building across from the Middle School and creating a recreation center and an emergency shelter next to the Airport. He also expressed his feelings of discrimination and numerous other allegations against the City and City personnel.

Larry Levy, 13710 Vinery Lane, Cypress, TX appeared to make a comment to the Mayor asking the Mayor to consider removing himself to a different role within the City and letting someone else take the role as Mayor. Also made comments regarding the Marshall's Point Property and the City taking a loss from the purchase of this property.

PRESENTATIONS

1. Presentation of Veterans Memorial Advisory Committee's Proposed Plan for Improvements to Veterans Memorial Park.

Richard Bohn provided some background information regarding the Veteran's Park and the formation of the Committee. Jim Thornton, Committee Member, presented the power point presentation of the proposed recommendations for the Veteran's Memorial Park. The total estimate costs are \$45,000.

Melissa Byrne Vossmer, City Manager stated that the \$20,000 for the City's contribution is in current year Capital Improvement Program and it will be brought to Council for approval.

2. Presentation on Lago Vista Retail Development Efforts.

Elaine Hughes, Executive Director of the Chamber of Commerce provided an update and a power point presentation to provide an overview of the Buxton process, target retailers, methods of networking and other ways to attract visibility to Lago Vista.

Jennifer Levy, 21433 Lakefront Drive, LV, asked what the City has done to support and incentivize the small business owners and current business owners.

Mayor Mitchell advised that the City gave tax incentives to the Super S, which is now Lowes, and Ace Hardware.

Robert McNease, 21102 National Drive, asked if there were any plans to bring other businesses out here that hire larger amounts of people?

Jim Awalt asked with the proximity to the school, can the center serve alcohol beverages there? Elaine Hughes suggested checking with TABC for the answer.

Steve Curik, asked why some of these people came to live here if they want it to be like Austin.

THESE ITEMS TAKEN OUT OF ORDER

10. Discussion and Consideration of Accepting the Resignation of Councilman Richard Raley, Council Place 1 and Declaring a Vacancy.

Melissa Byrne Vossmer advised that Rich Raley let everyone know that he was going to be moving out of the city limits and upon closing on the property and moving, he submitted his resignation on October 3.

On a motion by Mayor Mitchell, seconded by Councilman Tidwell, the Council voted unanimously to accept the resignation of Rich Raley, declaring a vacancy and setting a process and schedule to interview applicants at the November 17 regular meeting.

Applications will be accepting from October 24 through November 11.

8. Recommendation on Dawn and Camille Intersection Improvements.

Gary Graham, Public Works Director provided some background information of the issue at hand. To alleviate the problem, the proposal that he offers is to remove the bullnose from the corner of Dawn and Camille so that you would be able to see about 125 ft. from the intersection down the hill. This would also entail acquisition of a small amount of property,

about 650 square feet on one lot and construction of a retaining wall. To improve further, he recommends to remove the planter box. He estimates that the work would run about \$50,000. Councilman Sullivan stated that this would help with people coming up the hill, but not the people going down the hill, is there a solution for that. He also suggested stop signs again. Gary said he could look into stop signs but they have to meet warrants just like signals at an intersection. He doubts that we will meet the warrants.

James LeBlanc, City Street Supervisor, explained that they do a number of repairs to the planter from people running into it.

Mayor Mitchell suggested putting a directional sign at the bottom of the hill.

Susan Nillson-Wiscott and Jerry Nillson-Wiscott, 5900 Camille Court, thanked Council for continuing to look into this issue and would be in support of stop signs.

Ron Smith asked if speed bumps require a warrant. Gary Graham does not recommend speed bumps and they do require a safety study to be done.

14. Discussion Concerning the Golf Course Advisory Committee.

Melissa Byrne Vossmer gave some brief background information.

Mark Cote, Golf Manager said that he appreciates the feedback that he receives from the Committee and the dialogue they have. He feels that the Committee is an important part of our process and recommends to keep the Committee alive and going.

Councilwoman Smith said she thought Mark was going to be giving them some tasks of what they were going to be doing.

Mark stated he thought that's what he was going to be doing but wasn't sure if we were going to have the Committee or not and wanted to be efficient with his time management and wanted to do what the Council wanted him to do.

Councilwoman Smith said that her thoughts were that the Committee was constructed to get heat off Mayor Kruger and Eric and they were supposed to generate a marketing plan. Now Mark is here and that's what we hired him to do.

Councilman Sullivan would like to see Mark work directly with the Council to achieve things and not use the Committee as a buffer.

Dave Williams, 20703 DeeDee, suggested that the Committee change its functions or roles to help work with the Council and Mark.

Jim Awalt commented on how citizens use the Airport Advisory Committee.

Sheryl Speckmann, member of the Library Advisory Board provided an overview of the services that their Committee provides.

Councilman Sullivan requested that this item be on the next agenda again, for action not just discussion. Councilwoman Smith seconded this request.

Gina Williams, 20703 DeeDee, commented that anybody is able to serve on the Golf Course Advisory Committee.

This item will be on the November 3 agenda.

3. Report on the Pavement Management System for the City of Lago Vista.

Melissa Byrne Vossmer provided some brief background information

Will Parnell, Engineer with Walker Partners provided a power point presentation for Council that shows the rehabilitation methods and recommendations on how the streets should be prioritized and updated information showing a \$1.5 million plan.

Marilyn Stanford, made comments regarding fixing roads that are old and concerns regarding drainage on streets.

Will also provided information regarding if the City did some of the smaller projects ourselves. This would probably not happen until 2018.

James LeBlanc, Street Supervisor offered some information regarding work that was done in the past to roads and addressed questions from Council.

This item will be brought back with the CIP projects for Council approval.

PUBLIC HEARING

4. ***PUBLIC HEARING*** The City Council will conduct a Public Hearing to consider an application for Conditional Use from Ch. 14, Art. 14.200, Sec. 6.10 in order to allow an accessory use (boat dock and facility) to be placed on a lot without a principal use.

The Public Hearing was opened at 9:55 p.m.

David Harrell, Development Services Director provided a brief overview and background information regarding the proposed request. Staff recommends approval and the Planning and Zoning Commission, after hearing item at their September 22 meeting, unanimously recommended approval.

The applicant, Bruce Bickley appeared to address questions from Council.

The Public Hearing was closed at 10:05 p.m.

On a motion by Councilman Sullivan, seconded by Councilman Tidwell, the Council voted unanimously to approve the application for Conditional Use permit as presented. Motion passed.

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

5. Discussion and consider approval of Resolution No. 16-1663; City of Lago Vista Fiscal & Budgetary Policy Statements for FY 16/17.

On a motion by Councilman Sullivan, seconded by Councilwoman Smith, the Council voted unanimously to remove this item from the table. Motion passed.

Councilman Sullivan asked that something a little more concrete be added to item 3B8 regarding revenue monitoring so that the City Manager will know when to bring something back to Council.

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Smith, the Council voted unanimously to approve Resolution No. 16-1663 with one adjustment to the Budgetary Policy Statement, Section III, item B8 bullet point three, instead of “as necessary”, it should say “when there is a 5% variance”. Motion passed.

6. Discussion and consider approval of Ordinance No. 16-10-20-01; An Ordinance of the City of Lago Vista, Texas adopting the “Lago Vista Rusty Allen Airport Action Plan”; providing for related matters; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law.

The Public Hearing was left open from the September 15, 2016 Council meeting.

David Harrell, Development Services Director advised that there have been some changes made since the last meeting.

Derrick Mayo, provided a power point presentation with the proposed changes. The one major change that was made on the north end where the 400 ft. runway extension that was proposed in the main document. Mr. Penn was worried about how this extension would affect his property. A compromise might be to extend the runway an additional 400 ft. from the previous 400 ft. extension and TXDOT said they would justify an additional length if that provided access to needed City facilities. The Penns mentioned a possibility of donating additional land, not only for the runway extension but also for the City owned tie downs, with the idea being that there would likely be, with negotiation of the donation of land, access for hangars to be off the City property but onto the private property, and have access to the tie down.

David Harrell advised Council of the Height Hazard Zoning Ordinance that was passed in 1999, RPZ zone was put down per FAA guidelines, you extend the runway out, you extend the RPZ zone out from the end of the runway.

Mr. Penn spoke about how this will impact his property. He stated that he did not know about the RPZ or the object free zone and this affects him putting up hangars.

The biggest problem he has at the moment is that he is talking to major developers about a primary destination resort on his property. The Height Hazard Zone limits the ability put anything very tall on the ridge. He is not for this Master Plan at this time.

Jim Awalt and Jill Rowe also made comments regarding issues and concerns with the Height Hazard Zone.

Councilman Sullivan suggested that this item be tabled again until the November 3 Council meeting to allow Barbara Boulware-Wells, City Attorney, to do some investigating.

The item will continue to be tabled and the public hearing will be left open until November 3, 2016.

7. Discussion and consider approval of Ordinance No. 16-10-20-02; 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 gave a brief explanation of the process of the budget amendments that are done each year.

On a motion by Councilman Tidwell, seconded by Mayor Dale Mitchell, the Council voted unanimously to remove this item from the table. Councilman Sullivan did not vote.

Starr Lockwood, Finance Director provided a brief overview of the proposed budget amendments presented to Council and addressed questions from Council.

Mayor Pro Tem Smith had a question regarding the transfer of funds to golf and the Highland Lakes modular building showing an increase.

Mayor Pro Tem Smith expressed that he is proud of all the other departments that stay inside their budget.

On a motion by Councilman Tidwell, seconded by Mayor Mitchell, the Council voted unanimously to approve Ordinance No. 16-10-20-02 as presented. Motion passed.

9. Discussion and possible action regarding the Lago Vista Golf Course Grill operations.

Mark Cote, Golf Manager addressed discussion questions from Council regarding the items on the menu or reducing the menu.

Mark stated that the Chef is also a food and beverage manager, he assists Mark in stocking and did catering for the Lions Club and MGA.

Councilwoman Smith commented that the menu is too big. She would like to get another RFP sent out.

Mark said he thought we would wait until the repairs to the clubhouse were done to do this.

Mark stated that he hopes to get a liquor license and this would impact revenues.

Barbara Boulware-Wells explained the process of acquiring a mixed beverage license and the time table to get one.

Andrea Febbo, 3110 Point Cove, commented about the Grill. She works for KC Hair Studio and they utilize the golf course grille a minimum of three times a week or more.

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.

11. Approval of the following minutes:

September 1, 2016 Special Called meeting;
September 8, 2016 Special Called meeting and
September 15, 2016 Regular meeting

On a motion by Mayor Pro Tem Smith, seconded by Councilman Tidwell, the Council voted unanimously to approve all the minutes as listed above. Motion passed.

Mayor Mitchell made a request to correct the September 1 minutes to reflect that Mayor Pro Tem Smith adjourned the meeting and not Mayor Mitchell. The minutes were corrected before the Council meeting.

WORK SESSION

12. Discussion regarding Infill Incentives Program Area #1.

David Harrell, Development Services Director provided an oral summary of the program.

Chris Martinez, attended the meeting and was available to address any questions.

Karen Beechum, commented that we made an assumption that 100% of the lots will be built, she thinks that is a mistake, she thinks we need to look at a range that the City has a better picture of what the commitment will be.

Council and Staff discussed, no action taken.

13. Workshop concerning changes to the Zoning Ordinance concerning accessory buildings.

David Harrell, Development Services Director provided a brief overview of the proposed changes to the accessory building standards. The Planning and Zoning Commission heard this item at their September 22, 2016 meeting and unanimously recommended approval.

No action taken.

15. Departmental Reports

- A. Airport Report
- B. Development Services
- C. Financial Report – August
- D. Golf Course
- E. Library Report
- F. Municipal Court Report
- G. Police Department
- H. Public Works Reports
 - a. Street Department
 - b. Water Loss Report
 - c. Water/Wastewater Treatment
 - d. Utility Department (Water/Wastewater Services)
 - e. Swimming Pool Report

No comments or questions

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

- a. February 1, 2016 Board of Adjustment minutes
- b. July 25, 2016 Library Advisory Board minutes
- c. August 3, 2016 Airport Advisory Board minutes
- d. August 16, 2016 Planning and Zoning Commission minutes
- e. August 17, 2016 Planning and Zoning Commission minutes
- f. August 25, 2016 Airport Plan Advisory Committee minutes
- g. August 25, 2016 Planning and Zoning Commission minutes
- h. September 8, 2016 KLVB Bullet Report
- i. September 13, 2016 Golf Course Advisory Committee minutes
- j. September 14, 2016 Parks and Rec Advisory Committee minutes
- k. October 13, 2016 KLVB Bullet Report

No comments or questions.

FUTURE MEETINGS

17. Consider schedule and items for future Council meetings.

November 3: Golf Course Advisory Committee for action, signage, CIP, Economic Development, Airport Master Plan. Melissa will send out an updated list of items.

EXECUTIVE SESSION

18. At 1:07 a.m. the Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 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 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.
- D. Consultation with legal counsel regarding claims or possible claims or contractual claims or possible claims or charges, and possible issues and questions.

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

19. At 2:40 a.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 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

- D. Consultation with legal counsel regarding claims or possible claims or contractual claims or possible claims or charges, and possible issues and questions.

No action taken

ADJOURNMENT

Mayor Dale Mitchell adjourned the meeting at 2:41 a.m.

Respectfully submitted,



Dale Mitchell, Mayor

ATTEST:

Sandra Barton

Sandra Barton, City Secretary



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.