

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
NOVEMBER 17, 2016**

BE IT REMEMBERED that on the 17th day of November, A.D., 2016, the City Council held a Regular Meeting and Executive Session beginning at 5:15 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 ProTem	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
Suzanne Bland	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Mitchell called the meeting to order at 5:18 p.m. and recognized that all Council Members were present.

1. At 5:20 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:
 - A. Consideration of applicants for filling the remaining term of Council Member Place 1.
2. At 6:44 p.m., Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:
 - A. Appointment of new Council Member Place 1 by City Council.

On a motion by Councilwoman Bland, seconded by Councilman Sullivan, the Council voted unanimously to appoint Mark Tippetts to City Council Place 1. Motion passed.

Rev. Rick Waters from Lakeside Fellowship Christian Church gave the invocation and Mayor Mitchell led the Pledge of Allegiance.

3. City Secretary to administer the Statement of Officer and Oath of Office to newly appointed Council Member.

City Secretary, Sandra Barton, administered the Statement of Officer and Oath of Office to Mr. Mark Tippetts, he then took his seat at the dais.

CITIZEN COMMENTS

Nancy Oliver, 21005 Twisting Trail, asked for clarification regarding a study being done and the company doing the study being a friend with someone on Council. Melissa Byrne Vossmer, City Manager provided clarification of the process.

PUBLIC HEARINGS

4. The City Council will receive comments from the public regarding Ordinance No. 16-11-17-01 regarding removal of chickens from the requirements of a Special Use Permit, clarification on allowance of chickens, additions and changes to Chapter 14 and Chapter 2 for definitions and limits on chickens.

A. Staff Presentation

David Harrell provided a brief overview of the proposed Ordinance. He stated that the Planning and Zoning heard this item at their November 10, 2016 meeting and recommended denial of the changes by a vote of 4-1, with one abstention.

B. Open Public Hearing

Mayor opened the Public Hearing at 6:55 p.m.

Jessica & Kasey Noack, 21505 Penn Cove, made comments in favor of allowing chickens in Lago Vista.

Nancy Oliver, 21005 Twisting Trail, made comments regarding raising chickens in the ranches area and allowing the citizens to vote on allowing chickens.

Chris Davison, 5501 Hitching Post, made comments in favor of chickens.

Gina Williams, 20703 Deede Dr., asked if the Ordinance were to pass, what avenues can citizens take to solve any problems. David Harrell stated that the Ordinance does provide for certain violations, but animal control would be involved to address complaints.

Councilwoman Smith had questions regarding the chicken coop regarding sizes.

Betty Houghton, 20907 Twisting Trail, asked why is the Council going against the Planning & Zoning's recommendation.

C. Close Public Hearing

Mayor Mitchell closed the Public Hearing at 7:09 p.m.

D. Council Discussion

Council discussed including or not including other animals, the Special Use Permit, the coops and enclosures, predators, restrictions for persons living on golf courses and homes and what kind of legal precedent this would set. Councilwoman Bland asked that Staff clarify wording issues within the Ordinance regarding with other animals, the coop is not clearly defined, a question about the distance from the home and homeowner that needs to be defined and definition or explanation that violation of code would be handled by animal control.

Barbara stated that violations would be covered by animal control and is addressed in the Ordinance.

ACTION ITEMS

6. Consideration of Ordinance No. 16-11-17-01; An Ordinance of the City of Lago Vista, Texas, amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary

requirements, Subsection 6.35, Livestock, Poultry and Pets, and Part IV, administration and enforcement, Section 18.20, applicability and uses and structures requiring a Special Use Permit (SUP), Item L, and Chapter 2, Animal Control, Article 2.200, Animal Control Generally, all of the Lago Vista Code of Ordinances; adding provisions relating to definitions, regulations concerning Chickens; distances from private residences and public buildings in new Section 2.238; providing a savings clause, effective date, and Open Meetings clauses; and providing for related matters.

On a motion by Councilwoman Bland, seconded by Councilman Tidwell, the Council voted unanimously to table Ordinance No. 16-11-17-01 until December 1 so that the items discussed above can be addressed.

5. The City Council will receive comments from the public regarding Ordinance No. 16-11-17-02 regarding revisions to Chapter 14, Article 14.100, Section 6 concerning accessory buildings.
 - A. Staff Presentation
David Harrell provided a brief overview of the proposed Ordinance. He stated that at the Planning and Zoning November 10 meeting, they recommended approval by a vote of 6-0 with the addition “The roof shall be the same material and as on the principal building” and “in perspective”.
 - B. Open Public Hearing
Mayor Mitchell opened the Public Hearing at 7:58 p.m.
Chris Davison, 5501 Hitching Post, provided comments in favor of the proposed Ordinance.
Carolyn Baranowski, 4701 Navajo Cove, provided comments in favor of the proposed Ordinance.
Larry Russell, 20914 Oakdale, asked how many buildings are allowed on a property?
 - C. Close Public Hearing
Mayor Mitchell closed the Public Hearing at 8:05 p.m.
 - D. Council Discussion
Council discussed metal buildings, building design, Special Use Permit for larger buildings, requirements of a permanent irrigation system for plantings.

ACTION ITEMS

7. Consideration of Ordinance No. 16-11-17-02; An Ordinance amending Chapter 14, Zoning, Article 14.100, Section 6, supplementary requirements, Subsection 6.10 Accessory Buildings and use of the Lago Vista Code of Ordinances; clarifying language; adding landscape and architectural standards; adding restrictions on maximum floor area; providing a savings clause, effective date, and open meetings clauses; and providing for related matters.

Councilman Sullivan made a motion to adopt Ordinance No. 16-11-170-02 as presented, Mayor Pro Tem seconded this motion. Councilman Tidwell made a motion to amend Councilman Sullivan’s motion by eliminating Section 4(e)3 “placement of permanent irrigation required for plantings in this subsection. Irrigation shall be maintained and replaced as necessary to maintain function of the system.”

Mayor Pro Tem Smith withdrew his second for the initial motion.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to approve Ordinance No. 16-11-17-02 with the proposed amendment eliminating Section 4(e)3, eliminating the irrigation requirements. Motion passed.

COUNCIL TOOK A BREAK FROM 8:35 P.M. TO 8:50 P.M.

8. Consider Ordinance No. 16-11-17-03; An Ordinance of the City of Lago Vista, Texas, amending Chapter 4, Article 4.800, Section 4.801 Definitions; Chapter 4, Table A; adding language to Temporary Community Event Sign; removing some standards regarding temporary banner signs; providing a savings clause, effective date, and Open Meetings Clauses; and providing for related matters.

David Harrell, Development Services Director gave a brief overview of proposed changes to the temporary community events sign. The changes redefine the definition of “temporary community event sign” and add the definition of “community farmers market” to reflect community farmers market, and the temporary banner sign location provisions have been loosened. Also, the 30 day standard within Table A on the banner sign has been eliminated. He advised that the Building Committee made a unanimous recommendation for approval of the changes, and addressed questions from Council.

Chad Bruce, Lago Tacos, had a question regarding the measurements of the temporary signs. David stated there are no changes to the sizes of signs.

On a motion by Councilman Tidwell, seconded by Councilwoman Bland, the Council voted unanimously to approve Ordinance No. 16-11-17-03 as presented. Motion passed.

9. Consider Resolution No. 16-1666; A Resolution of the City of Lago Vista, Texas, adopting the Texas Department of Transportation’s Federally approved Disadvantaged Business Enterprise Program and authorizing the City’s Authorized Responsible Person in Charge (RPIC) and City’s Local Government Projects procedures Qualified Person (QP) in all matters pertaining to the City’s participation in the aforementioned program.

David Harrell gave a brief overview of the proposed Resolution and agreement with TXDOT. It designates the City Manager as the Authorized Representative and Responsible Person in Charge. It also designates the City Engineer as the City’s Local Government Projects Procedures Qualified Person (QP).

On a motion by Councilwoman Smith, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 16-1666 as presented. Motion passed.

10. Consider Resolution No. 16-1667; A Resolution of the City of Lago Vista, Texas, authorizing the City Manager to enter into a Professional Services Agreement with Cobb-Fendley and Associates, Inc. for purposes of design, phasing, surveying, TDLR Coordination, bid phase, and construction phasing for the Lago Vista Middle School Safe Routes to Schools (SRTS) Project.

Council and Staff discussed the process and procedures of selecting the vendor.

Jim Hale, 21123 Northland Drive, had a question regarding retention for the construction.

On a motion by Councilwoman Smith, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 16-1667 as presented. Motion passed.

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 29, 2016 Special Called meeting minutes
October 20, 2016 Regular meeting minutes

Mayor Mitchell submitted corrections to the City Secretary prior to the meeting and those corrections are reflected as follows: at the October 20 meeting, it shows that Mayor Mitchell was at the meeting via Skype, but he was physically present and called the meeting to order. Also, on September 29, the amount approved for the golf course budget was \$180,000 not \$150,000.

Councilman Tidwell requested a grammatical correction to the September 29 meetings regarding changing the word “an” to “and”.

On motion by Councilman Sullivan, seconded by Councilman Tidwell, the Council voted unanimously to approve the above minutes with the amendments reflected above. Motion passed.

12. Departmental Reports

- A. Development Services Reports
- B. Golf Course Report – Councilwoman Bland stated that it was nice to see the golf course making some forward momentum.
- C. Library Monthly Report
- D. Municipal Court Report
- E. Police Department
- F. Public Works Reports
 - a. Pool Revenue
 - b. Street Department – Mayor Mitchell asked the City Manager to check with the Public Works Director about the reports for the Street Department not updating the titles.
 - c. Utility Department (Water/Wastewater Services)
 - d. Water Loss Report
 - e. Water/Wastewater Treatment

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

- A. September 6, 2016 Planning and Zoning Commission Special Called meeting minutes
- B. September 22, 2016 Planning and Zoning Commission Special Called meeting minutes
- C. October 11, 2016 Golf Course Advisory Committee meeting DRAFT minutes
- D. November 10, 2016 KLVV Bullet Point Report

No comments made

FUTURE MEETINGS

14. Consider schedule and items for future Council meetings.

City Manager provided Council with a written list of proposed items for future agendas. Council Members asked that CAPMetro items be discussed.

Melissa spoke about scheduling a retreat with Council around January or February on a Saturday.

Councilman Tidwell would like to discuss reinstating a Charter Review Committee.

EXECUTIVE SESSION

15. At 9:44 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:

B. Consultation with legal counsel regarding LVISD subsequent user fees and questions related to payment thereof.

C. Consultation with legal counsel regarding Rusty Allen Airport plans and possible revisions thereto.

D. Consultation with legal counsel regarding Walters Wedding and Real Property issues and questions related to acquisition, sale or lease.

E. Consultation with legal counsel regarding claims or possible claims or contractual claims or possible claims or charges, and issues and questions related thereto.

F. 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):

16. At 12:35 a.m., the Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

B. Consultation with legal counsel regarding LVISD subsequent user fees and questions related to payment thereof.

No action taken

C. Consultation with legal counsel regarding Rusty Allen Airport plans and possible revisions thereto.

No action taken

D. Consultation with legal counsel regarding Walters Wedding and Real Property issues and questions related to acquisition, sale or lease.

No action taken

E. Consultation with legal counsel regarding claims or possible claims or contractual claims or possible claims or charges, and issues and questions related thereto.

No action taken

F. 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 Dale Mitchell adjourned the meeting at 12:36 a.m.



ATTEST:

Respectfully submitted,


Dale Mitchell, Mayor


Sandra Barton, City Secretary

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the above and foregoing instrument was passed and approved this 19th day of January, 2017.