

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
DECEMBER 15, 2016**

**BE IT REMEMBERED** that on the 15<sup>th</sup> day of December, 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, INVOCATION AND PLEDGE OF ALLEGIANCE**

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	Gary Graham	Int. Public Works Dir.
Mark Tippetts	Council Member		

Mayor Mitchell called the regular meeting to order and recognized that all Council Members were present. Other Department Heads present: Starr Lockwood, Mark Cote and Jan Steele. Reverend Mark Markum from Grace Fellowship provided the Invocation and 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.

None

**THE CITY COUNCIL WOULD LIKE TO RECOGNIZE ALL THOSE WHO WERE INVOLVED IN THE FIRST TRUNK OR TREAT EVENT HELD ON OCTOBER 31, 2016.**

Mayor Mitchell recognized and thanked Chris Cochran and the Police Department, Jan Steele and other Library volunteers, ESD 1 and all Staff and volunteer citizens who assisted with the event.

**PRESENTATIONS**

1. Report to Council regarding the Board of Adjustment’s decision’s for 2016.

David Harrell, Development Services Director gave a brief overview of the Board report and action that was taken in 2016.

**PUBLIC HEARING AND ACTION**

2. The City Council will receive comments from the public regarding Ordinance No. 16-12-15-01 regarding Airport Re-Zoning, formerly Ordinance No. 16-12-01-01.

- A. Staff Presentation  
David Harrell handed out citizen comments that were received and provided a brief overview of the requested rezoning and addressed questions from Council.
- B. Public Hearing (left open from December 1, 2016)  
There were no questions or comments from the public.
- C. Close Public Hearing  
The Public Hearing was closed at 6:47 p.m.
- D. Council Discussion  
The Council discussed briefly.
- E. Consideration of Ordinance No. 16-12-15-01; An Ordinance of the City Council of the City of Lago Vista, Texas, amending the Official Zoning Map by rezoning Bar-K Ranches Section 15-A Lots 15045-15099; Lots 15130-15140; Lots 15143-15150; Lots 15153-15163 including ABS 2540 SUR 92 Faubion F F ACR .0368 From R-1B (Single Family Residential) & TR-1 (Temporary Restricted) to LI (Light Industrial) Zoning Districts; and providing for related matters. (formerly Ordinance No. 16-12-01-01)

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 16-12-15-01 as presented. Motion passed.

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

- 3. Discussion and consider approval of Resolution No. 16-1669; A Resolution by the City Council of the City of Lago Vista, Texas; providing for the Election of a Mayor Pro Tem.

Mayor Mitchell advised that in his prior experience on Council and historically, there has been a tradition that the most senior person on Council, besides the person who just served as Mayor Pro Tem, became eligible to serve as Mayor Pro Tem. He advised that Councilman Ed Tidwell has served on the City Council for a total of forty-three (43) months.

On a motion by Mayor Mitchell, seconded by Councilman Ron Smith, the Council voted unanimously to elect Ed Tidwell as Mayor Pro Tem to serve until November of 2017. Motion passed.

- 4. Discussion and consider approval of Resolution No. 16-1670; A Resolution of the City Council of the City of Lago Vista, Texas approving and adopting the Fiscal Year 2016-2017 Capital Improvements Projects and authorizing the City Manager to take all necessary steps to secure funding for such projects.

Melissa Byrne Vossmer gave some background information of the proposed projects included.

The Council discussed each proposed project in depth. Gary Graham, Starr Lockwood and Tom Lawrence were available to address questions from Council.

Council wished to vote on the Lago Vista Club House repair project.

Following a discussion by Council and Staff, Council voted five (5) ayes (Tippetts, Sullivan, Tidwell, Mitchell and Bland) to one (1) nay (R. Smith) and one (1) abstention (S. Smith) to leave the LV Club House repair project on the CIP.

Council's general consensus is to raise the amount for the SCADA improvements from \$40,000 to \$80,000.

Council's general consensus is to raise the amount for the Veteran's Park from \$20,000 to \$45,000.

All the other Capital Improvement Projects were approved as submitted.

Tom Lawrence gave an overview of the two scenarios for the debt service for the proposed projects and addressed questions from Council.

On a motion by Councilman Tidwell, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 16-1670 with the additions and amendments as noted above. Motion passed.

7. Discussion and consideration of Ordinance No. 16-12-15-02; An Ordinance of the City of Lago Vista, Texas, amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts; Section 6, Supplementary Requirements, Subsection 6.10, Accessory Buildings and uses establishing Standards for permitting and not permitting accessory buildings by square footage, 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. (formerly Ordinance No. 16-11-17-01)

David Harrell, Development Services Director provided a brief overview of updated material since the last meeting.

Michael Stern, 8532 Talon Circle, provided a copy of a model City Chicks Code to Council and made comments in favor of allowing chickens in Lago Vista.

Rev. Bonnie How, 3813 Congress Ave. provided comments in support of allowing chickens in Lago Vista.

Council and Staff discussed accessory buildings, animal control, property lines and permitting and inspections.

Chief Smith and Mayor Pro Tem Tidwell provided comments regarding predatory issues or lack thereof.

On a motion by Councilwoman Bland, seconded by Mayor Pro Tem Tidwell, the Council voted six (6) ayes (Bland, S. Smith, R. Smith, Tidwell, Sullivan and Tippetts, to one (1) nay (Mitchell) to approve Ordinance No. 16-12-15-02 as presented. Motion passed.

6. Discussion and Possible Action Approving a Contract for Rental Management of City Property Located at 18001 Marshall's Point.

Melissa Byrne Vossmer, City Manager provided some background information regarding the property which was a short-term rental in the past and was very successful. She advised that she asked Barbara Boulware-Wells, City Attorney to

reach out to Jacque Wittmuss with JW Properties and listing agent for the property, concerning a contract for rental of the property.

Jacque Wittmuss appeared and provided a some background of the activity of the property and stated that the price has been reduced from \$2.9 million to \$2.8 in October with sixty-six days on the market and not activity. She believes that having renters in the property and cleaned on a weekly basis, will ultimately help with the sale.

Jacque addressed questions and concerns from Council and Staff regarding content of the proposed contract and some changes were requested by Council.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to give the City Manager approval to sign the contract with JW Properties with the changes as discussed.

8. Discussion and consideration of Ordinance No. 16-12-15-03; 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. (formerly Ordinance No. 16-10-20-01)

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to un-table this Ordinance.

David Harrell, Development Services Director, gave a brief overview of the proposed ordinance. He stated there have been no changes.

The Public Hearing was opened. After some comments from Council and Staff regarding Mr. Penn’s concerns, the Public Hearing was closed at 9:36 p.m.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 16-12-15-03 as presented.

## **WORK SESSION**

13. Discussion regarding Infill Incentives Program Area #1, Zone A.

David Harrell provided some background information as discussed before.

Council and Staff discussed utilities, topography and needed improvements.

Keith Billington, Silverton Homes, was present and discussed how to bring utilities to this area and would appreciate an incremental approach to getting this moving forward.

Councilmen’s Sullivan, Tippetts and Smith volunteered to work with David on this project.

### **Council took a break from 10:24 p.m. to 10:33 p.m.**

5. Consideration of Resolution No. 16-1671; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the City Manager to negotiate and enter into a contract for General Real Estate Brokerage Services in response to a Request for Proposals dated November 3, 2016.

Melissa Byrne Vossmer, provided a brief overview of why this might be needed by the City. The City received two proposals.

Councilman Tidwell advised Council that he has a conflict of interest because his property manager is Clive Rutherford. He will abstain from voting on this item. Council and Staff discussed the services that would be requested from the selected Broker. The City Manager recommends to enter into a contract with 1431 Real Estate and along with the City Attorney will negotiate a contract with them. On a motion by Councilwoman Smith, seconded by Councilman Tippetts, the Council voted six (6) ayes (Tippetts, Sullivan, R. Smith, Mitchell, S. Smith and Bland) and one (1) abstention (Tidwell) to approve Resolution No. 16-1671 as presented.

9. Consider approving a contract with Fran Lehmann, Consultant, for Radio Programming, Writing and Broadcasting Services Related to LagoRadio.org (1670 AM).

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve a contract with Fran Lehmann for services related to LagoRadio.org.

10. Discussion and consideration of TABC Application for Lago Vista Golf Course Bar and Grill for Mixed Beverage Permit.

Barbara Boulware-Wells, City Attorney provided a brief overview of the process for obtaining the permit and restrictions required by TABC regulations. She is asking permission from Council to move forward with the pre-qualification packet and submitting it to TABC for their consideration.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted unanimously to approve the City Manager and City Attorney to move forward with the TABC application.

## **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 Resolution No. 16-1672; A Resolution of the City Council of the City of Lago Vista, Texas authorizing the City Manager to Sign the State Assisted Routine Airport Maintenance Program (RAMP) Grant for the Lago Vista Rusty Allen Airport.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Resolution No. 16-1672 as presented.

12. Approval of the following minutes:

November 3, 2016 Special Called meeting;

The November 3 minutes were pulled off the consent agenda.

On item # 1, Mayor Mitchell requested City Secretary to make add the Council person's name as to how the Council voted, those corrections were made.

On item #4, Councilman Sullivan asked for clarification of a comment that was made by Tom Lawrence or Mayor Mitchell.

On item #4, Councilwoman Smith asked that the name of “Douglas” be corrected to “Dennis” Anderson.

On a motion by Councilman Sullivan, seconded by Mayor Mitchell, the Council voted unanimously to approve these minutes with the corrections stated above.

November 18, 2016 Special Called meeting to canvass the November 8 Election;

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve these minutes as presented.

14. Report on TML Region X meeting and CAPCOG meeting from Councilman Tidwell.

Councilman Tidwell stated that the TML Region X meeting started with a walking tour in Elgin led by the Economic Development Coordinator which was very nice and provided an overview of proposed revisions of Elgin’s main street. State Representative, John Cyrier was the guest speaker.

The CAPCOG update consisted of getting funding from State government. They are not looking for increases, but are looking to maintain. Their advice is to get into the representatives’ office and talk to them.

15. Departmental Reports

A. Airport Report

B. Development Services

C. Financial Report – October – Councilman Smith asked if we were still working on the November financials.

D. Golf Course

E. Library Report

F. Municipal Court Report

G. Police Department

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

a. October 12, 2016 Parks and Recreation Advisory Committee DRAFT minutes

b. November 9, 2016 Parks and Recreation Advisory Committee DRAFT minutes

c. November 29, 2016 Veteran’s Memorial Advisory Committee DRAFT minutes

Councilwoman Smith asked that Selima’s name be corrected on the November 9, Parks and Recreation minutes.

**FUTURE MEETINGS**

17. Consider schedule and items for future Council meetings.

City Manager handed out a tentative schedule of agenda items to Council.

## **EXECUTIVE SESSION**

18. At 11:34 p.m., 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 Walters Wedding and Real Property issues and questions related to acquisition, sale or lease.
  - B. 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.
  - C. Consultation with legal counsel regarding claims or possible claims or contractual claims or possible claims or charges, and possible issues and questions.
  - D. Consultation with Legal Counsel concerning upcoming Legislative Session and possible items for consideration by Legislature.

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

19. At 12:36 p.m., 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 Walters Wedding and Real Property issues and questions related to acquisition, sale or lease.

No action taken

- B. 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

- C. 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

- D. Consultation with Legal Counsel concerning upcoming Legislative Session and possible items for consideration by Legislature.

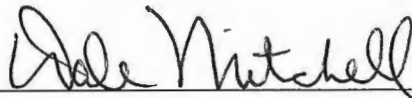
On a motion by Councilman Tippetts, seconded by Councilwoman Bland, the Council voted unanimously to direct the City Manager to look into Legislation as discussed in Executive Session.

**ADJOURNMENT**

Mayor Dale Mitchell adjourned the meeting at 12:38 a.m.



Respectfully submitted,

  
Dale Mitchell, Mayor

ATTEST:

  
Sandra Barton, City Secretary

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