

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, AUGUST 10, 2017**

BE IT REMEMBERED that on the 10th day of August, A.D., 2017, 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)	Kenneth Reneau	Interim City Manager
Ron Smith	Council Member	Barbara Boulware-Wells	City Attorney
Kevin Sullivan	Council Member	Danny Smith	Police Chief
Ed Tidwell	Mayor Pro Tem	Sandra Barton	City Secretary
Stephanie Smith	Council Member	Dave Street	IT Manager
Suzanne Bland	Council Member		
Mark Tippetts	Council Member		

Mayor Pro Tem Tidwell called the Special Called Meeting to order and recognized that all Council Members were present. Mayor Pro Tem Tidwell 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.

Armando Villa Flores, 20828 El Dorado St., Lago Vista made comments regarding maintenance on and new street shoulders and new construction.

ACTION ITEMS

1. Area A

First Reading and possible action on Ordinance No. 17-08-10-01; An Ordinance of the City of Lago Vista, Texas, annexing 23.37 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted six ayes (Tippetts, Sullivan, Tidwell, R. Smith, Mitchell, S. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-01 as presented. Motion passed.

2. Area B

First Reading and possible action on Ordinance No. 17-08-10-02; An Ordinance of the City of Lago Vista, Texas, annexing 73.25 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

Councilwoman Bland stated that the City has heard from these land owners and family members multiple times stated that they did not wish to be annexed and asked the Council to follow their lead and listen to what those citizens have requested.

On a motion by Councilwoman Bland, seconded by Councilman Tippetts, the Council voted 3 ayes (Tippetts, Tidwell, Bland) to 4 nays (Sullivan, R. Smith, Mitchell, S. Smith) to remove Area B as a potential annexation. Motion failed.

Following the motion, Councilman Sullivan, Mayor Mitchell and Councilman Tippetts made comments and Council discussed.

Dale Thompson made stated that they are willing to work with the City about an agreement.

Tom Penn made comments.

Jeannie Cervara?, made comments regarding ethics violations.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted 4 ayes (Sullivan, R. Smith, Mitchell, S. Smith) to 3 nays (Tippetts, Tidwell, Bland) to approve Ordinance No. 17-08-10-02, known as Area B, as presented and secure development agreements with all the affected owners before the August 17 Council meeting. Motion passed.

3. **Area C**

First Reading and possible action on Ordinance No. 17-08-10-03; An Ordinance of the City of Lago Vista, Texas, annexing 49.67 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilwoman Bland, seconded by Councilman Tippetts, the Council voted 3 ayes (Tippetts, Tidwell, Bland) to 4 nays (Sullivan, R. Smith, Mitchell, S. Smith) to remove Area C from the annexation plan moving forward. Motion failed.

Councilwoman Smith commented that she would like to see some development agreements.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted 4 ayes (Sullivan, R. Smith, Mitchell, S. Smith) to 3 nays (Tippetts, Tidwell, Bland) to approve Ordinance No. 17-08-10-03, known as Area C, and secure development agreements from each affected owner before the August 17 Council meeting. Motion passed.

Chad Worley, 109 Bartley Dr., Georgetown made comments in opposition of annexation.

4. **Area D**

First Reading and possible action on Ordinance No. 17-08-10-04; An Ordinance of the City of Lago Vista, Texas, annexing 252.07 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted 5 ayes (Sullivan, Tidwell, R. Smith, Mitchell, S. Smith) to 2 nays (Tippetts, Bland) to approve Ordinance No. 17-08-10-04, known as Area D and secure development agreements from each affected owner before the August 17 Council meeting. Motion passed.

Council discussed and Barbara Boulware-Wells addressed questions from Council.

Mathew Jacob, Braun & Gresham PLLC, Counsel for the Dezendorf Family Trust. He stated the property owner is opposed to annexation but is willing to discuss. His firm did send the City a draft development agreement to show a good faith effort.

Mr. Dezendorf, 131 Comanche Drive, Point Venture had a question about the line that was going through his property. He said the annexation would not impact the use value.

Rich Johnson, 6005 Cimarron asked questions about general annexation.

Chad Worley made additional comments.

5. Area E

First Reading and possible action on Ordinance No. 17-08-10-05; An Ordinance of the City of Lago Vista, Texas, annexing 33.37 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted 6 ayes (Tippetts, Sullivan, Tidwell, R. Smith, Mitchell, S. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-05, known as Area E and secure development agreements with each affected owner before the August 17 Council meeting. Motion passed.

Councilman Tippetts and Councilwoman Bland made comments.

6. Area F

First Reading and possible action on Ordinance No. 17-08-10-06; An Ordinance of the City of Lago Vista, Texas, annexing 136.33 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted 6 ayes (Tippetts, Sullivan, Tidwell, R. Smith, Mitchell, S. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-06, known as Area F and secure development agreements with each affected owner before the August 17 Council meeting. Motion passed.

Council discussed briefly.

Councilwoman Smith asked to revisit Area B and wished to recall her vote.

2. Area B

First Reading and possible action on Ordinance No. 17-08-10-02; An Ordinance of the City of Lago Vista, Texas, annexing 73.25 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilwoman Smith, seconded by Councilwoman Bland, the Council voted 5 ayes (Tippetts, Sullivan, Tidwell, S. Smith, Bland) to 2 nays (R. Smith, Mitchell) to reconsider Ordinance No. 17-08-10-02, Area B for another vote. Motion passed.

On a motion by Councilwoman Smith, seconded by Councilwoman Bland, the Council voted 4 ayes (Tippetts, Tidwell, S. Smith, Bland) to 3 nays (Sullivan, R. Smith, Mitchell) to drop Area B, Ordinance No. 17-08-10-02 from annexation. Motion passed.

3. Area C

First Reading and possible action on Ordinance No. 17-08-10-03; An Ordinance of the City of Lago Vista, Texas, annexing 49.67 acres of land, more or less, located in Travis County; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

On a motion by Councilwoman Bland, seconded by Councilman Tippetts, the Council voted 5 ayes (Tippetts, Sullivan, Tidwell, S. Smith, Bland) to 2 nays (R. Smith, Mitchell) to revisit Area C, Ordinance No. 17-08-10-03. Motion passed.

On a motion by Councilwoman Bland, seconded by Councilman Tippetts, the Council voted 5 ayes (Tippetts, Sullivan, Tidwell, S. Smith, Bland) to 2 nays (R. Smith, Mitchell) to remove Area C, Ordinance No. 17-08-10-03 from the annexation plan moving forward. Motion passed.

7. Discussion, consideration and possible action on Resolution No. 17-1707; Resolution authorizing extraordinary optional redemption of a portion of the City of Lago Vista, Texas Special Assessment Revenue Bonds, Series 2012 (Tessera on Lake Travis Public Improvement District Improvement Area #1 Project).

Barbara Boulware-Wells provided a brief overview of the proposed Resolution contents and addressed questions from Council.

On a motion by Mayor Mitchell, seconded by Councilman Sullivan, the Council voted unanimously (except for Councilwoman Smith, who was not in Council Chambers during the vote) to adopt Resolution No. 17-1707 as presented. Motion passed.

8. Discussion and consideration of Resolution No. 17-1708, A Resolution of the City Council of the City of Lago Vista, Texas, authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Manor, the City of Lago Vista and the City of Jonestown for Direct Victim Services.

Chief Smith provided a brief overview of the proposed Resolution and agreement and addressed questions from Council.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Resolution No 17-1708 as presented. Motion passed.

PUBLIC HEARING AND ACTION

9. Discussion and consideration of Ordinance No. 17-08-10-07; An Ordinance of the City of Lago Vista, Texas, adopting Drought Contingency Plan and Emergency Water Restriction Plan for the Highland Lakes Golf Course; providing for conflicting ordinances, severability, and open meetings; providing a penalty and providing for related matters.

- Staff presentation
Dave Stewart provided an overview of the proposed plan for the Highland Lakes Golf Course and addressed questions from Council. Councilman Smith thanked Dave Stewart for all of his assistance and recognized his extensive knowledge and skill of water conservation and stated that Lago Vista is a pacesetter for the area.
- Open Public Hearing
The Public Hearing was opened at 8:47 p.m.
- Close Public Hearing
The Public Hearing was closed at 8:48 p.m.
- Council discussion
The Council discussed briefly. Councilwoman Bland asked if the City could erect some signs around the city to state what drought state we are in. The information is on our website as well.
- Action concerning Ordinance No. 17-08-10-07
On a motion by Councilman Smith, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 17-08-10-07 as presented.

10. Discussion and consideration of Ordinance No. 17-08-10-08; An Ordinance of the City of Lago Vista, Texas, adopting Drought Contingency Plan and Emergency Water Restriction Plan for the Lago Vista Golf Course; providing for conflicting Ordinances, severability, and open meetings; providing a penalty and providing for related matters.

- Staff presentation
Dave Stewart stated it was pretty much the same information as the Highland Lakes.
- Open Public Hearing
The Public Hearing was opened at 8:53 p.m. No comments.
- Close Public Hearing
The Public Hearing was closed at 8:53 p.m.
- Council discussion
No Council discussion
- Action concerning Ordinance No. 17-08-10-08
On a motion by Councilman Smith, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 17-08-10-08 as presented.

11. Discussion and consideration of Ordinance No. 17-08-10-09; An Ordinance of the City of Lago Vista, Texas, adopting Drought Contingency Plan and Emergency Water Restriction Plan for the Municipal Customers purchased use, providing for conflicting Ordinances, severability, and open meetings; providing a penalty and providing for related matters.

- Staff presentation
Dave Stewart provided a brief overview of the proposed plan.
- Open Public Hearing
The Public Hearing was opened at 9:11 p.m.
Richard Brown, Outpost Trace, asked if the City would implement a permitting process for people who want to continue watering from captured rain water. Councilman Bland said that captured rain water does not apply.

- Close Public Hearing
The Public Hearing was closed at 9:15 p.m.
- Council discussion
No Council discussion.
- Action concerning Ordinance No. 17-08-10-09
On a motion by Councilman Smith, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 17-08-10-09 as presented.

DISCUSSION ITEM

12. Discussion regarding Dark Skies.

Councilman Smith gave a brief outline of a portion of the Comprehensive Master Plan regarding a discussion on Dark Skies regulation capability, which the City does not have at this time.

Mayor Mitchell asked Mayor Pro Tem Tidwell, the Council Liason for the Building Committee, to initiate the Building Committee to begin looking into this.

Jane Brunclik, 21815 Tallahassee, made comments and asked Council to move forward with this item.

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.

13. Approval of Ordinance No. 17-08-10-10; An Ordinance ordering and establishing procedures for the 2017 General Election in the City of Lago Vista to elect Officials for Mayor, Place 1, Place 3 and Place 5; providing for notice of the Election; providing Election Precinct and polling places; providing for early voting; providing an effective date and open meetings clause; and providing for related matters.
14. Approval of Resolution No. 17-1709; A Resolution by the City Council of the City of Lago Vista, Texas confirming the appointment of Roy Jambor to the office of Director of Development Services with the powers and duties of said office.
15. Approval of Resolution No. 17-1710; A Resolution by the City Council of the City of Lago Vista, Texas, appointing assistant City Secretaries with the powers and duties of said office in the absence of the City Secretary; and repealing certain related resolutions.

On a motion by Councilwoman Bland, seconded by Councilman Sullivan, the Council voted unanimously to approve all items on consent agenda above with the corrected dates of passage, from August 3 to August 10, to Ordinance No. 17-08-10-08 and Resolution 17-1710.

FUTURE MEETINGS

16. Consider schedule and items for future Council meetings.

August 17: second reading of annexation ordinances, reappoint Municipal Court Judges, Zimmerman MOU, PH for Budget, Tessera PID update
September 7: Update from Michelle Hanna.

EXECUTIVE SESSION

17. At 9:52 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. Consultation with Legal Counsel concerning process and options for obtaining replacement for City Manager.
 - B. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
 - C. Pending litigation pertaining to Cause No. D-1-GN-17-000994, *Lawrence Levy v. Dale Mitchell, Mayor of the City of Lago Vista*, Travis County 201st Judicial District Court.
 - D. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
 - E. Consultation with Legal Counsel related to possible purchase of fuel tank and fueling system.
 - F. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

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

18. At 11:01 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 concerning process and options for obtaining replacement for City Manager.

No action
 - B. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino, L.P. v. City of Lago Vista*, Travis County 200th District Court.

No Action
 - C. Pending litigation pertaining to Cause No. D-1-GN-17-000994, *Lawrence Levy v. Dale Mitchell, Mayor of the City of Lago Vista*, Travis County 201st Judicial District Court.

No action

D. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

No action

E. Consultation with Legal Counsel related to possible purchase of fuel tank and fueling system.

No action

F. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

No action

ADJOURNMENT

Mayor Pro Tem Tidwell adjourned the meeting at 11:02 p.m.



ATTEST:

Sandra Barton

Sandra Barton, City Secretary

Respectfully submitted,

Dale Mitchell

Dale Mitchell, Mayor

On a motion by Mayor Pro Tem Tidwell, seconded by Councilman Sullivan, the above and foregoing instrument was passed and approved this 21st day of September, 2017.