

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
AUGUST 17, 2017**

**BE IT REMEMBERED** that on the 17<sup>th</sup> day of August, A.D., 2017, the City Council held a Regular Meeting at 6:31 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**

|                |                |                        |                      |
|----------------|----------------|------------------------|----------------------|
| Ed Tidwell     | Mayor Pro Tem  | Danny Smith            | Police Chief         |
| Ron Smith      | Council Member | Robin Smith            | Asst. City Secretary |
| Mark Tippetts  | Council Member | Barbara Boulware-Wells | City Attorney        |
| Kevin Sullivan | Council Member | Kenneth Reneau         | City Manager         |
| Suzanne Bland  | Council Member | Gary Graham            | PW Director          |
|                |                | Starr Lockwood         | Finance Director     |
|                |                | Dave Street            | IT Manager           |

Mayor Pro Tem Tidwell called the regular meeting to order and recognized that all Council Members were present except for Mayor Mitchell and Stephanie Smith. 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.

D'Anne Gloris, 200 Flatline Road, stated that the City needs a Superintendent for the Airport. Kathy Culvert, 4802 Mustang Rd., made comments regarding a speed problem on Outpost Trace. Stephen Curyk, 20900 Wishbone Dr., made comments regarding a possible threat to our water supply from zebra mussels in Lake Travis.

**PRESENTATION**

1. Tessera PID update.

Darlene Louk and Tripp Davenport provided a power point presentation and an oral update on the Subdivision Development and upcoming calendar items and timeline of events. They also addressed questions from Council.

Tom Lawrence, Financial Advisory, also addressed questions from Council.

**PUBLIC HEARING AND ACTION**

2. Discussion, consideration and possible action regarding a vote on adoption of a proposal to set a 2017 Tax Rate of \$.65 for the City of Lago Vista and schedule Public Hearings and take necessary action.

Kenneth Reneau, Interim City Manager provided a brief overview and addressed questions from Council.

On a motion by Councilwoman Bland, seconded by Councilman Tippetts, the Council voted unanimously to set the tax rate at \$.65/\$100. Motion passed.

On a motion by Councilwoman Bland, seconded by Councilman Sullivan, the Council voted unanimously to have a Public Hearing on September 7 and September 14 on the tax rate.

3. **\*PUBLIC HEARING\***: Pursuant to the Texas Local Government Code, Chapter 102, notice is hereby given that the City Council of the City of Lago Vista, Texas will conduct a Public Hearing to receive citizen comments and views regarding the proposed City of Lago Vista budget for the Fiscal Year 2017/2018 commencing October 1, 2017 and ending September 30, 2018.

If adopted by the Lago Vista City Council, the FY 2017/2018 Budget will raise more total property taxes than last year's budget by an estimated \$ 275,566 or 5.73% and of this amount \$161,336 is tax revenue to be raised from new property added to the tax roll in January 2016.

**A copy of the proposed budget is available for viewing between 8:00 A.M. and 5:00 P.M. on weekdays at the Lago Vista City Hall, 5803 Thunderbird and the Lago Vista Library at the Lago Vista Public Library, 5803 Thunderbird, Suite 40, Lago Vista, Texas 78645 and may be found on the City's website: <http://www.lagovistatexas.org>.**

The Public Hearing was opened at 7:26 p.m.

Councilman Smith explained to the citizens that the tax rate is fixed but the tax is being raised because of the appraisals on homes.

Councilman Sullivan asked about the Economic Development Director being added to the budget; Councilwoman Bland asked about a Parks Director. Kenneth explained there is no money unless it is taken from the reserves.

Council discussed a stipend for an existing employee to do Airport duties.

Robert Durbin, asked about the City and CAPMetro. Councilwoman Bland explained that at the last election, the citizens voted to continue with the services, and it cannot be voted on again for five years.

The Public Hearing was closed at 7:39 p.m.

## **ACTION ITEMS**

4. Presentation, discussion, and possible action on Resolution No. 17-1711; A Resolution by the City Council of the City of Lago Vista, Texas, regarding Zimwin Enterprises LLP in pursuing a land swap for about 34 acres of property on the north end of the Lago Vista (a.k.a. Rusty Allen Airport, FAA identifier "KRYW") Airport.

Don Zimmerman provided a summary to the proposed MOU and addressed questions from Council and City Attorney. He has spoken with the Airport Advisory Board and some property owners.

Mr. Zimmerman, 8700 Browning Cove stated the if the City wants to have negotiating leverage for a better lease, we pass this and we will get cooperation from the Fish and Wildlife that this City has never seen in 25 years and that's a guaranty; if we kill this proposal, they will quit answering the phone.

Glenn Chiappe, 330 Flightline Rd., Vice President of the Property Owners Association, stated he thinks the Airport action plan is a good plan is concerned with further development and is not in support of this deal.

D.A. Koehm, 318 Flighline Rd., is concerned with where the money will come from. Jane Brunclik, 21815 Tallahassee, stated that she has spoken with Kelly Purkey and Kelly reiterated that she is very willing to work directly with the City on any safety issues.

Jim Awalt, 1909 Lohman Ford Rd., made comments supporting the plan the City has already adopted.

Rich Piasecki, 20617 Highland Lake Loop, and made comments and reiterated what other property owners said.

Jill Rowe, Penn Family Broker, but is not their speaker on this, made comments in favor of this item.

D'Anne Gloris, made comments.

On a motion by Councilman Tippetts, seconded by Councilman Sullivan, the Council voted unanimously to not pass Resolution No. 17-1711 as presented. Motion passed.

5. Discussion and consider Resolution No. 17-1712; A Resolution of the City Council of the City of Lago Vista, Texas requesting the full support of and action by the Honorable Congressman, Roger Williams, to support and assist the City of Lago Vista with expansion of runways and taxiways, interfacing with one or more Federal Agencies and assisting with securing Federal Funding for Airport Improvements of The City of Lago Vista Rusty Allen Airport.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Resolution No. 17-1712 as amended with the handout that was just received as follows: A Resolution of the City Council of the City of Lago Vista, Texas requesting the full support of and action by the Honorable Congressman, Roger Williams, to support and assist the City of Lago Vista with expansion of runways and taxiways, interfacing with one or more Federal Agencies and assisting with securing Federal Funding for Airport Improvements of The City of Lago Vista Rusty Allen Airport. Motion passed.

6. Discussion and consideration of one or more Annexation Development Agreement(s) under Sections 43.035 and/or 212.172, Texas Local Government Code; by and between the City of Lago Vista and eligible property owners within the proposed annexation areas A, D, E, or F; authorizing the Mayor to execute any and all necessary documents; and providing an effective date.

Councilwoman Bland made a statement regarding Councilman Sullivan changing his stance at the last meeting. In reviewing the documentation, that is not the case, so she would like to apologize. She is still strongly opposed to any involuntary annexation action by any public entity against a private individual.

Jeff Ullman, City Attorney gave brief comments regarding Area D and addressed questions from Council.

Matthew Jacob, Attorney for Mr. Dezendorf appeared and made comments regarding the draft of the agreement he submitted and asked for clarification regarding the 1000 ft. strip.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted four ayes(Tippetts, Sullivan, Tidwell, R. Smith) to one nay( Bland) that we accept the Development Agreement put forward for parcel D1with the amendment that it is not subject to the entire parcel but instead, just 500 feet into the parcel as measured from the center line of 1431. Motion passed.



**7. Area A**

Discuss and consider Second Reading of An Ordinance of the City of Lago Vista, Texas, annexing 23.37 acres of land, more or less, or portions thereof 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.

The Council discussed briefly.

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

**8. Area D**

Discuss and consider Second Reading of An Ordinance of the City of Lago Vista, Texas, annexing 252.07 acres of land, more or less, or individual lots or tracts thereof, 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 fours ayes (Tippetts, Sullivan, Tidwell, R. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-04, Area D consisting of tracts D2, D3, D4, D5 and D6, excluding D1. Motion passed.

**9. Area E**

Discuss and consider Second Reading of An Ordinance of the City of Lago Vista, Texas, annexing 33.37 acres of land, more or less, or individual tracts or lots thereof 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 Tippetts, the Council voted fours ayes (Tippetts, Sullivan, Tidwell, R. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-05. Motion passed.

**10. Area F**

Discuss and consider Second Reading of 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 Tippetts, the Council voted fours ayes (Tippetts, Sullivan, Tidwell, R. Smith) to one nay (Bland) to approve Ordinance No. 17-08-10-06. 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. Discussion and possible action concerning Resolution No. 17-1713; A Resolution by the City Council of the City of Lago Vista, Texas, confirming the Reappointment of Robert R. Durbin, Bradley H. Medlin and Stephen S. Spindler as Associate Municipal Judges for the City of Lago Vista, Texas.

12. Approval of the following minutes:

June 2, 2017 Special Called meeting;  
June 3, 2017 Special Called meeting;  
July 6, 2017 Special Called meeting;  
July 20, 2017 Regular meeting; and  
July 27, 2017 Special Called meeting

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve all items on the consent agenda. Motion passed.

## **WORK SESSION**

13. Departmental Reports

- A. Development Services
- B. Golf Course
- C. Library
- D. Municipal Court
- E. Police Department

Kenneth Reneau stated that he would try to answer any questions from Council. He stated that Roy will be here as early as Monday.

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

- a. May 25, 2017 Planning and Zoning Commission minutes
- b. June 22, 2017 Planning and Zoning Commission minutes
- b. July 10, 2017 Veteran's Memorial Advisory Committee minutes
- c. July 12, 2017 Parks and Recreation Advisory Committee minutes
- d. Parks and Recreation Advisory Committee Semi-Annual Report

Mayor Pro Tem updated Council on the Veteran's Memorial Advisory Committee meeting held on August 14. He stated they are at the point where they are placing orders for the bricks; KLVB will be doing most of the landscaping; the Lions Club has their plaque ready but are still discussing the location of the plaque; and moving for a target date of November 11 at 11:00 a.m.

There will be a flyover scheduled and Mayor Pro Tem's son will play the bugle and the Committee will possibly be asking the Mayor to make an opening address . They are trying to arrange for a Color Guard and a Twenty one gun salute; also a special tribute for the 50 Anniversary to the Vietnam Veterans.

Councilwoman Bland stated that the Parks and Rec have received their second rendering of the conception for the new Park Plan and have laid out their two year plan with Gandolf.

Councilman Sullivan stated the Airport Board will be meeting next Wednesday to discuss new Rules and Regulations.

## **FUTURE MEETINGS**

15. Consider schedule and items for future Council meetings.

September 7 – Paving bids, contract on storm water spill at Airport, PH for budget tax rate, Michelle Hanna to do an overview of the Airport, authorization to purchase fuel system, ModSpace building purchase, update on Turner Lift Station  
There will be a Special Called meeting on September 14, 2017 to hold the second Public Hearing on the Tax Rate.

## **EXECUTIVE SESSION**

16. At 10:23 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. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- D. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

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

17. At 11:06 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. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

No action

- D. Consultation with Legal Counsel concerning LVIISD Interlocal Agreement.

No action

**ADJOURNMENT**

Mayor Pro Tem Tidwell adjourned the meeting at 11:07 p.m.



Respectfully submitted,

Dale Mitchell, Mayor

ATTEST:

Sandra Barton, City Secretary

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