

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
MAY 18, 2017**

BE IT REMEMBERED that on the 18th day of May, A.D., 2017, 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	Kenneth Reneau	Interim City Manager
Ron Smith	Council Member	Sandra Barton	City Secretary
Ed Tidwell	Mayor Pro Tem	Barbara Boulware-Wells	City Attorney
Kevin Sullivan	Council Member	David Harrell	Dev. Services Dir.
Stephanie Smith	Council Member	Danny Smith	Police Chief
Mark Tippetts	Council Member (Via Skype)	Starr Lockwood Gary Graham	Finance Director Interim PW Director

Mayor Mitchell called the regular meeting to order and recognized that all Council Members were present except for Suzanne Bland. Other Department Heads present: Mark Cote, Stan Heston and Meredith Kuntzsch. Rev. Mike Garner, Northlake Church provided the Invocation. Mayor Mitchell recognized Horace Miller's passing and his service to the City as the Airport Manager. 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.

Iris Bessett, 4028 Outpost Trace appeared to ask Council to consider adjusting her utility bill. Council will take this under consideration.

Councilman Smith advised that there will be a scheduled water release which will result in about a 10 feet drop on Lake Travis that will be gradual throughout the summer.

PRESENTATIONS

1. Presentation by Communications and Marketing Supervisor regarding the final review on preparations for Lago Fest.

Meredith Kuntzsch provided a brief overview of the preparations for Lago Fest.

ACTION ITEM

2. Discussion and consideration of Resolution No. 17-1700; A Resolution by the City Council of the City of Lago Vista, Texas accepting from Neffendorf, Knopp, Doss & Company, P.C. the Audit for Fiscal Year 2015-2016.

Keith Neffendorf, provided an oral presentation of the proposed audit and addressed questions from Council.

On a motion by Mayor Pro Tem Tidwell, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 17-1700, accepting the FYE 2016 audit as presented. Motion passed.

PUBLIC HEARING AND ACTION

3. Conduct a public hearing to consider a site development application variance from Ch. 10.5.100, Art. 10.5.100, Sec. 10.5.105(b) to allow placement of site fill depth at 13 feet instead of the maximum 8 feet for a proposed office building located at 8008 Bronco Ln. (Lot 18010 Bar K Ranches Sec.18). 17-1034-SD.
 - Staff Presentation – David Harrell, Development Services Director gave a brief overview of the proposed variance request.
 - Open Public Hearing – The Public Hearing was opened at 7:38 p.m. Hugh Beetles made comments in favor of approving the variance.
 - Close Public Hearing – The Public Hearing was closed at 7:40 p.m.
 - Council Discussion – The Council discussed and Gary Graham addressed questions from Council. Doug Casey made comments regarding the structure of the building and addressed questions from Council.
 - Consideration and action regarding the variance request as stated above. On a motion by Councilman Sullivan, seconded by Councilman Smith, the Council voted unanimously to approve the variance request as presented.
4. Conduct a Public Hearing to consider a request for a conditional use from Ch. 14, Art. 14.100, Section 6.10(B)(5)(c) to allow materials on a proposed accessory building that does not match the proposed principle building façade. 17-1038-CO-U.
 - Staff Presentation – David Harrell gave a brief oral overview of the proposed conditional use request and handed out received responses. He advised Council that the Planning and Zoning Commission did recommend denial of the request and addressed questions from Council.
 - Open Public Hearing – The Public Hearing was opened at 7:52 p.m. Carlton Johnson, applicant for the permit, appeared and made comments and addressed questions from Council. Larry Levy, Clubhouse, made comments regarding comments regarding a house across the street from him that is all metal on the outside and how were they approved.
 - Close Public Hearing – The Public Hearing was closed at 8:14 p.m.
 - Council Discussion – Council discussed briefly.
 - Consideration and action regarding the variance request as stated above.

The Council took a break from 8:21 p.m. to 8:27 p.m.

It was determined that a review of the code states that since the Commission recommended denial, it will take a majority plus one to reverse and approve in any form with any conditions.

On a motion by Mayor Mitchell, seconded by Councilwoman Smith, the Council voted unanimously to deny the request 17-1038-CO-U as presented. Motion carried.

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

5. Discussion and consideration of Resolution No. 17-1701, A Resolution of the City of Lago Vista, Texas, commencing the annexation of six (6) areas of land totaling 3 acres, more or less, including the abutting streets, roadways, and rights-of-way; being located in Travis County, Texas and adjacent and contiguous to the city limits; and providing open meetings and other related matters.

Jeff Ulmann, City Attorney gave an in depth overview of the property being considered, the schedule for public hearings and process and timeline of the annexation and addressed questions from Council.

The Council would like some additional areas added to the land totals and bring this item back on the agenda at the June 1 Council meeting.

6. Discussion and consideration of Resolution No. 17-1702; A Resolution by the City Council of the City of Lago Vista, Texas to approve an update to the Texas Colorado River Floodplain Coalition (TCRFC) Multi-jurisdictional Hazard Mitigation Plan known as the "2016 Travis County Multi-jurisdictional Community Texas Hazard Mitigation Plan"

David Harrell provided a brief outline of the proposed Resolution and Plan and addressed questions from Council.

Councilman Smith also provided some background information regarding the proposed plan and thanked David Harrell, John Goble and Captain Reyes for their assistance.

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted unanimously to approve Resolution No. 17-1702 as presented. Motion carried.

7. Discussion and request for action/direction regarding the purchase of a 2017 Silverado Pickup for Water Services.

Gary Graham advised Council that the current truck in water utilities will cost between \$7,500-\$7,800 and after it is repaired would be worth about \$9,600 and would like to replace with a 2017 Silverado for \$31,675.

On a motion by Councilman Sullivan, seconded by Mayor Mitchell, the Council voted unanimously to approve the purchase of this truck. Motion carried.

8. Permission to solicit bids for the 2017 Street Maintenance Project.

Gary Graham provided a brief overview of the proposed project and provided a list of streets to be included in the project. He will advertise for bids next week and this item will be brought back to Council to award the bid to a contractor in about a month.

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Tidwell, the Council voted unanimously to give Staff permission to move forward for getting bids for this work.

9. Presentation regarding Water/Wastewater effluent, reclaimed Water, and Effluent Disposal wastewater treatment capacity and possible future upgrades to final water quality.

Gary Graham provided an oral presentation of the reclaimed water, effluent disposal and addressed questions from Council. No action taken.

10. Discussion and possible action regarding Golf Course funding.

Kenneth Reneau provided some background information to Council and is seeking funding through the end of July in the amount of \$150,000. Mark is working on a plan to present to Council in June.

Starr Lockwood addressed questions from Council regarding the expenses and revenue numbers.

Mark Cote also addressed questions from Council regarding the golf course conditions and irrigations issues.

On a motion by Mayor Pro Tem Tidwell, seconded by Mayor Mitchell the Council voted five ayes (Sullivan, R. Smith, Tidwell, Mitchell and S. Smith) to one nay (Tippetts) to approve the additional \$150,000 for the golf course funding. Motion carried.

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:

February 2, 2017 Special Called meeting;
April 6, 2017 Special Called meeting;
April 20, 2017 Regular meeting and
April 27, 2017 Special Called meeting

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Tidwell, the Council voted unanimously (Tippetts did not vote) to approve all the above minutes with one correction to the April 27 minutes changing "Mayor Mitchell" adjourned the meeting to "Mayor Pro Tem Tidwell" adjourned the meeting. Motion carried.

WORK SESSION

12. Departmental Reports

- A. Development Services – Mayor Mitchell had a correction to page 231 regarding the fiscal year to date three year comparison. 2016 should be for the total year, not just five months.
- B. Financials – April
- C. Golf Course
- D. Library

- E. Municipal Court
- F. Police Department

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

- a. January 09, 2017 Library Advisory Board minutes
- b. April 10, 2017 Veteran's Memorial Advisory Committee minutes
- c. April 12, 2017 KLVV Bullet Report

No comments or questions.

FUTURE MEETINGS

14. Consider schedule and items for future Council meetings.

Councilwoman Smith requested an agenda item regarding an Ordinance amendment/discussion regarding primary building materials.

Bid for guardrails.

Grease trap ordinance.

Annexation process

Blanket easement

EXECUTIVE SESSION

15. At 10:44 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:

- A. Consultation with Legal Counsel concerning process and options for obtaining replacement for City Manager and Public Works Director.
- B. Consultation with Legal Counsel concerning upcoming Legislative Session and possible items for consideration by Legislature.
- 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. 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.
- E. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

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

16. At 11:39 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 and Public Works Director.

No action taken

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

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. 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 taken

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

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted unanimously (Tippets did not vote) to approve the actions as discussed in Executive Session for the City Manager to execute.

ADJOURNMENT


Mayor Dale Mitchell adjourned the meeting at 11:40 p.m.

ATTEST:

Sandra Barton, City Secretary



Respectfully submitted,


Dale Mitchell, Mayor

On a motion by Councilman Ron Smith, seconded by Kevin Sullivan, the above and foregoing instrument was passed and approved this 15th day of June, 2017