

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, JULY 6, 2017**

BE IT REMEMBERED that on the 6th day of July, 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	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	Starr Lockwood	Finance Director
Stephanie Smith	Council Member	Gary Graham	Public Works Dir.
Suzanne Bland	Council Member	Sandra Barton	City Secretary
Mark Tippetts	Council Member		

Mayor Mitchell called the Special Called Meeting to order and recognized that all Council Members were present. Other Staff present: Dave Street and Mark Cote. 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

PUBLIC HEARING: NO ACTION

1. **Public Hearing on Area A.** All that certain parcel or tract of land containing 23.37 acres, more or less, located in Travis County, Texas, being a portion of FM 1431 roadway and including the abutting rights-of way, beginning at the western most city limits of FM 1431 near Bison Trail continuing westerly for a distance of 11,635 feet, more or less, along the meanders of FM 1431 along and north of Lakeside at Tessera on Lake Travis development and ending at the north western city limit boundaries.

Jeff Ullman provided a brief overview of the proposed area and stated that letters have been sent to property owners containing a draft of the development agreement and all but one owner has responded. There are ongoing negotiations regarding the agreements.

The Public Hearing was opened at 6:35 p.m.

Rich Peosecki, 20617 Highland Lake Loop, asked what the purpose was, for the annexation for all areas.

Kenneth and Mayor Mitchell addressed this question.

The Public Hearing was closed at 6:42 p.m.

- 2. Public Hearing on Area B.** All those certain parcels or tracts of land containing 73.25 acres, more or less, located in Travis County, Texas, generally located and beginning at the north western city limits boundaries described in Area A and extending 501 feet on either side of the centerline of FM 1431 and continuing along the meanders of FM 1431 in a westerly direction for approximately 3,200 feet.

The Public Hearing was opened at 6:43 p.m.

Jeff Ullman gave a brief overview of the proposed area and ownership status, and explained the powers of the City.

Councilwoman Bland asked if the land owners that live in these tracts of land have the right to vote for the current Council and whether or not they were represented by Council. Mayor stated that they do not have the right to vote.

Thomas Penn, 21650 FM 1431, Managing Partner of Rodgers Penn Investments, made comments in opposition of the annexation regarding area B4 but expressed that an agreement may be signed.

Mike Igau, 23919 FM 1431, PO Box 4614, made comments opposing annexation on area B3, C2, C3, C4 and C5 and hopes to be removed from the annexation proposal.

Brent Kercheville, 23919 FM 1431, made comment opposing annexation of areas B3 and C areas and does not want to sign anything.

The Public Hearing was closed at 7:05 p.m.

- 3. Public Hearing on Area C.** All those certain parcels or tracts of land containing 49.67 acres, more or less, located in Travis County, Texas, generally located and beginning at the western boundary described in Area B and extending 501 feet on either side of the centerline of FM 1431 and continuing along the meanders of FM 1431 in a westerly direction for approximately 2,156 feet.

The Public Hearing was opened at 7:06 p.m.

Jeff Ullman and Barbara made comments to explain/clarify Area C and the proposed development agreement and misconceptions of the intent of the City.

Gary Graham addressed questions regarding the cost of water and sewer to this area.

Lane McClanahan, 23725 E FM 1431, made comments opposing the annexation of C4.

Dick Weatherly, 4082 Outpost Trace, made comments regarding the annexation process and it should benefit both parties.

The Public Hearing was closed at 7:42 p.m.

- 4. Public Hearing on Area D.** All those certain six (6) parcels or tracts of land containing 252.07 acres, more or less, located in Travis County, Texas, generally located along and to the north and south of FM 1431 near the eastern city limits, said tracts further described as being located to the west, east and north of the Hollows entrance at Destination Way and FM 1431.

The Public Hearing was opened at 7:43 p.m.

Jeff Regal, 19904 Old Burnet Road, made comments regarding areas B6, B3 and B4. He pays taxes on this property at this time.

The Public Hearing was closed at 7:49 p.m.

5. **Public Hearing on Area E.** All those certain four (4) parcels or tracts of land containing 33.37 acres, more or less, located in Travis County, Texas, generally located east of Lohman Ford Road, South of Alfalfa Drive and north of Sierra Vista Drive.

The Public Hearing was opened at 7:50 p.m.

Jeff Ullman gave a brief description of the parcels. Mr. Reneau received a response from a gentleman representing TSI with general questions.

The Public Hearing was closed at 7:51 p.m.

6. **Public Hearing on Area F.** All that certain parcel or tract of land containing 136.33 acres, more or less, located in Travis County, Texas, generally located east of and along and abutting Lohman Ford Road and north of and abutting the Lago Vista High School.

The Public Hearing was opened at 7:52 p.m.

Council and Staff discussed briefly.

The Public Hearing was closed at 7:54 p.m.

PUBLIC HEARING - ACTION

7. Conduct a Public Hearing to consider the approval of Ordinance No. 17-07-06-01; Adopting an Ordinance establishing a curfew for minors within the City of Lago Vista.
 - Staff Report – Chief Smith provided a brief overview of the proposed Ordinance and recommend approval to allow for enforcement. He is required to bring before Council every 3 years for consideration.
 - Open Public Hearing – The Public Hearing was opened at 8:00 p.m.
 - Close Public Hearing – After no comments, the Public Hearing was closed at 8:00 p.m.

ACTION ITEMS

8. Approval of Ordinance No. 17-07-06-01; An Ordinance By The City Council Of The City Of Lago Vista, Adopting An Ordinance Establishing A Curfew For Minors Within The City Of Lago Vista; Defining Terms; Creating Offenses For Minors, Parents, Guardians And Business Establishments Violating Curfew Regulations; Providing Defenses; Providing For Enforcement By The Police Department; Providing For Waiver By The Municipal Court Of Jurisdiction Over A Minor When Required Under The Texas Family Code; Providing A Penalty Not To Exceed Five Hundred Dollars (\$500.00); Repealing All Ordinances In Conflict Herewith; Providing A Saving Clause; Providing A Severability Clause; And Providing An Effective Date.

On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Ordinance No. 17-07-06-01 as presented. Motion passed.

9. Discussion and consideration of Resolution No. 17-1704; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the Mayor or City Manager to approve a Master Services Agreement for Preparation of a TPDES Permit and Preparation of a spill prevention control and countermeasures plan.

Mayor Mitchell stated that this item is being withdrawn as the materials did not meet the approval of our Counsel.

EXECUTIVE SESSION

15. At 8:03 p.m., 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:

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.

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

16. At 8:41 p.m., Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

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 taken

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.

10. Discussion and consideration of Resolution No. 17-1705, A Resolution of the City Council of the City of Lago Vista, Texas, authorizing the Mayor or City Manager to enter into the Grant Agreement for the Park and Open Space Project.

On a motion by Councilwoman Bland, seconded by Councilwoman Smith, the Council voted unanimously to approve Resolution No. 17-1705 as presented.

11. Approval of Resolution No. 17-1706; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the City Manager to enter into an Airport Project Participation Agreement with the Texas Department of Transportation concerning reimbursement to the City of \$136,800, concerning lot acquisition of Lago Vista Bar K Airport Subdivision Lot 15.

This item withdrawn from consent agenda and will be brought back after some questions from Council can be addressed. Council reconsidered this item after comments from City Attorney. On a motion by Councilman Sullivan, seconded by Councilman Tippetts, the Council voted unanimously to approve Resolution No. 17-1706. Motion passed.

WORK SESSION

12. Report on cost of repair for Lago Vista Golf Course Clubhouse, and Effluent Disposal Budget.

Gary Graham, provided an overview of the repairs needed to the LV Clubhouse including the electrical problems and remodeling. The cost for all repairs would be approximately \$600,000.

Council instructed Gary to solicit bids for the construction repairs to the LV Clubhouse.

Gary Graham advised that the irrigation systems at the Cedar Breaks and the golf course are in bad condition so they require constant maintenance. He stated during the summer, we only have enough effluent to irrigate one course through the heat of the summer but during the Spring and Fall, both courses get about the same amount.

He provided a chart to Council showing the effluent disposal without golf courses versus with golf courses.

13. Discussion regarding final elements of a long range plan from Golf Manager.

Mark Cote thanked everyone who helped with the July 4th festivities.

Dr. Bowlin gave an oral presentation on the irrigation system evaluation report that he submitted to Council and addressed questions from Council.

Mark Cote provided a brief overview of costs of a driving range at Highland Lakes and went over information from GolfNow and their prices. He stated that if no action is taken on the GolfNow contract by August 7, it will self-renew. Council discussed other options from the information Mark submitted to them.

Council reconsidered item #11 after comments from City Attorney.

FUTURE MEETINGS

14. Consider schedule and items for future Council meetings.

GolfNow, TPDES contract, D&C discussion, Tessera SAP, 2nd Public hearing on annexations, award Real Estate Broker, golf course action.

Budget workshop on August 5.

EXECUTIVE SESSION

15. At 11:05 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.

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

E. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

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

16. At 11:47 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 taken

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 taken

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

No action taken

E. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

No action taken

ADJOURNMENT

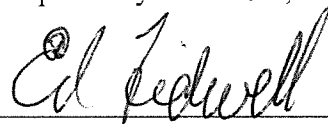
Mayor Mitchell adjourned the meeting at 11:48 p.m.



ATTEST:


Robin Smith, Assistant City Secretary

Respectfully submitted,


Ed Tidwell, Mayor Pro Tem

On a motion by Councilman Kevin Sullivan, seconded by Councilman Mark Tippetts, the above and foregoing instrument was passed and approved this 17th day of August, 2017.