

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
JULY 20, 2017**

**BE IT REMEMBERED** that on the 20<sup>th</sup> day of July, 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	Danny Smith	Police Chief
Ron Smith	Council Member	Sandra Barton	City Secretary
Ed Tidwell	Mayor Pro Tem	Barbara Boulware-Wells	City Attorney
Kevin Sullivan	Council Member	Kenneth Reneau	City Manager
Stephanie Smith	Council Member	Gary Graham	PW Director
Mark Tippetts	Council Member	Starr Lockwood	Finance Director
Suzanne Bland	Council Member	Dave Street	IT Manager

Mayor Mitchell called the regular meeting to order and recognized that all Council Members were present. Other Department Heads present: 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.

Jackie Goodwin, 4501 Nettle Lane, asked Council about the status of the Sports Complex. Sheryl Speckmann stated that we did receive a grant and we have an administrator for the grant who is working on this according the timeline.

Kenneth Belaire, 20902 Monroe Cove, asked about the status of the housing project. Kenneth stated that we have not heard anything yet. He also stated that he doesn't think family members should be on the Council together and needs to be changed.

**PRESENTATION**

1. Recognition to the City of Lago Vista for being awarded the Water Conservation and Reuse Award by the Texas Section American Water Works Association.

Mayor and Council recognized Dave Stewart and Dave Walden on receiving the award and advised that they have submitted this project to the Texas Municipal League for their consideration at the conference in October.

2. Present draft table to address drought and water conservation action plan.

Dave Stewart provided an oral overview of the proposed plan to address drought and water conservation issues and addressed questions from Council. This item will be brought back for Council approval.

## ACTION ITEMS

### 3. Discussion and decision on the operation of the golf courses for the fiscal year of 2017-2018.

Mayor Mitchell provided a summary of the history of the golf courses and stated that the City is working with Walters Wedding and discussing their plans for the Highland Lakes Clubhouse, which they have purchased and how they have viewed the possible development of the HL Clubhouse with the golf course and hotel, etc. as a resort type of operation. Brad Kramer, COO for Walters Wedding Estates stated that they have purchased Nature's Point property and the clubhouse and restaurant facility. They are planning to put about \$10 million into the Nature's Point facility. They have possible plans to build lodging at Nature's Point but also have interest in doing it as an addition to the present clubhouse. When the City discussed the possible closing of the golf course, they showed an interest in possibly purchasing the Highland Lakes course. They would like time to do their due diligence regarding purchasing the golf course.

He also provided a presentation of progress of some of their properties including Nature's Point and the clubhouse and addressed questions from Council.

Councilman Smith presented a slide presentation regarding costs of the golf courses and different scenarios.

On a motion by Councilman Sullivan, seconded by Councilwoman Bland, the Council voted 3 ayes (Sullivan, Tidwell and Bland) to 4 nays (Tippetts, R. Smith, Mitchell and S. Smith) to fund both golf courses until the end of this FY, that we agree that we will close Highland on October 1 and that we will work between now and then to try to sell it off to Mr. Walters and if we don't we will shut it down. Motion failed.

On a motion by Councilman Tippetts, seconded by Councilman Smith, the Council voted 3 ayes (Tippetts, R. Smith, S. Smith) to 4 nays (Sullivan, Tidwell, Mitchell, Bland) to cease all operations on both Highland and Lago Golf Courses as follows: all operations on both golf courses are to cease no later than August 31, 2017 to coincide with the expiration of GolfNow. The Grill at Lago Clubhouse is to cease all operations immediately as it's a hazard and major liability to the City. All repairs to the Lago Vista Clubhouse are to stop. Any prepaid membership dues are to be refunded in a prorated or otherwise appropriate manner. The temporary Pro Shop at the Highland Golf Course is to be returned or acquired as deemed to be in the best interest to the City. Any of the John Deere or other brands of equipment that are not needed for continuing operations shall be renegotiated and returned in the most economical way possible including sell. All Yamaha or other brands of golf carts that are not needed for the City shall be returned in the most economical manner possible. All services that are not deemed necessary shall be cancelled. The mowing, effluent irrigation and maintenance are to be conducted by Works Department or other City Departments as deemed appropriate. All personnel that are not needed are that cannot be integrated into the City departments, to be terminated in accordance with their contracts or by law. Any offer to rent, lease, purchase, or otherwise, of either or both golf courses, will be considered by the City Manager to be brought to Council. The City Manager is to oversee and coordinate all of the above in the most expeditious and cost effective manner. Motion failed.

Mayor Mitchell asked if the first motion needed to be revisited. Councilwoman Bland stated she would like to revisit the first motion.

Discussion ensued about a preference to revisit the first motion.

Councilman Sullivan motioned to resubmit his previous motion. Councilwoman Bland seconded this motion again. The Council voted 4 ayes (Sullivan, Tidwell, Mitchell Bland) to 3 nays (Tippetts, R. Smith, S. Smith). Motion passed.

Mayor Mitchell asked Councilmembers to assist with negotiations with Walters Wedding. Councilman Sullivan, Tippetts and Bland volunteered to assist.

**Mayor Pro Tem Tidwell left the Council meeting at 8:51 p.m.**

4. Discussion and possible action regarding GolfNow contract.

Mark Cote will handle this item.

**Council members took a break from 8:53 p.m. to 9:03 p.m.**

12. Conduct a Public Hearing and to consider Ordinance No. 17-07-20-02; An Ordinance of the City of Lago Vista, Texas approving an annual service plan update and amendment to the Service and Assessment Plan for the Tessera on Lake Travis Public Improvement District.

- Staff presentation – Barbara Boulware-Wells and Jon Snyder, gave a brief overview of the proposed update and amendment and addressed questions from Council. The annual service plan will be done in May.
- Open Public Hearing – The Public Hearing was opened at 9:10 p.m. Councilwoman Bland mentioned that the City is not making any expenditures associated with the PID. We are engaged to help with the administrative aspects and that is our only responsibility, we have no fiduciary responsibility.
- Close Public Hearing – The Public Hearing was closed at 9:12 p.m.
- Council Discussion – No discussion.
- Consideration and action regarding Ordinance No. 17-07-20-02.  
On a motion by Councilwoman Smith, seconded by Councilwoman Bland, the Council voted unanimously to approve Ordinance NO. 17-07-20-02 as presented.

**2<sup>ND</sup> PUBLIC HEARING: NO ACTION**

5. **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.

Councilwoman Bland asked if the portion of 1431 is annexed, do we take on any financial responsibility for the maintenance of 1431. Barbara answered that we would not.

The Public Hearing was opened at 9:13 p.m. No comments.

The Public Hearing was closed at 9:13 p.m.

6. **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.

Barbara Boulware –Wells provided a brief overview of the area.

The Public Hearing was opened at 9:14 p.m.

Mike Igau, 23919 FM 1431 made comments in opposition of the annexation concerning areas B3, C3, C4 and C5.

Rise Johns, 20925 Waterside made comments in opposition of the annexation.

Thomas Penn, 21650 FM 1431 made comments in opposition of the annexation.

The Public Hearing was closed at 9:28 p.m.

- 7. 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 9:28 p.m.

Lane McClanahan, 23725 E FM 1431, made comments in opposition of the annexation and requests that at the first reading that tracts C2, C3, C4, C5 and B3 and B4 be removed from this annexation.

The Public Hearing was closed at 9:35 p.m.

- 8. 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 9:35 p.m.

Barbara advised that an email was received opposing annexation regarding tract D1 and at the last meeting a gentleman spoke in opposition to areas D3, D4, D5 and D6 and no response regarding D2.

The Public Hearing was closed at 9:42 p.m.

- 9. 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 9:42 p.m.

Mark Shive, owner of tracts that are not abutting the concrete plant and is in opposition of the annexation.

The Public Hearing was closed at 9:45 p.m.

- 10. 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 9:45 p.m.

Barbara indicated that nothing has been heard from England/Pearson's family and knows that there is family in the area.

The Public Hearing was closed at 9:46 p.m.

## **PUBLIC HEARING AND ACTION**

11. Conduct a Public Hearing to consider Ordinance No. 17-07-20-01; (ZON-1071); An Ordinance of the City of Lago Vista, Texas, amending Chapter 14, Article 14.200, Zoning Ordinance, Code of Ordinances of City of Lago Vista, Section 6.10, accessory buildings and uses, and sections 22.12, fencing on property, and 22.25, prohibitions, to allow fencing on a lot without a principal use or building and which shares a property line with a lot with a principal use or building; making findings of fact; providing a savings clause; providing a severability clause; providing an open meetings clause; and providing an effective date.
  - Staff Presentation – Barbara Boulware-Wells provided a brief overview of the proposed changes to the Zoning Ordinance and addressed questions from Council. She advised that Planning & Zoning Commission's recommendation was allow it to come forward.
  - Open Public Hearing – The Public Hearing was opened at 10:10 p.m. Michael Bridges, 21314 Mountain View, asked that it not go back to Planning & Zoning but proposes a shorter time frame of 90 days.
  - Close Public Hearing – The Public Hearing was closed at 10:12 p.m.
  - Council Discussion – Council discussed during the Staff presentation.
  - Consideration and action regarding Ordinance No. 17-07-20-01 as presented above. On a motion by Councilwoman Bland, seconded by Councilman Sullivan, the Council voted 4 ayes (Tippetts, Sullivan, S. Smith, Bland) to 2 nays (R. Smith, Mitchell) to approve Ordinance No. 17-07-20-01 with the amendment of a 90 day commitment to the City after point of sale on adjacent property to remove the fence. Motion passed.

## **ACTION ITEMS**

13. Discussion, consideration and possible action authorizing the City Manager to Execute a Contract for Broker Services in the Sale of City Property Located at 18001 Marshall's Point.

Councilman Sullivan requests that this item be moved to Executive Session for discussion.

## **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.

14. Approval of the following minutes:

June 1, 2017 Special Called meeting; and  
June 15, 2017 Regular meeting

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

## **WORK SESSION**

### 15. Departmental Reports

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

No comments or questions.

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

- a. May 10, 2017 Parks and Recreation Advisory Committee minutes
- b. June 12, 2017 Veteran's Memorial Advisory Committee minutes
- c. June 14, 2017 KLVB Bullet Report
- d. July 12, 2017 KLVB Bullet Report

Councilman Smith asked when the Veteran's Advisory Committee meets which is the second Monday of each month. She noticed that the Liason does not attend the meetings and should the Council reassign a Liason. Mayor Mitchell will discuss with the Liason.

## **FUTURE MEETINGS**

### 17. Consider schedule and items for future Council meetings.

A handout with tentative items was given to Council.

A hard copy of the budget will be provided to each Councilmember.

Kenneth Reneau advised that Chris Hartung will be at the meeting scheduled for July 27 at 6:30 at the Police Department.

The budget workshop will be on August 5 from 12:00 p.m. to 4:00 p.m. at City Hall.

Chief Smith asked an agenda item be added regarding an Interlocal Agreement with Manor.

## **EXECUTIVE SESSION**

### 18. At 10:25 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 concerning LVISD Interlocal Agreement.

13. Discussion, consideration and possible action authorizing the City Manager to Execute a Contract for Broker Services in the Sale of City Property Located at 18001 Marshall's Point.

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

19. At 11:16 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

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

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.

13. Discussion, consideration and possible action authorizing the City Manager to Execute a Contract for Broker Services in the Sale of City Property Located at 18001 Marshall's Point.

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

**ADJOURNMENT**

Mayor Dale Mitchell adjourned the meeting at 11:18 p.m.



ATTEST:

Robin Smith, Assistant City Secretary

Respectfully submitted,

Ed Tidwell, Mayor Pro Tem

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