

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, OCTOBER 18, 2018**

BE IT REMEMBERED that on the 18th day of October, A.D., 2018, the City Council held a regular meeting at 6:31 p.m. in the City Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

Ed Tidwell	Mayor	Joshua Ray	City Manager
Kevin Sullivan	Council Member	Danny Smith	Police Chief
Arch Davila	Council Member	Sandra Barton	City Secretary
Ron Smith	Council Member	Starr Lockwood	Financial Director
Dick Weatherly	Council Member	Jan Steele	Library Director
David Williams	Council Member	Dave Street	IT Director
Suzanne Bland	Mayor Pro Tem	Eric Belaj	City Engineer
		Roy Jambor	Dev. Srvs. Director

Mayor Tidwell called the regular meeting to order and recognized that all Council Members were present. Mayor 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.

Richard Starie, made comments regarding low water crossings in our area.

Dale Mitchell, made comments regarding the Municipal Complex and his concerns regarding City Hall moving to the shopping center.

Jim Wood, 20595 Highland Lake Dr., made comments regarding his concern with the City's water supply.

Robert Mickey, 210 Flightline Rd., made comments regarding free flights for kids on October 27.

ITEMS OF COMMUNITY INTEREST: Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expressions of thanks, gratitude, and condolences.
Mayor Tidwell expressed thanks to all the citizens who have been helping people in the flooded areas.
Councilman Davila wanted to express thanks to Elke Tessnow who devoted three years to the Building Committee and has now resigned.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
Councilman Williams mentioned Christmas in November on November 17 at St. Mary's from 10-4 and they are looking for vendors. He also mentioned that the Habanero Grill is open and an Italian restaurant, Broc's will open on Tuesday.

Councilman Sullivan mentioned that the Library will have their dinner on Wednesday, November 7 at K-Oaks from 5-7 and on November 30 and December 1, the library will have their book sale in the Library meeting room.

Mayor Tidwell advised that the bulk item cleanup is going on now through Saturday at the green center. On November 3 and 4, we will be doing a focus cleanup for residents off of Coyote.

Councilman Weatherly reminded everyone about the National Night Out and trunk or treat with the Police Department and first responders taking place on Halloween night.

- f. Health and safety announcements

PRESENTATION

1. Presentation of White Cane Day Proclamation.

The Lions Club was presented with a White Cane Day Proclamation.

2. Presentation from the Golf Course Advisory Committee and request for funding.

Eric Hutchins, GCAC Secretary appeared to request funding for a re-grand opening ceremony of the Lago Vista Clubhouse to be held on November 10 from 10-2 to highlight the renovation of the facility. Recommended activities will be a ribbon cutting, music, a bounce house and potential door prizes. They are requesting \$736.09 from the City. Staff will discuss options for funding.

PUBLIC HEARING

3. The Lago Vista City Council will hold a public hearing and discuss a potential future ordinance for a zoning district change from C-1C ("Professional, Business Office, Low Density Retail") to C-2 ("Commercial, Large Scale") at 6304 Lohman Ford Road (Lago Vista Estates, Section 2, Block G, Lot 5).

- Open public hearing – The Public Hearing was opened at 7:12 p.m.
- Staff Presentation – Roy Jambor, Development Services Director provided an overview of the request and addressed questions from Council.
- Continue (leave open) Public Hearing – The Public Hearing will remain open until the November 1 Council meeting.
- Council Discussion – no further Council discussion

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

4. Discussion and appointment of a Council Representative to CAPCOG's General Assembly.

Josh Ray, City Manager advised that this is a yearly appointment and Mayor Tidwell is our current representative. Mayor Tidwell advised that he is happy to continue as the City's representative.

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Bland, the Council voted unanimously to reappoint Mayor Tidwell as the Council representative to CAPCOG.

5. Discussion and consideration of Resolution No. 18-1771; A Resolution by the City Council of the City of Lago Vista, Texas to reapprove an Interlocal Agreement for Public Safety Answering Point, maintenance, equipment and training provided by and through the Capital Area Emergency District for the provision of 911 services within the district of which the City is a part.

Josh Ray, City Manager advised that this is a continuation of an Interlocal Agreement for point of access for the city's 911 service. This agreement is for a period of two years. On a motion by Mayor Pro Tem Bland, seconded by Councilman Williams, the Council voted unanimously to approve Resolution No. 18-1771 as presented.

6. Discussion and consideration of an amendment to the Capital Area Council of Governments Interlocal Contract for implementation of solid waste management activities FY 2018-2019.

Mayor Tidwell advised that this is the grant that the City received for the solid waste cleanup. The only thing that was changed was the timeline for reporting. On a motion by Mayor Pro Tem Bland, seconded by Councilman Weatherly, the Council voted unanimously to approve the amendment as presented.

7. Discussion and possible action concerning a Vistago 380 Economic Development 380 Agreement.

Councilman Smith recused himself from discussion and action of this item. Josh Ray, City Manager provided a brief overview of the proposed agreement and addressed questions from Council. On a motion by Councilman Williams, seconded by Mayor Pro Tem Bland, the Council voted unanimously to approve the 380 Economic Development Agreement as presented.

8. Discussion and possible action concerning a Lago Vista Village 380 Agreement.

Josh Ray, City Manager provided a brief overview of the proposed agreement and addressed questions from Council. On a motion by Councilman Weatherly, seconded by Councilman Sullivan, the Council voted six (6) ayes (Williams, Sullivan, Davila, Bland, Tidwell, Weatherly) to one (1) nay (Smith) to approve the Lago Vista Village 380 Agreement as presented.

9. Discussion and possible action concerning a Lago Vista Tenant Business Economic Development 380 Agreement.

On a motion by Councilman Williams, seconded by Councilman Davila, the Council voted six (6) ayes (Williams, Sullivan, Davila, Bland, Tidwell, Weatherly) to one (1) nay (Smith) to approve the Lago Vista Tenant Business Economic Development 380 Agreement.

10. Discussion and possible action of proposed funding and access agreements between the City of Lago Vista and the Rusty Allen Airport Property Owners Association.

Josh Ray, City Manager advised that a Council workshop with members of the RAPOA. A draft of the discussion was provided to Council that was marked "exhibit A". There was also

a draft labeled “exhibit B” which contains requests received from the POA. Mayor stated that the only document being considered tonight is “Exhibit A” that was in the packet.

Mayor Pro Tem Bland made a motion to adopt “Exhibit A”, draft six, as the funding agreement for the Rusty Allen Airport. Councilman Weatherly, seconded this motion. Council voted six (6) ayes (Williams, Sullivan, Davila, Bland, Tidwell, Weatherly) to one (1) nay (Smith) to approve with the amendments from Mayor Pro Tem and Councilman Davila.

Councilman Davila then made a motion to amend the annual maintenance fee to \$27,656, this motion was seconded by Councilman Williams. Council voted all ayes to approve.

Mayor Tidwell then made a motion on the following amendments:

On page 1 of “Exhibit C”; the third whereas, he accepted their amendments because it was the same intent in meaning on that paragraph.

The next whereas; he also accepted or agreed to their amendment, it was just grammatical errors and clarification and had the same intent and meaning.

Page 2, the very first whereas; he agreed to their changes, because it was just grammatical errors.

Article 1, Section 1; he agreed to their change because it was just grammatical errors.

Article 1, Section 2; on page 2, he agreed to their corrections because “City Council” was not capitalized.

Page 3, Article 2, Section 1; he agreed to their revision because all he could see is that it was a clarification and it had the same intent and meaning because we are not waiting until this agreement expires, we are changing it prior to February.

Article 2, Section 3; he agrees to their wording but changing the fee to \$27,656.

Next paragraph, the fee portion; he agrees to the clarification and justification of the tie down fees, we are only going to collect a portion of the annual operating fee and expenses.

Page 4, exhibit C, first paragraph, the RRAPOA CCR’s, he agreed to the abbreviation.

Page 4, Section 6, at the very end it says its members covenant, he agrees to their version.

Section 7, City owned lots, they added the very last sentence that says “should the city decide to sell said lots in the future lots will be required to be added back to the Airport Property Owners Association, this was agreed to on Monday and he accepted that as well.

Page 4, Article 3, Prohibitions, he combined it and took out the list.

Page 5, paragraph 2, he combined version 6 and their version 7 regarding tenants and a through the fence agreement liability.

Page 5, Section 3, Prohibitions and restrictions on access; he agrees to the POA’s version clarifying “parties” to “properties” and added the last sentence.

Article 4, Section 1; grammatical error only.

Page 6, Section 3; Airport Property; they asked this whole paragraph to be deleted, he does not agree to this.

Section 5; he agrees to clarification of annual maintenance fee.

Page 7, Section 6, paragraph f; POA asked that this be stricken, he did not agree to this.

Mayor Tidwell agrees to amend his motion to strike the word “liable” from Article 3, Section 1 on page 5, and change to “responsible”. Mayor Pro Tem Bland and Councilman Williams agree to this amendment.

Mayor Tidwell agrees to amend the changes requested by Councilman Sullivan that includes the third whereas on page 1, going back to the original wording on “Exhibit A”, version six,

and Section 6f, striking “while on city property”. Council voted six (6) ayes (Williams, Sullivan, Davila, Bland, Tidwell, Weatherly) to one (1) nay (Smith).

11. Discussion and action regarding recommendation of contract award for the construction of the Lohman Ford Ground Storage Tank Project.

Josh Ray, City Manager provided a brief staff summary. He stated the low bid was \$340,674 and staff recommends approving the bid from Prime Spec LLC in the amount of \$340,674. On a motion by Mayor Pro Tem Bland, seconded by Councilman Sullivan, the Council voted unanimously to accept the contract and award it to Prime Spec Contractor.

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.

12. Approval of the following minutes:

September 6, 2018 regular meeting
September 13, 2018 Special Called meeting

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

13. Approval of Resolution No. 18-1772; Participating in the 2019-2023 Austin-Round Rock MSA Regional Air Quality Plan.

Councilman Smith requested this item be pulled from the consent agenda.

Josh Ray, City Manager provided a brief staff summary of the proposed resolution and addressed questions from Council. Councilman Smith made comments in opposition of the City’s participation. Council and Staff recommended that the resolution be amended to: the City will commit to implementing a Tier 1 and/or Tier 2 measures which will be determined later by Council and Staff.

On a motion by Councilman Weatherly, seconded by Councilman Williams, the Council voted six (6) ayes (Williams, Sullivan, Davila, Bland, Tidwell, Weatherly) to one (1) nay (Smith) to approve Resolution No. 18-1772 with the proposed amendments.

DISCUSSION ITEMS

14. Discussion only of a potential Resolution by the City Council of the City of Lago Vista, Texas suspending the effects of section 3.124 of chapter 3 of the Lago Vista Code of Ordinances relative to the exterior finishes of the firefighter training tower to be located at 4711 Lohman Ford Road and to otherwise provide with respect thereto.

Josh Ray provided a brief staff summary of the proposed request. Council discussed and asked questions from Staff. No action taken at this time.

15. Discussion only of a potential Ordinance of the City Council of the City of Lago Vista, Texas, amending Sections 3.106, 3.107, 3.108 and 3.109 of Chapter 3 of the Lago Vista Code of Ordinances, to update various standard building codes to a recent version; and providing for related matters.

Josh Ray provided a brief staff summary of the proposed ordinance and addressed questions from Council. Roy Jambor also addressed questions from Council. No action taken.

WORK SESSION

16. City Manager Reports

Josh Ray, City Manager reported the water level was at 702.8 and that the City of Lago Vista does not have any active lawsuits against the City.

FUTURE MEETINGS

17. Consider schedule and items for future Council meetings.

Councilman Smith requested an update on grease trap compliance after tap installations, cuts in the street that are supposed to be fixed Green Center relocation.

EXECUTIVE SESSION

18. At 9:48 p.m., Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Section 551.087 (Economic Development), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).
- B. Consultation with Legal Counsel and discussion concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.
- D. Consultation with Legal Counsel and deliberate economic development incentives for projects located within the City of Lago Vista.
- E. Consultation with Legal Counsel concerning the duties of Present Public Servants under the City of Lago Vista's Ethic's Ordinance.

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

19. At 10:10 p.m., Council reconvened from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).

No action taken

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

No action taken

- C. Consultation with Legal counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.

No action taken

- D. Consultation with Legal Counsel and deliberate economic development incentives for projects located within the City of Lago Vista.

No action taken

- E. Consultation with Legal Counsel concerning the duties of Present Public Servants under the City of Lago Vista's Ethic's Ordinance.

No action taken

ADJOURNMENT

Mayor Tidwell made a motion to adjourn the meeting at 10:11 p.m.

Respectfully submitted,




Ed Tidwell, Mayor

ATTEST:


Sandra Barton, City Secretary

On a motion by Councilman Weatherly, seconded by Councilman Davila, the above and foregoing instrument was passed and approved this 6th day of December 2018.