

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, JANUARY 17, 2019**

**BE IT REMEMBERED** that on the 17<sup>th</sup> day of January, A.D., 2019, the City Council held a regular meeting at 5:00 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
Don Barthlow	Council Member	Danny Smith	Police Chief
Arch Davila	Council Member	Sandra Barton	City Secretary
Tim Collins	Council Member	Erin Selvera	City Attorney
Dick Weatherly	Council Member	Roy Jambor	Dev. Svcs. Director
David Williams	Mayor Pro Tem	Dave Street	IT Director
Frank Robbins	Council Member	Starr Lockwood	Finance

**EXECUTIVE SESSION**

1. At 5:04 p.m., Council convened into a closed 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 regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.
  - C. Consultation with Legal Counsel and discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect including but not limited to an annexation, development and 380 Economic Development Agreement with KSW Holding, L.P.

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

2. At 6:30 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 and possible action 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 possible action regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto. On a motion by Councilman Weatherly, seconded by Councilman Davila, Council voted six (6) ayes (Collins, Davila, Williams, Tidwell, Weatherly, Robbins) to one (1) nay (Barthlow) to retain Legal Counsel to file suit against the American Girl Grill for funds owed to the City in a 14-day period. Motion carried.
- C. Consultation with Legal Counsel and discuss or deliberate and possible action regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect including but not limited to an annexation, development and 380 Economic Development Agreement with KSW Holding, L.P. On a motion by Councilman Weatherly, seconded by Councilman Davila, Council voted unanimously that the City advertise or post the Marshalls Point house for sale by sealed bid posted for 30 days. Motion carried.  
On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously that the City advertise, for sale, the properties at 9103 Rolling Hills Trail, 2701 Deep Creek and 2705 Deep Creek for a period of 30 days with sealed bid. Motion passed.

**THE REGULAR COUNCIL MEETING WILL BEGIN AT 6:30 P.M.**

**CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG, INVOCATION**

Mayor Tidwell led the Pledge of Allegiance and Pledge to the Texas Flag.

**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.

Clive Rutherford, 20632 Highland Lake Drive, appeared to voice his concerns regarding the residential height limits.

Cher Coleman, 21205 Mount View Circle, appeared to voice her concerns regarding why her street not being completely paved.

**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.
- b. Information regarding holiday schedules.  
January 21 – City Hall will be closed for MLK Day.
- c. Recognition of individuals, i.e. Proclamations
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.



February 2 – Lions Club chili luncheon at the Middle School from 11:30 – 2:00, with silent auction and raffle.

February 2 – season opener at the Lago Vista Golf Course and pro shop with activities.

February 2 – Chamber Casino Night.

The Parks and Recreation Advisory Committee is looking for ideas for a name for the park.

- f. Health and safety announcements.

## **PRESENTATION**

3. Recognition of the Lago Vista Boy Scouts.

Mayor Tidwell recognized the Lago Vista Boy Scouts and Stephanie Smith stated they appeared to fulfill a requirement for citizenship of the community.

## **ACTION ITEMS**

4. Discussion and consideration of Resolution No. 19-1786; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the use of City streets for the Lago Vista Downhill long-board race to be held February 3, 2019 and to authorize sections of City streets to be closed during racing.

Chris Eagan appeared to provide an overview of the event and address questions from Council and the community.

Theresa Moran, 20808 Roundup Trail, appeared and voiced her concerns regarding liability, parking and shuttle.

Selima Harbison, 7900 Bar K Ranch Rd., made comments in favor of the event.

Nancy Priddy, 19901 Mountainside Drive, voiced concerns regarding liability and is in favor of the event.

Matt Gerhardt, 3306 Emerson Cove, asked questions regarding the age range of the skaters and how the City can benefit.

On a motion by Mayor Pro Tem Williams, seconded by Councilman Barthlow, the Council voted unanimously to approve Resolution No. 19-1786 pending any liability issues and any other issues that need to be finalized.

5. Discussion, and action on Resolution 19-1787; A Resolution by the City Council of Lago Vista, TX designating certain officials as being responsible for, acting for, and on behalf of the City in dealing with the Texas Parks & Wildlife Recreational Trails Grant Program; certifying that the City is eligible to receive program assistance and that the matching share is available; and dedicating the proposed site for permanent public park and recreational uses.

Josh Ray, City Manager provided a summary of the proposed resolution and addressed questions from Council.

On a motion by Councilman Robbins, seconded by Councilman Davila, the Council voted unanimously to approve Resolution No. 19-1787. Motion passed.

## **PUBLIC HEARINGS AND ACTION**

6. The Lago Vista City Council will hold a public hearing to discuss and consider Ordinance No. 19-01-17-01, an ordinance of the City Council of Lago Vista, Texas amending various sections of Chapter 3, Building Regulations and Chapter 14, the Zoning Ordinance to

consolidate all substantive requirements related to the exterior appearance of principal buildings in Chapter 3, including proposed new language, and replacing them with references only in Chapter 14; and providing for related matters.

- Public Hearing (continued)  
Rise' Johns, 20925 Waterside Drive, asked what the reasoning for this was and expressed concerns regarding this amendment.  
Chassey Wallace, 402 Southwind Rd., expressed her concerns regarding this amendment.  
Matt Gerhardt, 3306 Emerson Cove, expressed his concerns regarding this amendment.  
Greg Teal, Waterford, expressed concerns regarding this amendment.
- Staff Presentation  
Roy Jambor provided the Staff presentation and addressed questions from Council.
- Close Public Hearing  
The public hearing was closed at 8:05 p.m.
- Council discussion and action  
On a motion Councilman Davila, seconded by Councilman Robbins, the Council voted five (5) ayes (Collins, Davila, Williams, Weatherly, Robbins) to two (2) nays (Barthlow, Tidwell) to approve Ordinance No. 19-01-17-01. Motion passed.

7. The Lago Vista City Council will hold a public hearing to discuss and consider Ordinance No. 19-01-17-02, an ordinance of the City Council of Lago Visa, Texas amending Section 15.10 of Chapter 14, the Lago Vista Zoning Ordinance, to prohibit all forms or zoning and variance applications authorized by that chapter that are substantially the same as one that has been denied for at least twelve months from the date of the latest form of denial; and providing for related matters.

- Public Hearing (continued)
- Staff Presentation  
Roy Jambor provided a brief overview of the proposed Ordinance.
- Close Public Hearing  
The public hearing was closed at 8:09 p.m.
- Council discussion and action  
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Ordinance No. 19-01-17-02. Motion passed.

8. The Lago Vista City Council will hold a public hearing to discuss and consider Ordinance No. 19-01-17-03, an ordinance of the City of Lago Vista, Texas amending various sections of Chapter 14, the Lago Vista Zoning Ordinance, adding definitions and modifying the provisions related to required yards and their locations; and providing for related matters.

- Public Hearing (continued)
- Staff Presentation  
Roy Jambor provided a brief overview of the proposed ordinance.
- Close Public Hearing  
The public hearing was closed at 8:12 p.m.
- Council discussion and action

On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Ordinance No. 19-01-17-03. 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.

9. Approval of the December 6, 2018 Special Called workshop meeting minutes  
December 17, 2018 Council retreat minutes; and  
December 20, 2018 regular Council meeting minutes.

On a motion by Councilman Robbins, seconded by Councilman Weatherly, the Council voted unanimously to approve the consent agenda. Motion passed.

## **DISCUSSION**

10. City Manager Reports

Josh Ray, City Manager, reported that the Highland Lakes Golf Course property has been sold.

## **FUTURE MEETINGS**

11. Consider schedule and items for future Council meetings.

February 7 – Primavera Bike Race presentation, update on Scenic City certification.

## **EXECUTIVE SESSION – COUNCIL DID NOT CONVENE INTO EXECUTIVE SESSION**

12. Convene into a closed 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).

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

13. Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

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



Mayor Tidwell adjourned the meeting at 8:16 p.m.

Respectfully submitted,



  
\_\_\_\_\_  
Ed Tidwell, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Barton, City Secretary

On a motion by Mayor Pro Tem Williams, seconded by Councilman Weatherly, the above and foregoing instrument was passed and approved this 21<sup>st</sup> day of February 2019.