

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, FEBRUARY 21, 2019**

BE IT REMEMBERED that on the 21st day of February, 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	Dottie Palumbo	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
		Eric Belaj	City Engineer

EXECUTIVE SESSION

1. At 5:03 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 including a settlement agreement with American Girl Grill or retaining Kirk Swinney of Low Swinney Evans & James, PLLC to represent the City for the collection of the City's claim.
 - C. Consultation with Legal Counsel regarding a Water service agreement with Draper Estates.
 - D. Discuss Economic Development request for Feasibility Study.

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

1. At 6:31 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_

- B. Consultation with Legal Counsel regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto including a settlement agreement with American Girl Grill or retaining Kirk Swinney of Low Swinney Evans & James, PLLC to represent the City for the collection of the City's claim.
On a motion by Council Weatherly, seconded by Councilman Collins, the Council voted unanimously to authorize the City Manager to negotiate and sign a settlement agreement with authority as discussed in Executive Session.
- C. Consultation with Legal Counsel regarding a Water service agreement with Draper Estates.
No action
- D. Discuss Economic Development request for Feasibility Study.
No action

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

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.

Steve Curyk, 20500 Wishbone Dr., had questions regarding the apartments being built on Boggy Ford, the Anodamine facility and zebra mussels.

Ron Smith, 20609 Oak Ridge, had questions regarding the financial reports and CIP status.

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.
- c. Recognition of individuals, i.e. Proclamations
- d. Reminders regarding City Council events.
Mayor stated that he a few other Council members will be attending the Elected Officials conference at the end of next week.
- e. Reminders regarding community events.
The La Primavera Bike race will be held on March 2-3.
On Tuesday March 5, TXDOT is hosting an open house at the middle school from 5-7, the presentation is on the widening of 1431 from Bar-K to the Burnet County line.
- f. Health and safety announcements.

PRESENTATION

- 3. Mayor Tidwell to present the State of the City address.
Mayor Tidwell presented an oral presentation as well as a power point presentation.

PUBLIC HEARINGS

4. The Lago Vista City Council will hold a public hearing and discuss a potential conditional use permit approval pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow exceptions to the accessory building standards otherwise applicable at 4031 Outpost Trace (Country Club Estates, Section 9, Lot 2245A).

- Public Hearing (continued)
- Staff Presentation
Roy Jambor provided a brief overview of the proposed request. He stated that Staff, on the recommendation from Counsel, asked that Council remands this item back to the Planning and Zoning Commission to address any issues.
- Continue (leave open) Public Hearing*
- Council discussion
On a motion by Mayor Pro Tem Williams, seconded by Councilman Davila, the Council voted unanimously to remand this item back to the Planning and Zoning Commission.

*Pursuant to the advice of the City Attorney, the staff is asking that the City Council remand this request back to the Planning & Zoning Commission for a recommendation that includes additional exceptions that were not included in the original application.

5. The Lago Vista City Council will hold a public hearing, discuss and take possible action on Ordinance No. 19-02-21-01; An Ordinance of the City Council of the City of Lago Vista, Texas, amending Appendix A, Fee Schedule, Article 10.000, Parks and Recreation fees to modify 10.200, Golf Course Fees; providing a savings clause; providing a severability clause; and providing an effective date.

- Open public hearing
The public hearing was opened at 7:36 p.m.
- Staff presentation
Joshua Ray, City Manager provided the staff presentation and provided a summary of the proposed amendments and addressed questions from Council.
- Close Public Hearing
The public hearing was closed at 7:51 p.m.
- Council discussion and possible action
On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously to approve Ordinance No. 19-02-21-01 as presented. Motion passed.

ACTION ITEMS

7. Discussion and possible action regarding Resolution No. 19-1791; A Resolution by the City Council of the City of Lago Vista, Texas declaring certain real property owned by the City of Lago Vista to be surplus prior to subsequently considering the conveyance of that property in accordance with all applicable state regulations and in a manner beneficial to the City of Lago Vista.
Joshua Ray, City Manager provided a staff summary and recommends bringing this item back at the next Council meeting to make sure the documentation is correct.
On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously to table this item. Motion passed.

6. Discussion and consideration of Resolution No. 19-1790; 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 2017-2018.
Keith Neffendorf appeared to provide a summary of the highlights of the audit and addressed questions from Council.
Ron Smith, 20609 Oak Ridge, asked some questions about the management reserve account.
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Resolution No. 19-1790 accepting the presented audit.
8. Discussion and possible action on Ordinance No. 19-02-21-02; An Ordinance of the City of Lago Vista, Texas to adopt the Technical Construction Standard Specifications Manual (“TCSS Manual”) of the City of Lago Vista, Texas, 1st Ed., dated February 2019, providing an effective date, repealer, severability, proper notice and open meetings clause.
Eric Belaj, City Engineer provided a brief overview of the proposed manual and addressed questions from Council.
Ron Smith, 20609 Oak Ridge, asked a question about the page numbers of the document.
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Ordinance No. 19-02-21-02 adopting the TCSS Manual.
9. Discussion and possible action regarding recommendation of contract award for the construction of the Water Plant 1 Metal Building Installation Project.
Eric Belaj, City Engineer provided the staff summary and addressed questions from Council.
Ira Weisman with Gofers LLC also appeared to address questions from Council.
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to award the contract to Gofers LLC with the modification that the funding come from nonrestrictive interest.
10. Discussion and possible action regarding recommendation of the 2019 Swimming Pool Management Services Agreement with the YMCA of Greater Williamson County, and authorize the City Manager to execute the proposed agreement and terminate the existing agreement.
Joshua Ray and Eric Belaj addressed questions from Council.
On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously to approve authorization for the City Manager execute the proposed agreement and to terminate the existing agreement.
11. Discussion and possible action regarding the City of Lago Vista and Rusty Allen Airport Property Owners Association Funding Commitment Agreement.
Councilman Barthlow recused himself from this item on the agenda and provided an affidavit to the City Secretary.
Joshua Ray, City Manager provided the Staff summary and provided the latest revised version of a proposed agreement.
James Peck, 310 Flightline Dr., made comments regarding the proposed agreement.
Councilman Weatherly made a motion to approve the agreement with a modification that this be written as an individual funding agreement with the City on that one paragraph as opposed to “through the fence”. Change “through the fence” references to “funding”.
There was no second. Motion fails.

On a motion by Mayor Pro Tem Williams, seconded by Councilman Collins, the Council voted four (4) ayes (Collins, Williams, Weatherly, Robbins) to two (2) nays (Davila, Tidwell) and one (1) recusal (Barthlow) to approve the funding agreement as written. 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.

12. Approval of the January 17, 2019 Council meeting minutes.

On a motion by Mayor Pro Tem Williams, seconded by Councilman Weatherly, the Council voted unanimously to approve the consent agenda. Motion passed.

DISCUSSION

13. City Manager Reports

Joshua Ray, City Manager reported that they will continue to work with Legislators to try and find support for the CapMetro bill.

He also reported that the school system has responded back on our request to purchase some of their property. They have decided to keep their property. He has had discussion with two other property owners and this item will be brought back to Council in Executive Session.

FUTURE MEETINGS

14. Consider schedule and items for future Council meetings.

March 7 – Mayor may not be in attendance, Economic Development updates, appoint members to the YAC. Appoint members to Parks and Recreation and the Golf Course Advisory Committee vacancies.

Additional surplus properties.

April – CIP updates, update from Golf Course Manager

May – Chief Donnie to discuss Firewise

COUNCIL DID NOT CONVENE INTO EXECUTIVE SESSION AT THIS TIME

EXECUTIVE SESSION

15. 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):

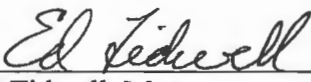
16. Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- 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 10:00 p.m.

Respectfully submitted,




Ed Tidwell, Mayor

ATTEST:


Sandra Barton, City Secretary

On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the above and foregoing instrument was passed and approved this 4th day of April 2019.