

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, APRIL 4, 2019**

**BE IT REMEMBERED** that on the 4<sup>th</sup> day of April, A.D., 2019, the City Council held a regular meeting at 5:02 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**

David Williams	Mayor Pro Tem	Joshua Ray	City Manager
Don Barthlow	Council Member	Danny Smith	Police Chief
Arch Davila	Council Member	Starr Lockwood	Finance Director
Tim Collins	Council Member	Erin Selvera	City Attorney
Dick Weatherly	Council Member	Roy Jambor	Dev. Svcs. Director
Frank Robbins	Council Member	Dave Street	IT Director
Ed Tidwell	Mayor	Eric Belaj	City Engineer

(arrived late)

**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 and deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person including but not limited to bids in response to the City's advertisement for the sale of real property located at 18001 Marshall's Point, 20705 Deep Creek, 20707 Deep Creek, 9103 Rolling Hills Trails and a modular building located at Highland Lakes Golf Course, approximately 2,200 sq. ft., Lago Vista, Texas; and also, the purchase of real property located at 20100 Dawn Drive, Lago Vista, Texas.
  - C. Consultation with Legal Counsel regarding a Water service agreement with Draper Estates.
  - D. Consultation with Attorney regarding legal options for solicitation of donations on utility bills for charitable purpose.
  - E. Consultation with Attorney to receive legal advice regarding possible annexation of City owned property located at 18001 Marshall Point Drive, Lago Vista, Texas.

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

2. At 6:40 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 deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person including but not limited to bids in response to the City's advertisement for the sale of real property located at 18001 Marshall's Point, 20705 Deep Creek, 20707 Deep Creek, 9103 Rolling Hills Trails and a modular building located at Highland Lakes Golf Course, approximately 2,200 sq. ft., Lago Vista, Texas; and also, the purchase of real property located at 20100 Dawn Drive, Lago Vista, Texas.  
No action taken
  - C. Consultation with Legal Counsel regarding a Water service agreement with Draper Estates.  
No action taken
  - D. Consultation with Attorney regarding legal options for solicitation of donations on utility bills for charitable purpose.  
No action taken
  - E. Consultation with Attorney to receive legal advice regarding possible annexation of City owned property located at 18001 Marshall Point Drive, Lago Vista, Texas.  
On a motion by Councilman Weatherly, seconded by Councilman Davila, Council voted unanimously to proceed with the annexation process for property located at 18001 Marshall Point Drive in accordance with the timeline prepared by the City Attorney and direct the City Secretary to commence publication of notices of two public hearings in the City Council Chambers at 5803 Thunderbird in Lago Vista, Texas on May 2, 2019 at 6:30 p.m. and May 16, 2019 at 6:30 p.m. Motion passed.

**CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE, PLEDGE TO 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.

Dick Starie, P.O. Box 4404, expressed his interest to serve on the Golf Course Advisory Committee.

**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  
 City Manager, Josh Ray wanted to recognize the Public Works Department, Parks and Rec Dept. and the Development Services Department for successfully submitting a grant to the Parks and Wildlife for Phase II of our city park project. The grant is for \$500,000 and it does require a match from the City, which has been planned for at the beginning of the budget year.  
 Lakeside at Tessera was named the Masterplan of the Community of the year.  
 KLVB applied for the Governor's Award and received a score above 90 out of 100 and came in 2nd in our population.  
 Mayor announced that Lago Vista was rated #1 in Travis County as the best place to buy a home.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.  
 Mayor advised that the trash off is this weekend, pickup on Mean Trail, and household hazardous waste collection at the swimming pool parking lot on Saturday.  
 Lago Fest is in May and volunteers are needed.
- f. Health and safety announcements.

## **PRESENTATIONS**

3. Scenic City update  
 Councilman Davila announced that the City's Scenic City application has been accepted and thanked Councilman Weatherly and Councilman Robbins and Roy Jambor for their help.

## **PUBLIC HEARINGS AND DISCUSSION**

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, Development Services Director provided the staff presentation and addressed questions from Council.  
 William Brown, Twisting Trail, made comments regarding item #5.
  - Close Public Hearing  
 The public hearing was closed at 7:03 p.m.
  - Council Action  
 On a motion by Mayor Pro Tem Williams, seconded by Councilman Weatherly, Council voted unanimously to approve this application according to the changes that were made at P&Z. Motion passed.

\*The City Council remanded this request back to the Planning & Zoning Commission for a recommendation pursuant to a public hearing on March 28, 2019 that includes additional exceptions that were not included in the original application.



5. The Lago Vista City Council will hold a public hearing for discussion only of 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 20703 Twisting Trail (Country Club Estates, Section 10, Lot 2803B).
  - Open Public Hearing  
The public hearing was opened at 7:06 p.m.
  - Staff Presentation  
Roy Jambor provided the staff presentation and addressed questions from Council. He stated that the P&Z recommended to not approve this request.  
Mr. Brown, Twisting Trail requested approval and addressed questions from Council.
  - The public hearing was left open
  - Council Discussion  
No action taken on this item.

## **ACTION ITEMS**

6. Discussion and action on Resolution 19-1793; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Parks and Recreation Advisory Committee; and to otherwise provide with respect thereto.  
Josh Ray provided a staff summary.  
On a motion by Councilman Barthlow, seconded by Councilman Weatherly, Council voted unanimously to approve Resolution No. 19-1793, appointing Steve Johnston to the Parks and Recreation Advisory Committee. Motion passed.
7. Discussion and action on Resolution No. 19-1794; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Golf Course Advisory Committee; and to otherwise provide with respect thereto.  
Josh Ray provided the staff summary.  
On a motion by Councilman Weatherly, seconded by ????, Council voted unanimously to approve Resolution No. 19-1794, appointing Tom Voth to the Golf Course Advisory Committee. Motion passed.
8. Discussion, and possible Action on Resolution 19-1795; 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 Public Utilities Commission; certifying that the City is requesting consideration of the application for a certificate of convenience and necessity for water and wastewater.  
Eric Belaj, City Engineer provided the staff summary and addressed questions from Council.  
On a motion by Mayor Pro Tem Williams, seconded by Councilman Robbins, Council voted unanimously to approve Resolution No. 19-1795 as presented. Motion passed.
9. Discussion and possible action concerning the funding commitment agreement for the Rusty Allen Airport between the City of Lago Vista and Rusty Allen Airport Property Owners Association, Inc.  
Josh Ray, City Manager provided the staff summary.

Councilman Collins made comments and asked questions regarding the current agreement.

On a motion by Councilman Collins to increase the dollar amount.

Erin Selvera, City Attorney clarified that this agreement was fully executed by all the parties, so the City would have to put together an amendment or addendum to this agreement and go back to the Airport Association to get their agreement on it. Unilaterally, the Council cannot make these changes. Also, the motion to reconsider Council vote, must be made before the document is executed.

After discussion, Councilman Collins withdrew his motion.

No further action taken.

## **TABLED ITEM**

10. Discussion and possible action on a Resolution 19-1791 by the City Council of the City of Lago Vista, Texas declaring certain real property owned by the City of Lago Vista to be exempt property pursuant to Texas Local Government Code Section 272.001(b) prior to subsequently considering the conveyance of that property in accordance with applicable state laws and in a manner beneficial to the City of Lago Vista.

On a motion by Councilman Robbins, seconded by Councilman Weatherly, Council voted unanimously to table this item. 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.

11. Approval of the February 21, 2019 and March 7, 2019 Council meeting minutes.

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

## **DISCUSSION**

12. Discussion only of a funding assistance request from the Turnback Canyon Trail Conservancy.

Josh Ray, City Manager provided the staff summary. The request is for \$2,000 to use to build a citywide trail system.

No action taken at this time. It will be brought back at the next Council meeting for action.

13. City Manager Reports

Josh Ray stated that the Council had a good meeting with the School Board.

## **FUTURE MEETINGS**

14. Consider schedule and items for future Council meetings.

Chief Donnie Norman will do a Firewise presentation on May 2, along with an update on their new building.

April 18 – discuss process of filling vacancies for the Youth Advisory Committee.

**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 8:11 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 2<sup>nd</sup> day of May 2019.