

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, DECEMBER 20, 2018**

BE IT REMEMBERED that on the 20th day of December, A.D., 2018, the City Council held a regular meeting at 6:30 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	Chris Godwin	Golf Course Manager
David Williams	Mayor Pro Tem	Dave Street	IT Director
Frank Robbins	Council Member	Starr Lockwood	Finance
		Roy Jambor	Dev. Srvs. Director
		(arrived late)	

Mayor Tidwell called the regular meeting to order and recognized that all Council Members were present. Other staff in attendance: Chris Godwin. 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.

Ron Smith, 20609 Oak Ridge, had questions regarding the code of ordinances and the City Charter. Joshua Ray, City Manager addressed some of his questions. Dale Mitchell, 20908 South Ridge, thanked City employees for their help in the flood cleanup.

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.
Mayor Tidwell advised all that City Hall will be closed December 24th and 25th and on January 1, 2019.
- c. Reminders regarding City Council events.
- d. Reminders regarding community events.
- e. Health and safety announcements

ACTION ITEMS

- 6. Discussion and possible action regarding Lago Vista Village lease agreement between the City of Lago Vista and LVV Investments LLC.
Mayor Tidwell explained the process that the City has been following regarding the move of City Hall.

Joshua Ray, City Manager provided an oral overview of the proposed lease agreement and addressed questions from Council.

JoAnne Smith, 20609 Oak Ridge, made comments in opposition of City Hall moving to Lago Vista Village.

Kevin Sullivan, 3933 Outpost Trace, made comments in opposition of City Hall moving to Lago Vista Village.

Merlene West, 3300 Mt. Vernon Ave., made comments in opposition of City Hall moving to Lago Vista Village.

Letha Guy, 20904 S. Ridge, made comments in opposition of City Hall moving to Lago Vista Village.

Laurie Dick, 5914 Lago Vista Way, made comments in opposition of City Hall moving to Lago Vista Village.

Dick Starie, P.O. Box 4404, made comments in opposition of City Hall moving to Lago Vista Village and had questions regarding Comprehensive Plan.

Jane Brunclik, 21815 Tallahassee, made comments in opposition of City Hall moving to Lago Vista Village.

Elke Tessnow, 21604 Mt. Laurel Dr., made comments in opposition of City Hall moving to Lago Vista Village.

Gerald Nilsson-Weiskott, 5900 Camille Ct. thanked Council members and made comments in opposition of City Hall moving to Lago Vista Village.

Chris McMahon, 5305 Country Club Drive, made comments in opposition of City Hall moving to Lago Vista Village.

Anita Cunningham, 5312 Canyon Oaks Drive, made comments in opposition of City Hall moving to Lago Vista Village.

Dale Mitchell, 20908 South Ridge, made comments in opposition of City Hall moving to Lago Vista Village.

Clive Rutherford, 20632 Highland Lakes Dr., made comments in opposition of City Hall moving to Lago Vista Village.

On a motion by Councilman Barthlow, seconded by Councilman Davila, the Council voted unanimously to not move forward with City Hall moving in the Lago Vista Village lease space. Motion passed.

7. Discussion and possible action regarding recommendation of contract award for the remodeling construction of the New City Hall Project.

Joshua Ray stated that based on the previous action, Staff would recommend rejecting the proposed award for this project.

On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to rescind this contract. Motion passed.

Council took a recess from 8:46 p.m. to 8:53 p.m.

4. Discussion and possible action regarding Resolution No. 18-1784; A Resolution by the City Council of the City of Lago Vista, Texas supporting the Legislative creation of a special district in the corporate limits of the City of Lago Vista, Texas.

Joshua Ray provided a brief overview of the proposed request.

Steve Robinson appeared to request going forward with the proposed request.

Ron Smith, 20609 Oak Ridge, asked a question regarding infrastructure and made comments regarding the water tower service area.

On a motion by Councilman Robbins, seconded by Councilman Weatherly, the Council voted unanimously to approve Resolution No. 18-1784 as presented. Motion passed.

5. Discussion and possible action regarding Resolution No. 18-1785; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the Mayor, City Council and City Manager to communicate to the City's State Legislators for support and sponsorship of a bill to clarify the ballot language of Section 451.607(C) of the Texas Transportation Code and to eliminate the five (5) year moratorium on the election to withdraw and to provide for the financial obligation of a withdrawn unit.

Ron Smith, 20609 Oak Ridge, asked questions regarding who will represent the City and the financial obligation.

On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Resolution No. 18-1785 as presented. Motion passed.

PUBLIC HEARINGS AND ACTION

1. Public Hearing, discussion and action on Ordinance No. 18-12-20-01; An Ordinance amending Appendix A "Fee Schedule," Article 3.000 "Building Related Fees," to amend Section Sec. 3.100 "Building Permit Fees," Article 5.000 "Subdivision Fees," Article 6.000 "Utility Related Fees," to amend Section 6.100 "Impact and Tap Fees," and Section 6.200 "Utility Rates and Fees" of the Code of Ordinances.

- Public hearing (continued)
- Staff Presentation
Josh Ray provided a brief Staff presentation.
- Public hearing
Doug Casey, 2007 Mockingbird Street, local builder asked what the necessity was for increasing the costs and the negative impact this may have. Josh Ray stated that they have had conversation with a local builder regarding the change.
The public hearing was closed at 9:15 p.m.
- Council action
On a motion by Councilman Robbins, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve Ordinance No. 18-12-20-01 as presented. Motion passed.

2. Public Hearing, discussion and possible action regarding Ordinance No. 18-12-20-02; 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.

- Public hearing
The public hearing was opened at 9:16 p.m.
Councilman Weatherly stated that he spoke with members of the Golf Course Advisory Committee and they had no objections.
- Staff Presentation
Joshua Ray provided a summary and Chris Godwin also provided a brief summary of the proposed amendment regarding daily play fees and addressed questions from Council.
- The public hearing was closed at 9:19 p.m.
- Council action

On a motion by Mayor Pro Tem Williams, seconded by Councilman Weatherly, the Council voted unanimously to approve Ordinance No. 18-12-20-02 as presented.

ACTION ITEMS

8. Discussion and possible action regarding Ordinance No. 18-12-20-03; An Ordinance of the City Council of the City of Lago Vista, Texas, amending Section 9.2007 of Article 9.2000 of Chapter 9 of the Lago Vista Code of Ordinances; providing a savings clause; severability clause; effective date, open meetings clause; and providing for related matters.
Joshua Ray, City Manager and Councilman Weatherly provided a summary of the proposed amendment.
Ron Smith, 20609 Oak Ridge made comments in opposition of this amendment changing who the Committee reports to.
Kevin Sullivan, 3933 Outpost Trace, made comments in opposition of this amendment.
Councilman Weatherly made a motion by approve Ordinance No. 18-12-20-03.
Councilman Davila made a motion to amend his motion; making a motion to deny Ordinance No. 18-12-20-03; Councilman Weatherly agreed to this amendment. The amended motion was seconded by Mayor Pro Tem Williams. The Council voted six (6) ayes (Barthlow, Collins, Davila, Williams, Tidwell, Robbins) to one (1) nay (Weatherly) to approve the amended motion to deny Ordinance No. 18-125-20-03. 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.

Councilman Davila requested that items 10 and 11 be removed from consent agenda.

9. Approval of the November 1, 2018 and November 15, 2018 Council meeting minutes.
On a motion by Councilman Davila, seconded by Councilman Weatherly, the Council voted unanimously to approve item #9 on the consent agenda. Motion passed.
10. Discuss and consider acceptance of the parkland donation deed for Lot 1, Block P and Lot 13, Block D executed by Hines Lake Travis II, Limited Partnership, pursuant to the Restated Tessera Development Agreement, as amended, subject to legal review of title report and clean title.
Council discussed and Joshua Ray and Erin Selvera, City Attorney provided clarification of the lot description.
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to approve this with the appropriate changes to the property description.
11. Discussion and possible action regarding the creation of a Building Standard Commission.
Joshua Ray, City Manager and Erin Selvera, City Attorney provided clarification of the proposed changes and addressed questions from Council.
Staff given direction to draft an ordinance and bring back at next Council meeting.

3. Discussion and consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Library Advisory Board, Parks and Recreation Advisory Committee, Planning and Zoning Commission, Golf Course Advisory Committee and the Economic Development Advisory Committee.

Paul Prince, 20308 Dawn Drive, made comments regarding appointments to various committees.

- A. Resolution No. 18-1776; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to fill expiring terms as regular members on the Airport Advisory Board; and to otherwise provide with respect thereto.

Kevin Sullivan made comments in opposition of appointed Howard Hoover and reappointing members to the Library Board.

On a motion by Councilman Robbins, seconded by Councilman Weatherly, the Council voted six (6) ayes (Collins, Davila, Williams, Tidwell, Weatherly, Robbins) to one (1) abstention (Barthlow) to appoint Elke Tessnow, Linda Aird and Michael Miskie.

- B. Resolution No. 18-1777; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to fill expiring terms and two individuals to fill vacancies for unexpired terms as regular members of the Board of Adjustment; and to otherwise provide with respect thereto.

On a motion by Councilman Collins, seconded by Councilman Weatherly, the Council voted unanimously to appoint Linda Aird and Howard Hoover with a term expiring in 2020 and appoint Jeff Cannon, Jim Guy and Paul Prince with terms expiring in 2021.

- C. Resolution No. 18-1778; A Resolution by the City Council of the City of Lago Vista, Texas appointing four individuals to fill expiring terms and one individual to fill a vacant, unexpired term as regular members of the Building Committee, and to otherwise provide with respect thereto.

On a motion by Councilman Davila, seconded by Councilman Weatherly, the Council voted unanimously to appoint Karen Van Ness with a term expiring in 2020; appoint Jim Cason, Stormy Johnson, Paul Prince and Jacob Lantz with terms expiring in 2021.

- D. Resolution No. 18-1779; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to full terms as members on the Library Advisory Board.

On a motion by Councilman Barthlow, seconded by Councilman Weatherly, the Council voted unanimously to reappoint Peggy Gibson, Sharon Macut and Michael Zaydel with terms expiring in 2021.

- E. Resolution No. 18-1780; A Resolution by the City Council of the City of Lago Vista, Texas appointing four individuals to fill expiring terms as regular members of the Parks and Recreation Advisory Committee; and to otherwise provide with respect thereto.

On a motion by Councilman Weatherly, seconded by Councilman Robbins, the Council voted unanimously to rescind Stephanie Smith's Committee resignation.

On a motion by Councilman Barthlow, seconded by Councilman Weatherly, the Council voted unanimously to appoint Patricia Nixa, Karen Van Ness, Danny Carroll and Irene Carrillo with terms expiring in 2021.

- F. Resolution No. 18-1781; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to fill expiring terms as regular members of the Planning and Zoning Commission; and to otherwise provide with respect thereto.
On a motion by Mayor Pro Tem Williams, seconded by Councilman Robbins, the Council voted unanimously to appoint Richard Brown, Tom Monahan and Andy White with terms expiring in 2021.
- G. Resolution No. 18-1782; A Resolution by the City Council of the City of Lago Vista, Texas appointing members to the Golf Course Advisory Committee.
On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously to reappoint Eric Hutchins and Joe LeDonne with terms expiring 2021 and appoint David Frazza, Chip Hamilton and Dwaine Cotton with terms expiring in 2020.
- H. Resolution No. 18-1783; A Resolution by the City Council of the City of Lago Vista, Texas appointing individuals to terms as members on the Economic Development Committee.
On a motion by Mayor Pro Tem Williams, seconded by Councilman Davila, the Council voted unanimously to appoint Robert Hunt with a term expiring in 2020 and appoint Russell Murphy and Robin Sumners with terms expiring in 2021.

DISCUSSION

- 12. City Manager Reports
No report.

FUTURE MEETINGS

- 13. Consider schedule and items for future Council meetings.
On January 3rd Mayor will have a vendor coming to give a presentation.

EXECUTIVE SESSION

- 14. At 10:38 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 a lease with Lago Vista Village; legal issues regarding dispute and a Settlement Agreement with DAPB, Inc. and David Buttross relating the void sale of the Highland Lakes Golf Course;

and legal issues regarding an amended contract for Sale of the Highland Lakes Golf Course to Ezequiel Choe including an access and lease agreement to make improvements.

- 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 discuss or deliberation 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.
- E. Discussion regarding appointments to the Planning and Zoning Commission and the Board of Adjustment.
- F. Consultation with Legal Counsel regarding legal issues pertaining to Highland Lakes Golf Course.

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

15. At 11:18 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 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 a lease with Lago Vista Village; legal issues regarding dispute and a Settlement Agreement with DAPB, Inc. and David Buttross relating the void sale of the Highland Lakes Golf Course; and legal issues regarding an amended contract for Sale of the Highland Lakes Golf Course to Ezequiel Choe including an access and lease agreement to make improvements.
No action taken
- C. Consultation with Legal Counsel and possible action regarding contractual claims or possible claims or charges, contractual modifications, and questions related thereto.
No action taken
- D. Consultation with Legal Counsel, 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.
No action taken

E. Action regarding appointments to the Planning and Zoning Commission and the Board of Adjustment.
No action taken

F. Consultation with Legal Counsel and possible action regarding legal issues pertaining to Highland Lakes Golf Course.
On a motion by Councilman Weatherly, seconded by Mayor Pro Tem Williams, the Council voted unanimously to authorize the City Manager to retain Lowe, Sweeney, Evans and James pertaining to legal issues with the Highland Lakes Golf Course.

Mayor Tidwell adjourned the meeting at 11:19 p.m.

Respectfully submitted,



Ed Tidwell
Ed Tidwell, Mayor

ATTEST:

Sandra Barton
Sandra Barton, City Secretary

On a motion by Councilman Robbins, seconded by Councilman Weatherly, the above and foregoing instrument was passed and approved this 17th day of January 2019.