

1. Agenda

Documents:

[001 AGENDA-CC-FEB-02-23 REG MTG.PDF](#)
[AGENDA-CC-FEB-02-23 REG MTG PAK.PDF](#)

Mayor
Ed Tidwell

Mayor Pro-Tem
Paul Prince



Council Members
Gage Hunt
Kevin Sullivan
Rob Durbin
Chelanie Marion
Paul Roberts

**AGENDA
CITY COUNCIL
REGULAR SESSION**

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular session on Thursday, February 2, 2023, beginning at 5:30 PM with Executive Session, in City Council Chambers 5803 Thunderbird Lago Vista, TX, as prescribed by Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/940105005>

You can also dial in using your phone.

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United States: +1 (571) 317-3122

- One-touch: <tel:+15713173122,,940105005#>

Access Code: 940-105-005

CALL TO ORDER, CALL OF ROLL

1. EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

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

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

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

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.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

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

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned boards, committees, and commissions. Council Liaisons may also bring forward items from their assigned board, committees, and commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public.

- 3. Routine Reports from City staff.
- 4. Routine Reports from City Council Board/Committee/Commission Liaisons.

PRESENTATIONS

- 5. Presentation to provide an update on the FY2023 City Work Plan Goals and Objectives.

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.

6. Consider approval of the January 5, 2023, meeting minutes.
7. Consider approval of Resolution 23-1988; A Resolution by the City Council of Lago Vista, Texas declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a manner which is beneficial to the City of Lago Vista.

ACTION ITEMS

8. Discussion, consideration and possible action regarding an agreement with Freese & Nichols to conduct a citywide Traffic Safety Analysis and authorizing the City Manager to execute an agreement.
9. Discussion, consideration, and possible action regarding a contract with Asphalt Inc. LLC dba Lone Star Paving Company to resurface six (6) City Streets and authorize the City Manager to execute the Contract.
10. Discussion, consideration, and possible action regarding a modification to the City of Lago Vista Personnel Policies and Procedures related to Police Officer Work Periods and Work Schedules.
11. Discussion, consideration, and possible action regarding Ordinance No. 23-02-02-01; An Ordinance amending the City of Lago Vista Rules of Procedures, Article 7, section 8, subsections 9 - 11.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 5:20 p.m. on the 26th day of January 2023.

Lucy Aldrich

Lucy Aldrich, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

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MEETING DATE: February 2, 2023

CALL TO ORDER:

AGENDA ITEM: CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE, INVOCATION

Comments:

ADJOURN:

TURN RECORDER OFF

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Hunt _____; Sullivan _____; Durbin _____; Marion _____;

Tidwell _____; Roberts _____; Prince _____

Motion Carried: Yes _____; No _____

MEETING DATE: February 2, 2023

AGENDA ITEM: EXECUTIVE SESSION

Comments:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

MEETING DATE: February 2, 2023

AGENDA ITEM: RECONVENE FROM EXECUTIVE SESSION

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Citizens

Subject: Citizen Comments

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

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.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Citizen Comments

Agenda Item Approved by City Manager



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Mayor Tidwell/Council

Subject: Items of Community Interest

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

For this agenda, we have included the items that can be communicated under this section. Those items are:

- a. Expressions of thanks, gratitude, and condolences
- b. Information regarding holiday schedules
- c. Recognition of individuals, including Proclamations
- d. Reminders regarding City Council events
- e. Reminders regarding community events
- f. Health and safety announcements

No action is required for these items.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Items of Community Interest

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.26 08:25:25 -06'00'



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Mayor

Subject: Staff and Council Liaison Reports

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

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3. Routine Reports from City staff.
4. Routine Reports from City Council Board/Committee/Commission Liaisons.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Staff and Council Liaison Reports

Agenda Item Approved by City Manager



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Tracie Hlavinka, City Manager

Subject: Presentation to provide an update on the FY2023 City Work Plan Goals and Objectives.

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

During the FY2022-2023 budget process, the City Council adopted the FY2023 City Work Plan that includes eight (8) goals with objectives and action items. These goals and objectives were a product of the Strategic Planning Session that took place last February. This is the first update to the City Work Plan.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Presentation to provide an update on the FY2023 City Work Plan Goals and Objectives.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.25 11:46:14 -06'00'



CITY COUNCIL WORK PLAN FY2023 Goals and Objectives

CITY COUNCIL VISION STATEMENT

To be a diverse City of Choice for businesses and residents alike as a result of our location, natural resources, culture, and educational opportunities.

The following items are included in the FY2023 goals and objectives for the City:

GOAL 1) ENHANCE THE QUALITY OF LIFE FOR LAGO VISTA RESIDENTS

- A. Develop and update the 2022-2027 Capital Improvement Plan.
CITY COUNCIL, CITY MANAGER, PUBLIC WORKS, PARKS AND RECREATION
 - A 2022-2027 Capital Improvement Plan was developed for the FY2022-2023 Budget. There will be updates made to the five (5) year plan once the Wastewater and Water Master Plan, and the traffic analysis are completed.
- B. Implement the FY2023 Capital Improvement Plan.
PUBLIC WORKS AND PARKS AND RECREATION
 - Street Rehabs – Bids were due on Jan 19th, 2023. The City Council will consider awarding a contract at the February 2, 2023, Council Meeting. For the remaining streets left on the Paving Plan from 2019, street crews are gathering data for the decision matrix. The data will contain the following: condition of roadway, base failures, length of road, average width of road, if utilities are installed along entire length, and percent buildout of the road. This will allow a re-prioritization of the roads needing rehab and accurate costs of proper treatment. This information is planned to be available for presentation at the Strategic Planning meeting in February.
 - Sunset Park Driveway – Plans are 95% complete and are currently being reviewed by TxDOT.
 - Water Master Plan/Working Water Model – Kickoff meeting was held at the end of November, and it is in the early stages of being produced.
 - Wastewater Master Plan – It is in the final stages of development.
 - Alfalfa Property – An RFQ needs to be put on the street for this work. Also, will need to get clarification from Council on if they are wanting a Solid Waste Transfer Station, or just a place for residents to

dispose of household debris that was damaged during natural disasters.

- Bar-K to Bronco Waterline – Plans are 95% complete. Will be finalizing the plan set and putting out an RFP by end of February.
- Type 1 Effluent Pond Conversion at Cedar Breaks – no movement has been made on this project as we are currently exploring the option of switching the treatment process to Type 1 at the WWTP.
- Traffic Safety Analysis – At the direction of the Council, this scope was finalized by Freese & Nichols in the first week of January along with costs. We will be presenting it to the Council at the first meeting in February.
- Staff met with vendors for the basketball bank shot and received pricing and layout at Sunset Park.
- Staff met with two companies to discuss a skate pad at Sunset Park. Visits were made to the skate pad in Pflugerville.
- Four of seven solar lights have been installed at Sunset Park.

C. Initiate an election to withdraw from Capital Metropolitan Transportation Authority.

1. Prepare language for a proposition to withdraw from CapMetro to be included in the November election.
 - The City Council began discussion on July 21, 2022, and then called for an election at the August 4, 2022, meeting. Language for the November ballot was approved at the August 18, 2022, Council Meeting.
2. Prepare Voter Flyer to provide voters with information.
 - Staff began drafting a Voter Guide on August 15, 2022. After several revisions from staff and the City Council, a final document was posted on the City website, mailed to every utility account, and posted on social media. The Voter Guide was produced in both English and Spanish.
3. Prepare a video with information for social media.
 - Staff reached out to Fran Lehman in late August to discuss production of a video to visually articulate the CapMetro information for the election. The City Council assisted with the script and gave feedback for the video. The video was completed in mid-September and placed on the City website, social media and shown at the Town Hall meeting.
4. Host a Town Hall meeting in October to provide transparency and provide information.
 - Staff prepared a PowerPoint presentation for the CapMetro Town Hall. A FAQ sheet was developed by staff and Council to assist with understanding Proposition A and Proposition B.
 - A Town Hall was held on October 12, 2022, one week before Early Voting. Both the City and CapMetro representatives were present.
5. Investigate alternative options for public transportation should voters decide to withdraw from the CapMetro services.
 - During the October 20, 2022, City Council Meeting, the City Manager presented a presentation regarding alternate transportation options. After Council directed staff, the City Manager drafted an RFP with a detailed scope of work. The RFP was posted to the City website and

on DemandStar. The RFP was rescinded after learning the results of the election.

CITY COUNCIL, CITY MANAGER, CITY ATTORNEY, CITY SECRETARY AND PUBLIC INFORMATION OFFICER

D. Explore the possibility of a Green Center at the Alfalfa city owned property.

1. Conduct a site development plan for the property.
2. Investigate environmental concerns depending on what will be disposed of at the site.

- The City Manager and Public Works Director have been exploring the possibility of a transfer station within the Green Center property. This type of facility would assist waste collection for local municipalities while providing a way to generate revenue to alleviate some solid waste costs. This type of facility would also be utilized for natural disaster debris. Staff will continue to collect information to provide to Council in the coming months.

PUBLIC WORKS DEPARTMENT

E. Continue enhancements at Sunset Park

1. Meet the requirements for the Texas Parks and Wildlife Grant.
 - Working on basketball bank shot, skate pad, and solar lighting to meet requirements of the grant. Will also be adding tables, benches, and signage to meet requirements.
2. Provide appropriate fencing for soccer fields.
 - Have acquired bids for the fencing and will begin construction late January.
3. Transition from Type 2 effluent water to Type 1 effluent water.
 - Currently staff has been gathering information and cost for these enhancements. This will be a part of the Strategic Planning discussions in February.
4. Include ADA components in the existing playground equipment.
 - Have selected the ADA equipment and will install it in the summer.

PARKS AND RECREATION AND PUBLIC WORKS

F. Initiate a Certificate of Obligation Bond for the street rehabilitation program, water and wastewater infrastructure and golf course effluent irrigation.

- The City Council confirmed that they would be initiating a Certificate of Obligation Bond for street rehabilitation, water and wastewater infrastructure, and effluent disbursement provided by the golf course irrigation. The Council will discuss which projects and amounts they will put on the CO bonds, as well as how they will finance at the February Strategic Planning meeting. Once those decisions are made, an agenda item will be placed on the City Council's agenda to call for a Certificate of Obligation Bond. This bond does not require voter approval.

CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL

GOAL 2) CONTINUE COLLABORATIVE EFFORTS

A. Work cooperatively with Travis County ESD

1. Continue meeting with the Travis County Fire Chief to discuss cooperative efforts and stay abreast of issues within the community.
 - The City Manager and Fire Chief have met on numerous occasions to discuss cooperative efforts or just keep each other apprised of

current events within the organizations. Those meetings occurred on: January 5, 2022, January 13, 2022, February 10, 2022, April 2, 2022, May 26, 2022, September 2, 2022, November 1, 2022, and December 21, 2022.

2. Renew the Interlocal Agreement for Emergency Management Services
 - The Mayor, Staff and the ESD 1 Chief worked to update the Interlocal Agreement for Emergency Management Services. The revised agreement was considered and approved by the ESD 1 Board at the January 11, 2023, Board Meeting.
3. Present the revised Interlocal Agreement for Emergency Management Services to City Council
 - The City Council approved the revised Interlocal at the January 19, 2023, Council Meeting.

CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL

B. Work cooperatively with the Lago Vista Independent School District

1. Assist with street signage and tree trimming to provide safe routes for ISD bus service.
 - Public Works is in constant contact with LVISD. At the beginning of the school year the district provided a list of streets needing signage and trees needing trimming for the safe passage of school buses.
2. Provide additional Officer appearance at school zones and schools.
 - This has been a focus for the new Police Chief. Officers were highly visible on the first day of school greeting students and when school resumed after the holidays. There has been increased traffic control in all school zones. Officers have also been visiting students inside the schools.
3. Work to provide a traffic plan for the elementary school on Dawn Drive.
 - This location will be analyzed during the traffic safety analysis, which will come before the City Council at the February 2, 2023, Council meeting.

CITY MANAGER, PUBLIC WORKS AND POLICE DEPARTMENT

C. Work with the Lago Vista Property Owners Association (LVPOA)

1. Work to resolve the assessment issue with LVPOA.
 - The City Manager met with the LVPOA on January 13, 2023, to discuss the City Work Plan, Lago Fest and the city owned properties. At the January 19, 2023, Council meeting the City Council approved a resolution to designate all properties within the LVPOA as public use. This is to assist the LVPOA with cleaning their records and elevating the assessment issue. The City Manager emailed the signed Resolution to the LVPOA on January 20, 2023.

CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL

D. Work with local jurisdictions and TXDOT to improve conditions along 1431

1. Collaborate with Jonestown, Point Venture, Travis County, CAPCOG and TXDOT to provide input and feedback on the safety concerns regarding 1431.
2. Work with all surrounding jurisdictions to discuss evacuation plans in the event of an emergency.
 - Staff attended the Community Evacuation Preparedness Seminar.

CITY MANAGER, PUBLIC WORKS, POLICE DEPARTMENT AND CITY COUNCIL

E. Work with the Rusty Allen Airport Property Owners Association and property owners to develop a Through The Fence Agreement for both residential and commercial that would put the Rusty Allen airport in good standing with the Federal Aviation Administration.

- The City Council began discussions regarding the Rusty Allen Airport and the five-year agreement in October of 2021. Since then, the City Council has considered drafts for the commercial and residential Through The Fence Agreements on March 17, 2022, April 7, 2022, May 12, 2022, June 9, 2022, June 13, 2022, June 30, 2022, July 7, 2022, and December 15, 2022. Staff and Council continue to work with the RAPOA to find an amenable resolution.

CITY MANAGER, CITY ATTORNEY, PARKS AND RECREATION AND CITY COUNCIL

F. Work with the Turnback Canyon Trail Conservancy.

1. Coordinate with the conservancy organization to find a way to assist with the construction of the Turnback Canyon Trail.
 - The City Manager met with the organizers for the Turnback Canyon Trail on September 1, 2022, to discuss the Council's concerns and how the City and non-profit could work together to accelerate this project. The Parks and Recreation Director met with the group in January and advised the conservancy to get a grant administrator.
2. Make a presentation to the City Council explaining the collaborative effort.
 - The Turnback Canyon Trail Conservancy will be making a presentation to the Parks and Recreation Committee in February and then come before the City Council in March.
3. Work with the Conservancy to meet the obligations of the Texas Parks and Wildlife Grant.

CITY MANAGER, CITY ATTORNEY, PARKS AND RECREATION AND CITY COUNCIL

GOAL 3) MAINTAIN A SAFE, CLEAN, AND ATTRACTIVE COMMUNITY

A. Conduct a strategic review of city ordinances to bring current with state laws and address those in need of updating.

1. Update the Sign Ordinance to address content neutrality.
 - The Sign Ordinance has been drafted and is in the City Attorney's possession to make sure we adhere to all current laws. This will then go back to the Building and Standards Commission before coming to the City Council.
2. Amend the Animal Ordinance to address state laws.
 - A Work Session was held August 4, 2022, to discuss changes to the Animal Ordinance. The recommendation from the Interim Police Chief was to make changes necessary to follow state law and do a further review once the new Chief was on board. The Council approved changes to the ordinance at the August 18, 2022, Council meeting.
3. Adopt a Contractor Registration Ordinance.

- The City Council approved the Contractor Registration Ordinance on October 5, 2022. The announcement of this new program was placed on the city website and staff have been working to make contractors aware as they come to pull permits.

CITY COUNCIL, PLANNING AND ZONING, DEVELOPMENT SERVICES AND POLICE DEPARTMENT

B. Continue to enhance amenities at Sunset Park

1. Design and construct a safe entrance to Sunset Park
 - Sunset Park Driveway – Plans are 95% complete and are currently being reviewed by TxDOT.
2. Complete the requirements of the Texas Parks and Wildlife Grant with the proper amenities.
 - Staff met with vendors for the basketball bank shot and received pricing and layout at Sunset Park.
 - Staff met with two companies to discuss a skate pad at Sunset Park. Visits were made to the skate pad in Pflugerville.
 - Four of seven solar lights have been installed at Sunset Park.
3. Seek reimbursement from the Texas Parks and Wildlife after meeting the requirements of the grant.

PARKS AND RECREATION AND FINANCE

C. Complete the Emergency Response Annexes to include in the Emergency Management Plan with Travis County ESD.

- Staff completed several annexes prior to the City of Lago Vista entering into an Interlocal Agreement with Travis County ESD1 for Emergency Services. Thus far annexes for Warning, Communications, Shelter & Mass Care, and Donations have been drafted. The City will share these annexes with ESD1 to have them incorporated in the Emergency Management Plan.

ALL DEPARTMENTS AND CITY COUNCIL

D. Hire another Code Enforcement Officer and Building Inspector to assist with property maintenance and building codes.

- There is no activity to report at this time.

DEVELOPMENT SERVICES AND HUMAN RESOURCES

E. Begin the civil process to address the abatement of Lago Vista Way.

1. Hire a contractor to clean the area, remove the substandard wall and secure the area with fencing.
 - Code Enforcement has reinspected the site and photographs were taken of current conditions. Staff will be contacting ATS for a third-party engineer to inspect and provide a report. This property will be coming before the Building and Standards Commission in March.
 - The Mayor and City Manager have also been working with Travis County Commissioners Howard and Shea to discuss how they can assist with the securing of the property once it has been cleared. Travis County is responsible for four (4) of the condemned condos.
2. Place liens on property owners who have not abated the illegal dumping and substandard structures.
 - Code Enforcement researched current owners, lienholders and mortgagees. Letters will be mailed certified mail to the owners making them aware of the property maintenance issue.

- Prior to Building and Standards deeming the property substandard, dangerous notices will be posted and a hearing date will be determined.

DEVELOPMENT SERVICES, CODE ENFORCEMENT, CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL

F. Conduct a Traffic Safety Analysis of Lago Vista.

1. Work with Freese and Nichols to develop a scope of work.
 - The City Council will consider the Traffic Safety Analysis at the February 2, 2022, Council meeting. If approved, it will take approximately 6 months for the study to take place.

PUBLIC WORKS AND CITY COUNCIL

G. Work with a consultant to design a master plan for irrigation at the Lago Vista Golf Course.

- Staff is working with a Golf Course Architect to prepare a master plan for the golf course and solve the effluent water situation.

GOLF COURSE

H. Continue to mow city rights-of-way and conduct tree trimming to provide safe line of sight at intersections.

- Public Works has begun tree trimming again this winter, now that the risk of oak wilt is low. Starting the Summer of 2022, street crews began continuously mowing and maintaining rights-of-way.
- The Parks Department has continued to mow the median on Dawn Drive and the area around the airport.

PUBLIC WORKS

I. Evaluate Animal Control options for the future.

1. Meet with other jurisdictions and animal shelters to discuss collaborative efforts.
2. Track animal control calls to analyze the need for a full-time Animal Control Officer

CITY MANAGER AND POLICE DEPARTMENT

GOAL 4) MAINTAIN A QUALITY WORKPLACE FOR EMPLOYEES

A. Develop an employee survey to distribute to staff honest feedback and effective employee communication.

- An employee survey has been developed and was released to the employees in the first week in February.

CITY MANAGER

B. Construct a new temporary municipal building along Dawn Drive on city property.

1. Secure engineering and design concepts from Vesta Modular.
 - The City Council approved an agreement with Vesta Modular on July 7, 2022, to provide engineering and design services for the new municipal building. Since that time, staff has designed a floor plan, and meets weekly with the entire design team to discuss civil site plans and other logistics. This project is slated for the summer of 2023.
 - IT has started working on locations for low voltage connections for the network and telephone drops. IT will work with a contractor to move fiber from the existing City Hall to the new building.

2. Work with a vendor to provide turn-key services to place a modular building along Dawn Drive.
 - **There is nothing to report currently.**
3. Provide coordination for the move from the existing municipal building to the temporary.
 - **The City Council allocated funds in the FY2022-2023 budget to assist with the move and furnishing for the transition to the new building.**

DEVELOPMENT SERVICES, PUBLIC WORKS, AND CITY MANAGER

- C. Implement the salary adjustments from the compensation study into FY2022-2023 salaries.
 - The City Council awarded the contract for a compensation study to Octagon Consulting at the February 8, 2022, Council meeting.
 - The City Council discussed the budgetary implications of the compensation study at the September 1, 2022, Council meeting.
1. Conduct an evaluation of certification, years of experience, performance, and tenure to make salary range decisions based on the compensation study.
 - The City Manager worked with Department Heads to discuss the aforementioned evaluation criteria and make salary adjustment decisions.
 - All Department Heads were provided with information on their departments and reports that included comparisons to other municipalities and job descriptions.
 - The Human Resources Director assisted the City Manager with inputting the new salary adjustments into the payroll system prior to the October 1, 2022, fiscal year.

HUMAN RESOURCES, FINANCE AND CITY MANAGER

- D. Provide training opportunities for current staff, to include harassment, diversity, and customer service.
 - Human Resources is reviewing training material, training participants, and possible dates for the following:
 - Addressing Workplace Intimidation and Harassment offered through Alliance Work Partners;
 - Confronting Workplace Bullying and Harassment offered through Alliance Work Partners;
 - Sexual Harassment and Discrimination offered through Alliance Work Partners;
 - Leading a Multi-Generational Workforce offered through Alliance Work Partners;
 - Finding Your Strengths offered through Alliance Work Partners;
 - Generations in Workplace offered through Alliance Work Partners; and
 - First Class Customer Service offered through Alliance Work Partners.

HUMAN RESOURCES

- E. Create opportunities for staff comradery.
 1. Host a Chili Cookoff for staff to participate with chili and desserts.

- A Chili Cookoff was hosted on October 28, 2022. There was great participation from the staff and the Municipal Court won both first and second place.
- 2. Continue the “Leaves of Thanks” program.
 - The “Leave of Thanks” program has gained momentum since last year. Employees increased the number of leaves given and many expressed how nice the gesture is to just receive a simple thank you from fellow employees.
- 3. Provide opportunities to show appreciation to staff.
 - Staff has re-initiated a quarterly luncheon to celebrate birthdays and work anniversaries.
 - The Municipal Court helped arrange a holiday ornament exchange for staff during the holiday celebration.
 - The City has adopted a crystal sailboat to show appreciation to employees. Employees that either leave or retire with over five years tenure receive a beautiful crystal sailboat as a token of appreciation for their time and commitment to the city and organization. This has proved to be a well received, genuine gesture of appreciation.
 - The Police Department reinstated the department's Officer of the Year and Dispatcher of the Year recognitions, as well as added a Supervisor of the Year Recognition.
 - The Police Department implemented employee performance management software that allows for easy recognition of employees.

ALL DEPARTMENTS

GOAL 5) MAINTAIN TRANSPARENCY

- A. Develop and implement a Procurement Policy for city purchases.
 - 1. Update the Travel Policy to be considered with the Procurement Policy.
 - A Travel Policy was adopted at the same time the Procurement Policy was adopted, November 10, 2022.
 - 2. Update the Credit Card Policy to also be incorporated into the Procurement Policy.
 - A Credit Card Policy was adopted at the same time the Procurement Policy was adopted, November 10, 2022.
 - 3. Present the Procurement Policy to the City Council for adoption.
 - The City Council adopted the Procurement Policy at the November 10, 2022, Council meeting.
 - 4. Provide training to staff on the Procurement Policy before allowing additional purchases or credit card spending.
 - Finance has been training staff on the Procurement Policy to assist employees with purchasing. There has been a real effort to get Purchase Orders, quotes, and RFPs when applicable.
 - The Chief of Police has provided training/guidance on the new Procurement Policy for those who have purchasing responsibility within the Police Department. They are now working on a Fiscal Management Policy for the department that aligns with the City's Procurement and other policies.

ALL DEPARTMENTS AND CITY COUNCIL

B. Hire a Procurement Manager to assist with purchasing, contracts and state purchasing guidelines.

- The Procurement Manager job posting has been placed on the TML, GFOA, Indeed, and the City website.

CITY MANAGER, HUMAN RESOURCES AND FINANCE

C. Develop and implement a Social Media Policy.

- The City Council adopted a social media policy at the June 13, 2022, Council meeting.

CITY COUNCIL, CITY MANAGER, CITY ATTORNEY AND PUBLIC INFORMATION OFFICER

D. Continue to provide a Weekly Report for staff, City Council, and the community.

- The City Manager provides Weekly Reports to the staff, City Council, Chief Norman, the LVISD Superintendent, and the LVPOA President. These reports have become widely popular and are now posted on the City website and social media.
- Improved the format of the Police Department's monthly reports to provide information and a high degree of transparency into department operations.

CITY MANAGER AND ALL DEPARTMENTS

GOAL 6) ENHANCE MARKETING, COMMUNICATION AND ECONOMIC DEVELOPMENT FOR LAGO VISTA

A. Design a new City website.

1. Solicit website designers through a Request for Proposal process.

- A stakeholder group made up of an elected official, staff and residents demoed three (3) companies before recommending CivicPlus to the City Council.
- The City Council awarded an agreement to CivicPlus on January 19, 2023.

2. Initiate a contract with a website designer.

- The agreement was initiated at the end of January. Staff will begin working with CivicPlus to design and develop the new website.

3. Provide information and feedback to make the City website more user-friendly.

4. Establish "Notify Me" pushes to residents and FAQ for the website.

CITY MANAGER AND ALL DEPARTMENTS

B. Erect digital signage along Lohman Ford Road to provide better communication and compliance of the sign ordinance.

- Development Services has been working with a local vendor to prepare a sign design to be placed where the existing marquis sign is located.

1. Explore opportunities for collaborative efforts with private entities for an additional electronic sign along 1431.

- There is nothing to report currently.

DEVELOPMENT SERVICES, CODE ENFORCEMENT, CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL

C. Continue to provide City Council with the Master Agenda List for agenda updates.

- A Master Agenda List was created as an internal document to assist the Mayor, City Manager and City Secretary with drafting agendas.
- This list is provided to the City Council when significant changes have been made.

CITY MANAGER

D. Develop a Business-Friendly Program to assist small business owners as they go through the permitting and Development Services process.

1. Provide an ombudsman for business owners to ask for guidance when starting the process with the City.
 - The Economic Development Director, Program Manager, and Development Services are working to develop a business-friendly program that will support small businesses by: offering enhanced customer service, reduce red tape, enhance online payment options, develop a process to handle disputes, and introduce other activities to improve the operating environment for small businesses in the area.

ECONOMIC DEVELOPMENT AND DEVELOPMENT SERVICES

E. Continue to host Lago Fest for residents and visitors.

1. Draft a sponsorship letter to get sponsors early in the process.
 - A sponsorship letter was drafted in September. Staff have been presenting this information to local vendors for participation. Staff continue to work cooperatively with volunteers to secure sponsorship.
2. Work collaboratively with local organizations and volunteers to develop plans and divide responsibilities.
 - Staff is working with the North Shore Chamber of Commerce and volunteers to assist with sponsorship, the VIP tent, and other logistical matters.
3. Work with ESD and the Police Department to create a safe event.
 - The coordination with ESD and the Police Department was seamless. There was a huge presence at the event that made everyone feel safer.
 - Public Works will be included early on in this year's event to make sure the site layout is safe.

ECONOMIC DEVELOPMENT, PUBLIC INFORMATION OFFICER, PUBLIC WORKS, CITY MANAGER, PARKS AND RECREATION, DEVELOPMENT SERVICES AND POLICE DEPARTMENT

GOAL 7) SUSTAINABILITY TO INCLUDE SOCIAL EQUITY, ENVIRONMENTAL PROTECTION, CONSERVATION AND SMART GROWTH

A. Amend Chapter 14. Section 20, Tree Preservation and Landscaping Requirements to allow for broader use of funds for municipal park enhancements and projects that further protect the watershed.

1. Present amended language to the Planning and Zoning Commission.
 - There is nothing to report currently.
2. Present Planning and Zoning recommendation to the City Council.
 - There is nothing to report currently.

DEVELOPMENT SERVICES, PUBLIC WORKS, CITY ATTORNEY, PARKS AND RECREATION, PLANNING AND ZONING AND CITY COUNCIL

B. Update the Comprehensive Master Plan

- The City received eight (8) Request For Qualifications (RFQ) on January 18, 2023. The staff will review the qualifications and bring a recommendation to the City Council.
- 1. Secure a consultant to conduct the update process.
- 2. Update the Future Land Use Map as a part of the Comprehensive Plan process.
- 3. Develop a Park Master Plan to include as a part of the Comprehensive Master Plan.

DEVELOPMENT SERVICES, PUBLIC WORKS, PARKS AND RECREATION, CITY MANAGER, PLANNING AND ZONING AND CITY COUNCIL

C. Complete the Water/Wastewater model to provide accurate capacity usage and forecast impacts to capacity with future development.

1. Work with Freese and Nichols to develop the water/wastewater model and keep logs of current and future development entitlements.
- Water Master Plan/Working Water Model – Kickoff meeting was held at the end of November, and it is in the early stages of being produced.
- Wastewater Master Plan – It is in the final stages of development.

PUBLIC INFORMATION OFFICER, DESOTO CHAMBER OF COMMERCE, INFORMATION TECHNOLOGY (Quarters 1-4)

D. Establish a process for Code Enforcement to address substandard structures.

1. Work with Municipal Court to implement civil cases to be generated through the InCode system.
- The Municipal Court is now equipped to enter civil cases into the InCode system. This will assist the Building and Standards Commission with addressing substandard structures.

CITY ATTORNEY, CODE ENFORCEMENT AND MUNICIPAL COURT

GOAL 8) ENHANCE EFFICIENCY AND EFFECTIVENESS OF THE ORGANIZATION

A. Implement an Enterprise Resource Program for financial processes to provide more efficiency with monthly reporting, budget process and displaying work plan objectives for public transparency.

- The City Council awarded an agreement to OpenGov at the November 22, 2022, Council meeting.
- Finance has been working weekly with OpenGov to get the chart of accounts input and provide reports to meet the City's needs.

ALL DEPARTMENTS

B. Secure a grant writer to assist with grant opportunities and program grant management.

1. Initiative a professional services contract with a grant writer to provide grant opportunities and reporting for awarded grants.

- The Economic Development Director secured a grant writer agreement with McCoy Consulting, LLC on August 11, 2022, to assist with grant opportunities.
- The grant writer visited Lago Vista in January and attended the Economic Development Meeting on January 10, 2023.

ECONOMIC DEVELOPMENT, CITY MANAGER AND DEVELOPMENT SERVICES

C. Develop a plan for succession planning.

1. Conduct cross training opportunities to provide better continuity in operations.
 - The Golf Course Superintendent has been working closely with Public Works and the Parks Department assisting with knowledge base and projects. This is particularly helpful as the City investigates repairs for the effluent pond and golf course irrigation.
 - The Police Department has been working on significantly increasing the level of training for all members of the department.
 - The Court Administrator serves as the backup to the City Secretary as needed.
1. Develop Standard Operating Procedures to document process.
 - The golf course has been working continuously on SOP for the golf course staff.
 - The Police Department implemented new SOP based on best practices. Currently developing and implementing new policies based on model best practice policies from the Texas Police Chief's Association.

ALL DEPARTMENTS

D. Implement a paperless process in Municipal Court.

1. Obtain software to provide quality control for document scanning.
 - The Municipal Court has successfully installed an updated version of Tyler Content Manager through InCode that allows for scanning of court documents.
2. Scan existing documents into software and document any record destruction according to the State Record Retention schedule.
 - Municipal Clerks began scanning documents into the new software and all closed cases are destroyed according to the State Retention schedule.

MUNICIPAL COURT



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Lucy Aldrich, City Secretary

Subject: Consent Agenda

Request: Consent Agenda

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

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.

6. Consider approval of the January 5, 2023, meeting minutes.

7. Consider approval of Resolution 23-1988; A Resolution by the City Council of Lago Vista, Texas declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a manner which is beneficial to the City of Lago Vista.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Consent Agenda

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.26 08:26:07 -06'00'

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JANUARY 5, 2023**

BE IT REMEMBERED that on the 5th day of January A.D., 2023, the City Council held a regular meeting at 5:30 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Ed Tidwell	Mayor	Chelaine Marion	Council Member
Gage Hunt	Council Member	Paul Roberts	Council Member
Kevin Sullivan	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Tidwell called the meeting to order at 5:30 p.m. and announced that all Councilmembers are present.

EXECUTIVE SESSION

1. At 5:31 p.m., Council convened into a closed Executive Session pursuant to:
 - A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
 - B. Consultation with Legal Counsel regarding the status of Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).
 - C. Consultation with Legal Counsel regarding Legislative guidelines concerning CapMetro and the Texas Transportation Code. (Government Code Section 551.071 Advice of Counsel).

Executive Session Items D and E will be discussed in Executive Session after the regular session ends.

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

2. At 6:34 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 all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
No action taken.

- B. Consultation with Legal Counsel regarding the status of Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).
No action taken.
- C. Consultation with Legal Counsel regarding Legislative guidelines concerning CapMetro and the Texas Transportation Code. (Government Code Section 551.071 Advice of Counsel).
No action taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

05:10 – 05:31

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.

No citizens signed up to speak on non-agenda items.

05:49 – 15:10

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.
Thanked Mr. Bob Lawrence for volunteering to serve on the Travis Central Appraisal District, unfortunately, he was not selected. Mr. Tom Buckle was reappointed to continue to serve on behalf of the board as the Western Travis County representative.
- b. Information regarding holiday schedules.
City Hall will be closed on Monday, January 16 in observance of Martin Luther King, Jr. Day.
- c. Recognition of individuals, i.e., Proclamations.
Mr. Frank Robbins with the Lions Club recognized Lago Vista citizen and author Mr. Harvey Gann by presenting an autographed copy of his book, Escape I Must! World War II Prisoner of War in German to the City Library.
- d. Reminders regarding City Council events.
None
- e. Reminders regarding community events.
Coffee with Cop event is scheduled for January 11, 2023 and will be held at Lago Bristo starting at 8:30 a.m.
Chamber of Commerce events for 2023 were announced.
Lions Club hosting Blood Drive on February 18 at CVS.
- f. Health and safety announcements.
Advised of upcoming possible water outages and fire hydrant replacements.
Lake Travis continues to be below normal.

DISCUSSION ITEMS

15:11 – 30:20

3. Discuss current procedures for the submission and consideration of subdivision plats.
No action taken.

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.

30:23 – 31:58

4. Approval of the November 17, 2022, meeting minutes.
5. Approval of the December 1, 2022, meeting minutes.
6. Approval of the December 12, 2022, special called meeting minutes.
7. Approval of the December 15, 2022, meeting minutes.
8. Discussion, consideration, and possible action on Resolution No. 23-1982, a Resolution by the City Council of the City of Lago Vista, Texas accepting by Special Warranty Deed 1.0300 acres of property conveyed by Montechino Ventures Group LLC, dedicating the property as parkland, and authorizing execution of the Special Warranty Deed.
Councilor Hunt requested to pull item 8 for separate consideration. On a motion by Councilor Roberts, seconded by Councilor Marion, City Council voted unanimously to approve the Consent Agenda items 4 through 6. Motion carried.

32:03 – 49:38

8. Discussion, consideration, and possible action on Resolution No. 23-1982, a Resolution by the City Council of the City of Lago Vista, Texas accepting by Special Warranty Deed 1.0300 acres of property conveyed by Montechino Ventures Group LLC, dedicating the property as parkland, and authorizing execution of the Special Warranty Deed.
On a motion by Councilor Sullivan, seconded by Councilor Roberts, City Council voted unanimously to approve Resolution No. 23-1982 accepting the 1.0300 acres of property being conveyed from the Montechino Ventures Group LLC requiring the city to go through with the transaction takes place at a title company, that title insurance is purchased, and that we acquire the “shortages in area” coverage option that can come with the insurance be included. Councilor Sullivan amended the motion to include that the conveyor will provide evidence that 2022 taxes have been paid. Councilor Roberts seconded the amended motion. Motion as amended carried.

PUBLIC HEARINGS

49:43 – 1:36:03

9. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the existing “Lago Vista Retail Center Planned Development District” (PDD) established by Ordinance No. 05-07-07-01 to include relief from strict compliance with the sign regulations otherwise applicable to Lots 1 through 4 of Block A and Lots 1 and 2 of Block B of the Lago Vista Retail Center Subdivision.
 - Open Public Hearing
 - Mayor’s presentation

Mayor Tidwell opened the public hearing at 7:23 p.m. and recognized Mr. Roy Jambor, Director of Development Services to provide additional information and address questions.

- Applicant's Presentation
Mr. Stan Laviolette with Brookshire Brothers and their sign representative made a presentation to City Council and were available to provide additional information and address questions.
- Citizen Comments
Mr. Jeff Hilland was available remotely to provide additional information and address questions related to the Dark Sky regulations.
- Close public hearing
Mayor Tidwell closed the public hearing at 8:04 p.m.
- Council discussion and possible decision (continue public hearing if no decision results)
On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted 6 to 1 with Councilor Durbin in opposition to approve amending the existing "Lago Vista Retail Center Planned Development District" (PDD) to include some relief from strict compliance with the sign regulations consistent with the meeting discussions including the multiple signs; asking the applicant to insure that none of the signs are to be white and will need to be compliant with the Dark Sky requirements as more articulated in this meeting. Mayor Pro-Tem Prince amended his motion to clarify compliance with the Dark Sky requirements as regulated in Sec 3.806 in the Code of Ordinances. Motion as amended carried.

1:36:12 – 1:55:12

10. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Sections 11.20 and 11.30 of Chapter 14 of the Lago Vista Code of Ordinances to specifically recognize the ability of the Board of Adjustment to consider any of the grounds included in Section 211.009(b-1) of the Texas Local Government Code in making the determination whether the strict application of a zoning ordinance provision would result in an unnecessary hardship; and providing for related matters.

- Open public hearing
Mayor Tidwell opened the public hearing at 8:09 p.m.
- Mayor's presentation
Mr. Roy Jambor, Director of Development Services to provide additional information and address questions.
No one signed up to speak.
- Close public hearing
Mayor Tidwell closed the public hearing at 8:22 p.m.
- Council discussion and possible decision (continue public hearing if no decision results)
On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted 6 to 1 with Councilor Hunt in opposition to approve the proposed amendment to Agenda Item No. 10 with the additional language made to Sec 11.30 as articulated. Motion carried.

1:55:19 – 2:49:38

11. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Sections 11.60 and 13.40 of Chapter 14 of the Lago Vista Code of Ordinances regarding the procedures for special exception approvals for

additional height, including property within the 100-year floodplain; and providing for related matters.

- Open public hearing
Mayor Tidwell opened the public hearing at 8:28 p.m.
- Mayor's presentation
Mr. Roy Jambor, Director of Development Services to provide additional information and address questions.
- Citizen Comments
Mr. Tom Monahan spoke.
Mr. Dave Snyder spoke.
- Close public hearing
Mayor Tidwell closed the public hearing at 9:13 p.m.
- Council discussion and possible decision (continue public hearing if no decision results)
No action taken.

Mayor Tidwell called for a recess at 9:22 p.m.

Mayor Tidwell reconvened at 9:40 p.m.

2:50:20 – 4:14:30

12. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Section 13.20(d) of Chapter 14 of the Lago Vista Code of Ordinances adding procedural and substantive requirements to amend the Future Land Use Map or other components of the adopted Comprehensive Plan for any reason, including accommodation of a subsequent zoning change request; and providing for related matters.

- Open public hearing
Mayor Tidwell opened the public hearing at 9:40 p.m.
- Mayor's presentation
Mr. Roy Jambor, Director of Development Services to provide additional information and address questions.
During discussion, on a motion made by Mayor Pro-Tem Prince, seconded by Councilor Hunt, City Council voted 4 to 3 with Councilor Durbin, Councilor Marion and Councilor Roberts in opposition to limit debate. A super majority was not achieved. The motion failed.
- Citizen Comments
Ms. Louise Madigan spoke on agenda item.
Ms. Rachael Rich spoke on agenda item.
- Close public hearing
Mayor Tidwell left the public hearing open
- Council discussion and possible decision (continue public hearing if no decision results)
No action taken.

ACTION ITEMS

4:14:35 – 4:19:57

13. Discussion, consideration and possible action on an Ordinance of the City Council of Lago Vista, Texas amending Section 3.120 of Chapter 3 of the Lago Vista Code of Ordinances

related to construction refuse and debris, including concerns about nails and other similar metal objects being deposited in an adjacent public right-of-way; and providing for related matters.

On a motion by Councilor Durbin, seconded by Councilor Sullivan, City Council voted unanimously to approve Ordinance 23-01-05-05 as presented. Motion carried.

4:20:00 – 4:37:27

14. Discussion, consideration, and possible action amending the Bunker Bar & Grill concession agreement.
No action taken.

4:37:29 – 4:43:19

15. Discussion, consideration, and possible action on Resolution 23-1981, A Resolution receiving a list of publicly owned properties and directing the City Manager to contract with a real estate broker for the sale of certain real property located at 21106 National Drive.

On a motion by Councilor Sullivan, seconded by Councilor Durbin, City Council voted unanimously to decline approving Resolution 23-1981. Motion carried.

4:43:24 – 5:36:30

16. Discussion, consideration, and possible action regarding an Ordinance amending the City of Lago Vista Rules of Procedures.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Hunt, City Council voted 3 to 4, with Councilor Sullivan, Councilor Durbin, Councilor Marion, and Councilor Roberts in opposition approving the Rules of Procedure as presented with one exception – change “may” to “should” in 2.2 regarding non-regulatory boards video recording their meetings. Motion failed.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted 3 to 4, with Mayor Tidwell, Councilor Hunt, Councilor Durbin, and Councilor Roberts and in opposition approving the Rules of Procedure as discussed with one exception - non-regulatory boards do not have to video record their meetings unless they are making a recommendation to Council (those meetings shall be recorded). Councilor Sullivan amended his motion that both the discussion and action on items that are recommended to Council shall be recorded. Councilor Marion seconded the amended motion. Motion failed.

On a motion by Councilor Marion, seconded by Councilor Sullivan, City Council voted 2 to 5, with Mayor Tidwell, Mayor Pro-Tem Prince, Councilor Hunt, Councilor Durbin, and Councilor Roberts in opposition approving the Rules of Procedure with one exception – all board, commission, and committee meetings shall be recorded and be made available to the public. Motion failed.

On a motion by Mayor Tidwell, seconded by Mayor Pro-Tem Prince, City Council voted 4 to 3, with Councilor Sullivan, Councilor Marion and Councilor Roberts in opposition approving the Rules of Procedure as presented. Motion carried.

EXECUTIVE SESSION

1. At 12:27 a.m. on January 6, 2023, Council reconvened into a closed Executive Session pursuant to;
- D. Consultation with Legal Counsel regarding an amendment to the existing Planned Development District for the property located at 1900 American Drive and known as “The

Peninsula" and the notifications sent to the surrounding property owners. (Government Code Section 551.071 Advice of Counsel).

- E. Discussion regarding City Attorney position. (Government Code Section 551.074 Personnel Matters).

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

- 2. At 1:35 a.m. on January 6, 2023, Council reconvened from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- D. Consultation with Legal Counsel regarding an amendment to the existing Planned Development District for the property located at 1900 American Drive and known as "The Peninsula" and the notifications sent to the surrounding property owners. (Government Code Section 551.071 Advice of Counsel).

No action taken.

- E. Discussion regarding City Attorney position. (Government Code Section 551.074 Personnel Matters).

No action taken.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 1:35 a.m. on January 6, 2023.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this 5th day of January 2023.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Sean Vance, Susan Price

Subject: Discussion, consideration and possible action on Resolution 23-1988; A Resolution by the City Council of Lago Vista, Texas declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a manner which is beneficial to the City of Lago Vista.

Request: Consent Agenda

Legal Document: Resolution

Legal Review:

EXECUTIVE SUMMARY:

The Lago Vista Golf Course and the Lago Vista City Hall Offices are requesting the Council to approve the surplus of several pieces of golf course and office equipment as indicated on the attached Exhibit "A" and Exhibit "B".

These pieces of equipment are currently inoperable and the cost to repair exceeds the current value of each piece of equipment.

Impact if Approved:

The golf course and city hall will be able to dispose of inoperable equipment.

Impact if Denied:

The golf course and city hall will continue to hold on to these pieces of equipment

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Approve Resolution N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Surplusing of golf course and city hall equipment.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.26 08:24:35 -06'00'

CITY OF LAGO VISTA, TEXAS

RESOLUTION NO. 23-1988

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS
DECLARING VARIOUS PROPERTY AND/OR EQUIPMENT TO BE SURPLUS
PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SUCH
PROPERTY IN A MANNER WHICH IS BENEFICIAL TO THE CITY OF LAGO VISTA.**

WHEREAS, the City of Lago Vista, Texas owns several pieces of City property and/or equipment which have been replaced, are obsolete or are not currently used by the City, and

WHEREAS, such property and/or equipment have no or limited value to the City, and

WHEREAS, storage space for such property and/or equipment is extremely limited, and

WHEREAS, appropriate City staff members have evaluated the need for and the value to the City of each piece of property and/or equipment and have recommended disposal of the items,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF LAGO VISTA, TEXAS:**

THAT, the City Council of the City of Lago Vista, Texas declares the following items, as listed in "Exhibit A" and "Exhibit B" attached to this Resolution, to be surplus property and authorizes the City Manager to dispose of the property in a manner which is beneficial to the City of Lago Vista.

AND, IT IS SO RESOLVED. PASSED AND APPROVED this 2nd day of February 2023.

ATTEST:

Ed Tidwell, Mayor

Lucy Aldrich, City Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved.

EXHIBIT A

Item#	Year	Make	Serial #	Model	Department	Value
1	2013	John Deere	TC8700XCDFO60307	8700	GCM	\$150
2	2014	John Deere	TC8700XKEF070096	8700	GCM	\$150
3	2011	John Deere	TC250BGBT050313	2500	GCM	\$150
4	2013	John Deere	MOTURFJJEM090145	Gator	GCM	\$300
5	?	Case	3230RNCCJE0926160	Tractor	GCM	\$500
6	?	John Deere	TC1200APBT180069	1200A	GCM	\$100
7	?	Toro	?	3200	GCM	\$100
8	?	Ryan	130431	Sod Cutter	GCM	\$50
9	?	John Deere	30168	2653B	GCM	\$100
10	?	Jacobsen	5823002552	Aerifier	GCM	\$50
11	2014	John Deere	TC1600TLEF200368	1600	GCM	\$150
12	2012	John Deere	MOTURFJLCM080296	Gator	GCM	\$300
13	2012	John Deere	TC2653TKCT060150	2653	GCM	\$200
14	?	AgriMetal	30163	BW 3500	GCM	\$200
15	2004	EZGO	2134472	MPT 1200	GCM	\$250
16	?	John Deere	Assorted Reels	ASSORTED	GCM	\$500
17	?	Progressive	1027156513	Rotary	GCM	\$200
18	?	John Deere	HPY5075E001043	5075E	GCM	\$500

EXHIBIT "B"

CITY HALL SURPLUS OFFICE FURNITURE			
ITEM #	DESCRIPTION	TOTAL	STATUS
1	2 drawer filing cabinet	1	dented; drawer don't slide
2	white armed rolling conference room chairs	19	broken or don't roll
3	white armless rolling conference room chairs	4	stained or don't roll
4	upholstered desk chairs	3	missing arms
5	electric stapler	1	inoperable
6	infinity desk speaker	1	no power
7	Martin Yale paper folding machine	1	inoperable



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Taylor M. Whichard, Director of Public Works

Subject: Discussion, consideration and possible action regarding an agreement with Freese & Nichols to conduct a citywide Traffic Safety Analysis and authorizing the City Manager to execute an agreement.

Request: Other



Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

At the September 1, 2022, Council Meeting, the City Council began discussions with staff and Freese & Nichols regarding roadway safety. During that discussion, the Council broadened the scope of the initial work provided. Staff feels the scope being presented best reflects those changes. The Council programmed funding in the FY2022-2023 budget to conduct this safety analysis. The scope provided in this packet allows the Council to eliminate sections within the scope if they desire to do so. Included in this report are the Finalized Scope, Map of Study Areas, the Service Agreement, and Terms and Conditions.

Once an agreement is executed, the analysis will take approximately 6 months.

This item is part of Goal #1 Section B of the Work Plan. It will also complete Goal #3 Section F of the Work Plan. It will also provide Public Works and Engineering the data, and information needed to mitigate any negative impacts from increased growth.

Impact if Approved:

Freese and Nichols will immediately begin the process of collecting the necessary data to provide an engineering analysis of the identified streets. This analysis will outline a CIP based on engineering best practices and will account for current and projected growth.

Impact if Denied:

A safety analysis of City streets and intersections will not be conducted.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

The total cost of this scope is \$300,000 which is within the budgeted amount and is programmed in 10-530-6130 fund.

Suggested Motion/Recommendation/Action

Motion to Approve Item N/A - N/A - N/A
Motion to Make Selection N/A - N/A - N/A
Motion to Make Selection N/A - N/A - N/A

Known as:

Discussion, consideration and possible action regarding an agreement with Freese & Nichols to conduct a citywide Traffic Safety Analysis and authorizing the City Manager to execute an agreement.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.24 13:41:25 -06'00'

Attachment SC – Scope of Services
Traffic Operations Studies
City of Lago Vista
1/3/2023

The following traffic studies are proposed to be performed by Freese and Nichols, Inc. (FNI) for the City of Lago Vista (City). The studies are suggested in three groups, which may be conducted sequentially or concurrently as needs and budget allows. Described below are the scope, lump sum fee, and project duration for each of the groups.

Group A. FM 1431 Traffic Study

Prepare a traffic operations study of FM 1431 through Lago Vista and recommend operational improvements.

A1. Collect AM and PM peak period traffic counts at four (4) intersections along FM 1431, video data for safety analysis at three locations, and 24-hour bi-directional classification counts and travel speed data collection at four locations along FM 1431. The locations are as shown in Figure 1.

A2. Traffic Projections. Confer with City staff and consider development traffic impact assessments to estimate one horizon year of future traffic volumes on FM 1431 and select intersections along FM 1431.

A3. Crash Data and Incident Reports. Review most recently available 3 years of reported crash data available through CRIS and as provided by City staff and other incident reports of traffic issues to identify locations along FM 1431 needing evaluation for operational improvements and/or further study.

A4. Prepare a traffic model and analyze traffic operations on FM 1431 through Lago Vista under one development scenario with and without the traffic signals proposed by the Turnback Ranch development for the intersections of FM 1431 @ Bar K Ranch Road and FM 1431 @ Dodge Trail.

A5. Analyze the westbound approach to the intersection of FM 1431 at Lohman Ford Road to assess the existing traffic response to the approach visibility obscured by crest of roadway.

A6. Analyze the Lohman Ford Road leg of the intersection at FM 1431 to assess the existing vehicular interaction at the intersection of the driveway within 200 feet of the traffic signal.

A7. Evaluate up to three (3) alternative treatments each to address the findings of Tasks A2, A3 and A4 and make recommendations for potential actions by the City of Lago Vista.

A8. Discuss the findings and recommendations with City staff via up to three virtual conference calls (Teams) and up to one in-person meeting. Develop concurrence on the one preferred treatment for each of the areas of study evaluated in Tasks A2, A3 and A4.

A9. Prepare a planning level opinion of probable construction costs for the one concurred treatment to address issues identified in each of Tasks A2, A3 and A4.

A10. Support City staff in preparation for discussions with TxDOT regarding the recommended treatments along FM 1431. Attend up to one (1) in-person meeting with the City and TxDOT.

Deliverable: Technical Report in draft and final versions. PDF format only.

Budget: \$100,000

Schedule: 6 months

Group B: School Area Traffic Studies & Lohman Ford Road Speed Study

Prepare a traffic operations study of four school sites in Lago Vista and recommend operational improvements for both motorized and non-motorized access and circulation. Perform in-person observations at driveways to the school during the morning and afternoon arrival and departure hours and gather select traffic counts at key intersections near the school to support the analysis. Prepare recommendations for operational improvements to Lohman Ford Road.

B1. Collect AM and PM peak period traffic counts at fifteen (15) intersections, and 24-hour bi-directional classification counts and travel speed data collection at ten (10) locations as shown in Figure 2.

B2. Traffic Projections. Confer with City staff and consider development traffic impact assessments to estimate one horizon year of future traffic volumes on Lohman Ford Road, Bar K Ranch Road, Dawn Drive and select intersections along those roadways.

B3. Crash Data and Incident Reports. Review most recently available 3 years of reported crash data available through CRIS and as provided by City staff and other incident reports of traffic issues to identify locations along Lohman Ford Road, Bar K Ranch Road, Dawn Drive and select intersections along those roadways needing evaluation for operational improvements and/or further study.

B4. Review access and circulation at Lago Vista High School on one typical day during the morning arrival period and the afternoon departure period of one regular school day. Document conditions and issues. Derive and evaluate up to three (3) potential mitigative measures.

B5. Review access and circulation at Lago Vista Junior High School during the morning arrival period and the afternoon departure period of one regular school day. Document conditions and issues. Derive and evaluate up to three (3) potential mitigative measures.

B6. Review access and circulation at Lago Vista Intermediate School during the morning arrival period and the afternoon departure period of one regular school day. Document conditions and issues. Derive and evaluate up to three (3) potential mitigative measures.

B7. Review access and circulation at Lago Vista Elementary School during the morning arrival period and the afternoon departure period of one regular school day. Document conditions and issues. Derive and evaluate up to three (3) potential mitigative measures.

B8. Using the traffic counts, classifications and travel speed data and information on planned development and trip generation characteristics, evaluate the lane provisions and speed limits along Lohman Ford Road between FM 1431 and Boggy Ford Road. Make recommendations for needed roadway and traffic control improvements and the anticipated year of the needed infrastructure enhancements.

B9. Discuss the findings and potential recommendations with City staff during up to three (3) virtual meetings. Document the concurred set of treatments recommended for each school and prepare one illustrative plan of the treatments.

B10. Prepare a planning level opinion of probable construction costs for the recommended treatments at each of the four schools.

B11. Support City staff in preparation for discussions with Lago Vista ISD regarding the recommended treatments at each of the four schools. Attend up to one (1) in-person meeting with the City and Lago Vista ISD.

Deliverable: Technical Report in draft and final versions. PDF format only.

Budget: \$100,000

Schedule: 6 months

Group C. Roadway Enhancements

Evaluate the needs to reconfigure irregular intersections, set speed limits, and plan for enhancing the traffic handling capacity of selected roadways and intersections in Lago Vista.

C1. Collect AM and PM peak period traffic counts at up to twelve (12) intersections, and 24-hour bi-directional classification counts and travel speed data collection at four (4) locations along Boggy Ford Road as shown in Figure 3.

C2. Traffic Projections. Confer with City staff and consider development traffic impact assessments to estimate one horizon year of future traffic volumes on key roadways and select intersections along streets within Group C.

C3. Crash Data and Incident Reports. Review most recently available 3 years of reported crash data available through CRIS and as provided by City staff and other incident reports of traffic issues to identify locations needing evaluation for operational improvements and/or further study along streets within Group C.

C4. Intersection Operations. Evaluate intersection operations and lane provisions at up to 12 intersections for which traffic turning movement counts have been collected. The intended 12 intersections are shown in Figure 3.

C5. Intersection Safety Assessments. Based upon the available crash data for streets other than FM 1431 and Lohman Ford Road, identify the top 10 crash locations and prepare a safety assessment based upon the crash reports and recommend treatments to mitigate the identified safety issues at the intersections.

C6. Irregular Intersection Configurations. Evaluate the functions of up to 15 irregular Intersections for potential reconfiguration of lanes, traffic control and other treatments. Prepare illustrative concepts for the recommended treatments

C7. Speed Study. Perform a speed study along Boggy Ford Road between Lohman Ford Road and American Drive to identify traffic travel speed issues and recommend modifications to posted speeds. Evaluate existing posted speed limits throughout the city and the city's ordinances regarding speed limits on the city's roadways. Identify needed modifications to city ordinances and posting of speed limit signage.

C8. Discuss the findings and recommendations with City staff at up to three (3) virtual meetings and at up to one in-person meeting.

C9. Prepare a planning level opinion of probable construction costs for the recommended treatments.

C10. Support City staff in preparations for their discussions with City leadership regarding the recommended treatments for the roadways and intersections. Participate in up to one (1) meeting with City staff and up to one (1) meeting with City Leadership.

Deliverable: Diagrams of recommended improvement concepts in draft and final versions. PDF format only.

Budget: \$100,000

Figure 1

Data Collection Plan Group A Traffic Study

- 24-hour bi-directional classification counts and speed measurements

○ 12-hour intersection
turning movement
counts

12-hour special observations:

1. Near miss study on WB approach to crest
2. Two driveways to retail center



Figure 2
Data Collection Plan
Group B Traffic Study

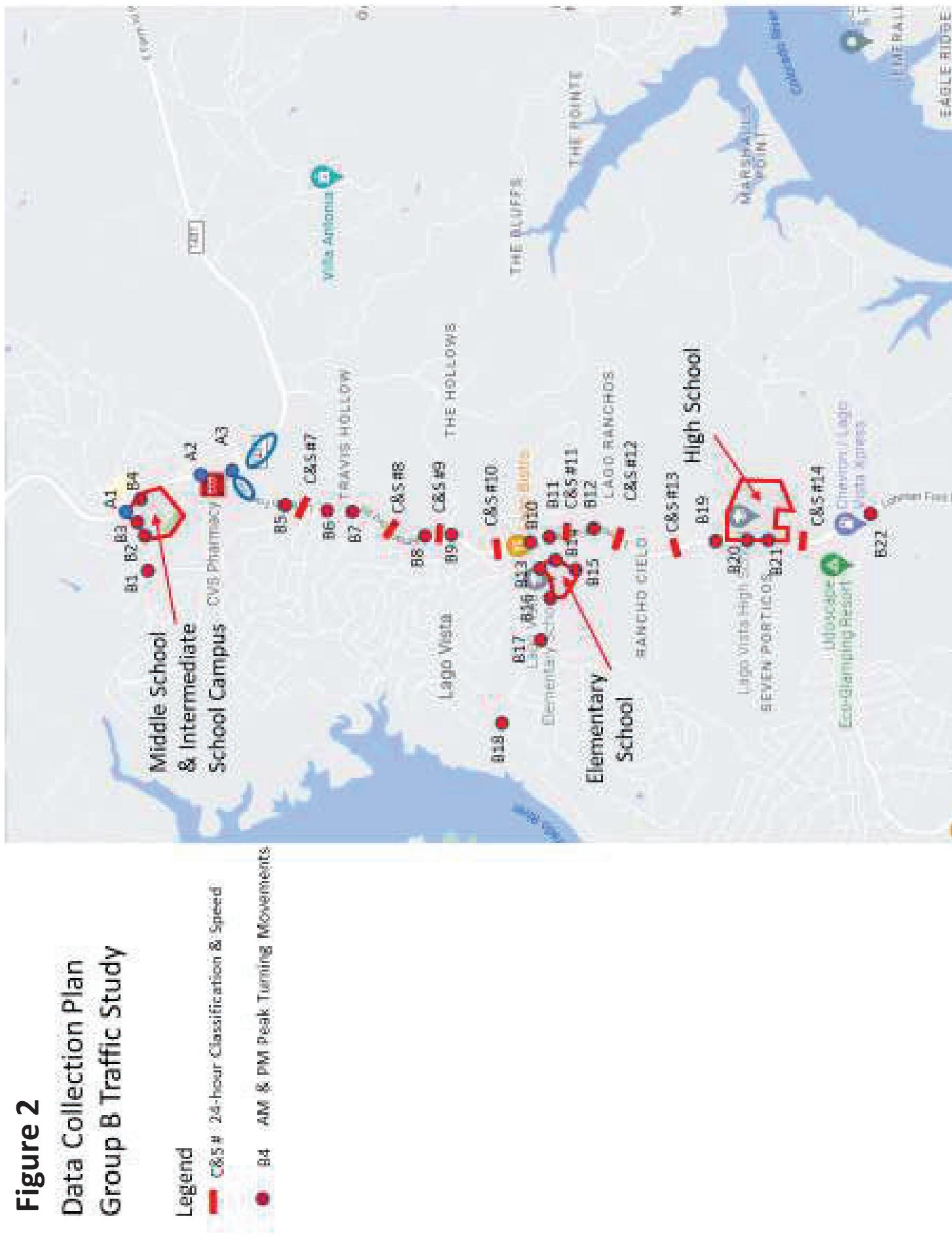


Figure 3. Data Collection Plan
Group C, northern sector

- Group A TMC
- Group B TMC
- Group C TMC
- Group C Int'n config'n

— C&S #xx

— 24-hour classification & speed

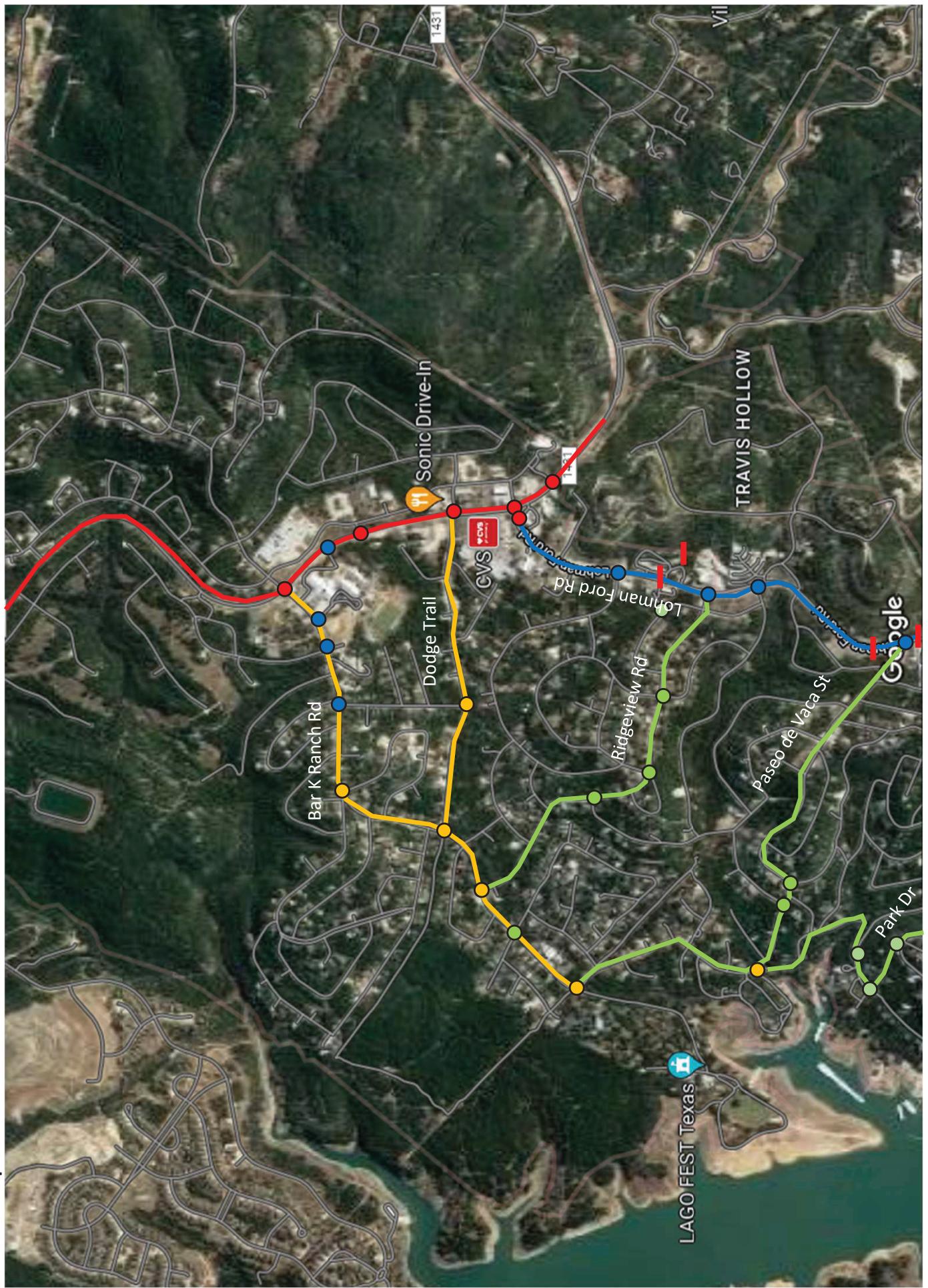


Figure 3. Data Collection Plan, cont'd
Group C, middle sector

24-hour classification & speed

C&S #XX

—

Group A TMC

Group B TMC

Group C TMC

Group D Int’l config’n

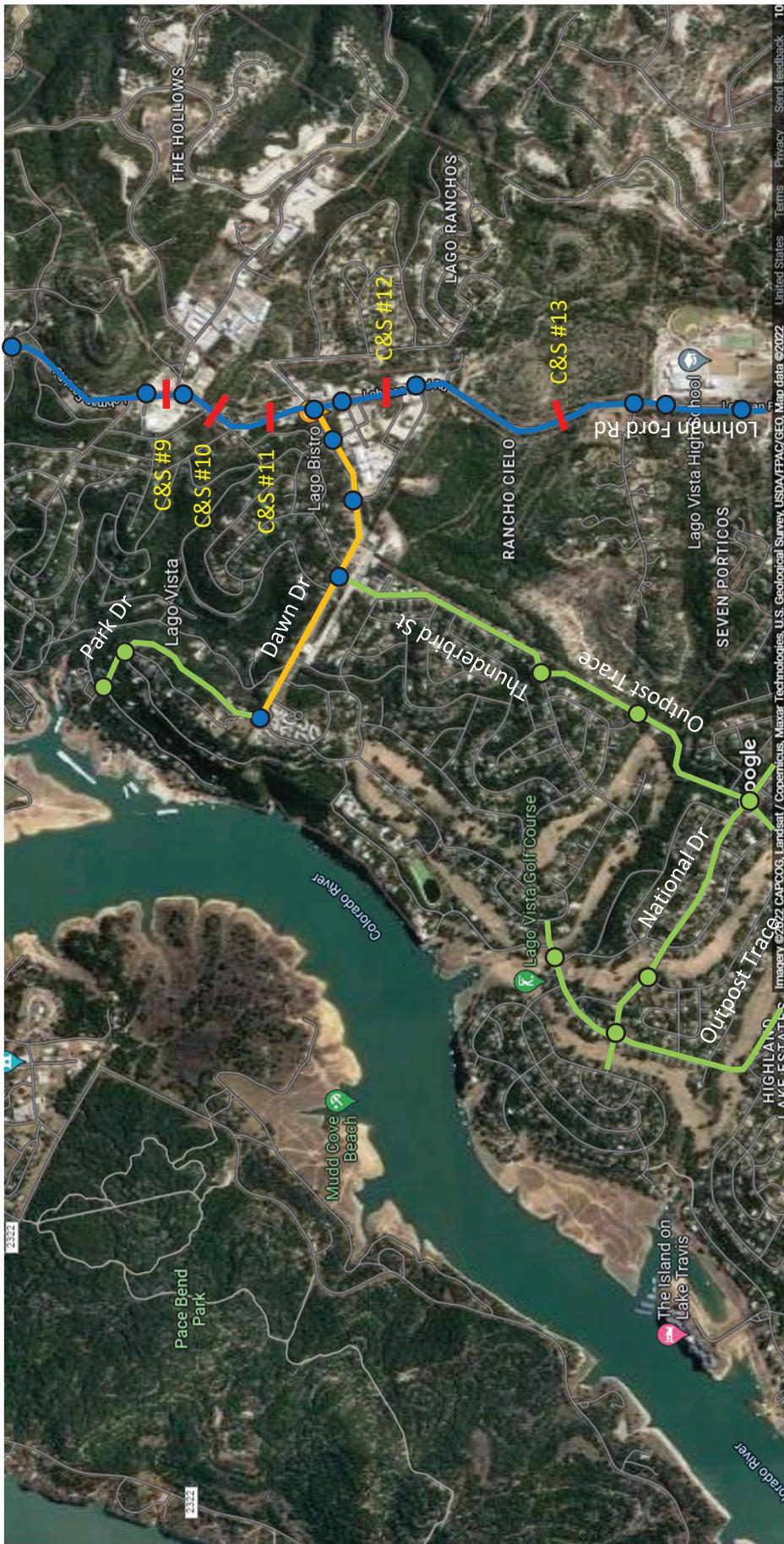


Figure 3. Data Collection Plan, cont'd
Group C, Southern Sector

- Group A TMC
- Group B TMC
- Group C TMC
- Group C Int'n C

24-hour classification & speed

C&S #XX

1

A detailed aerial map of a residential area along the Colorado River. A prominent yellow line with green and orange dots traces a path through the neighborhood, labeled C&S #14 through C&S #19. The map also features a green line labeled 'Outpost Trace' and 'National Dr'. Key locations marked include Lago Vista High School, SEVEN POCATICOS, Boggy Ford Rd, Highland Lake Dr, The Grille at Highland Lakes, The Source Lake Travis, and The Colorado River. The map is a Google satellite view with a CAPCON Landfill/Covenants map overlay.

PROFESSIONAL SERVICES AGREEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

This Agreement is entered into by City of Lago Vista, Texas (City) and Freese and Nichols, Inc. (FNI). In consideration of FNI providing professional services for City and City utilizing these services, the parties hereby agree:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this Agreement, City agrees to employ and compensate FNI to perform professional services in connection with the Project. The Project is described as City of Lago Vista Traffic Study.
- II. **SCOPE OF SERVICES:** FNI shall render professional services in connection with the Project as set forth in Attachment SC – Scope of Services and Responsibilities of City which is attached to and made a part of this Agreement.
- III. **COMPENSATION:** City agrees to pay FNI for all professional services rendered under this Agreement. FNI shall perform professional services under this Agreement for a lump sum fee of \$300,000.00.
- IV. **TERMS AND CONDITIONS OF AGREEMENT:** The Terms and Conditions of Agreement, as set forth in Attachment TC – Terms and Conditions of Agreement, shall govern the relationship between the City and FNI.
- V. **GOVERNING LAW; VENUE:** This Agreement shall be administered and interpreted under the laws of the State of Texas. Venue of any legal proceeding involving this Agreement shall be in Tarrant County, Texas.
- VI. **EFFECTIVE DATE:** The effective date of this Agreement is _____, 2023.

Nothing in this Agreement shall be construed to give any rights or benefits under this Agreement to anyone other than the City and FNI. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the City and FNI and not for the benefit of any other party. This Agreement constitutes the entire agreement between the City and FNI and supersedes all prior written or oral understandings.

This Agreement is executed in two counterparts. IN TESTIMONY HEREOF, Agreement executed:

CITY OF LAGO VISTA, TEXAS

By: _____
Name: _____
Title: _____
Date: _____
Attest: _____

FRESE AND NICHOLS, INC.

By: _____
Name: _____
Title: _____
Date: _____
Attest: _____

TERMS AND CONDITIONS OF AGREEMENT

1. **DEFINITIONS:** As used herein: (1) City refers to the party named as such in the Agreement between the City and FNI; (2) FNI refers to Freese and Nichols, Inc., its employees and agents, and its subcontractors and their employees and agents; and (3) Services refers to the professional services performed by FNI pursuant to the Agreement.
2. **INFORMATION FURNISHED BY CITY:** City will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. FNI shall have no liability for defects or negligence in the Services attributable to FNI's reliance upon or use of data, design criteria, drawings, specifications, or other information furnished by City. To the fullest extent permitted by law, City agrees to indemnify and hold FNI harmless from any and all claims and judgments, and all losses, costs, and expenses arising therefrom. FNI shall disclose to City, prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications, or other information furnished by City to FNI that FNI may reasonably discover in its review and inspection thereof.
3. **STANDARD OF CARE:** The standard of care for all professional Services performed or furnished by FNI under this Agreement will be the skill and care ordinarily used by members of the subject profession practicing under the same or similar license and circumstances at the same time and in the same locality. FNI makes no warranties, express or implied, under this Agreement or otherwise, in connection with any Services performed or furnished by FNI.
4. **INSURANCE:** FNI shall provide City with certificates of insurance with the following minimum coverage:

<u>Commercial General Liability</u>	<u>Workers' Compensation</u>
\$2,000,000 General Aggregate	As required by Statute
<u>Automobile Liability (Any Auto)</u>	<u>Professional Liability</u>
\$1,000,000 Combined Single Limit	\$3,000,000 Annual Aggregate

5. **CHANGES:** City, without invalidating the Agreement, may order changes within the general scope of the Services required by the Agreement by altering, adding, and/or deducting from the Services to be performed. If any such change under this clause causes an increase or decrease in FNI's cost or the time required for the performance of any part of the Services, an equitable adjustment will be made by mutual agreement and the Agreement will be modified in writing accordingly.

FNI will make changes to the drawings, specifications, reports, documents, or other deliverables as requested by City. However, when such changes differ from prior comments, directions, instructions, or approvals given by City or are due to causes not solely within the control of FNI, FNI shall be entitled to additional compensation and time required for performance of such changes to the Services authorized under this Agreement.

6. **OPINION OF PROBABLE CONSTRUCTION COSTS:** No fixed limit of project construction cost shall be established as a condition of the Agreement, unless agreed upon in writing and signed by the parties hereto. If a fixed limit is established, FNI shall be permitted to include contingencies for design, bidding, and price escalation in the construction contract documents to make reasonable adjustments in the scope of the Project to adjust the project construction cost to the fixed limit. Such contingencies may include bid allowances, alternate bids, or other methods that allow FNI to determine what materials, equipment, component systems, and types of construction are to be

included in the construction contract documents. Fixed limits, if any, shall be increased by the same amount as any increase in the contract price after execution of the construction contract.

FNI will furnish an opinion of probable construction or program cost based on present day pricing, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by FNI hereunder will be made on the basis of FNI's experience and qualifications and represent FNI's judgment as an experienced and qualified design professional. It is recognized, however, that FNI does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices. Accordingly, FNI cannot and does not warrant or represent that bids or cost proposals will not vary from the City's project budget or from any estimate or opinion of probable construction or program cost prepared by or agreed to by FNI.

7. **PAYMENT:** Progress payments may be requested by FNI based on the amount of Services completed. Payment for the Services of FNI shall be due and payable upon submission of a statement for Services to City and in acceptance of the Services as satisfactory by City. Statements for Services shall not be submitted more frequently than monthly. Any applicable taxes imposed upon Services, expenses, and charges by any governmental body after the execution of this Agreement will be added to FNI's compensation.

If City fails to make any payment due FNI for Services, expenses, and charges within 30 days after receipt of FNI's statement for Services therefore, the amounts due FNI will be increased at the rate of 1 percent per month from said 30th day, and, in addition, FNI may, after giving 7 days' written notice to City, suspend Services under this Agreement until FNI has been paid in full for all amounts due for Services, expenses, and charges.

If FNI's Services are delayed or suspended by City or are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised.

8. **OWNERSHIP OF DOCUMENTS:** All drawings, reports, data, and other project information developed in the execution of the Services provided under this Agreement shall be the property of City upon payment of FNI's fees for Services. FNI may retain copies for record purposes. City agrees such documents are not intended or represented to be suitable for reuse by City or others. Any reuse by City or by those who obtained said documents from City without written verification or adaptation by FNI, will be at the City's sole risk and without liability or legal exposure to FNI, or to FNI's independent associates or consultants. To the fullest extent permitted by law, City shall indemnify and hold harmless FNI and FNI's independent associates and consultants from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle FNI to further reasonable compensation. FNI may reuse all drawings, report data, and other project information in the execution of the Services provided under this Agreement in FNI's other activities. Any reuse by FNI will be at FNI's sole risk and without liability or legal exposure to City, and FNI shall indemnify and hold harmless City from all claims, damages, losses, and expenses including reasonable attorneys' fees arising out of or resulting therefrom.
9. **TERMINATION:** The obligation to provide Services under this Agreement may be terminated by either party upon 10 days' written notice. In the event of termination, FNI will be paid for all Services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.

10. **CONSTRUCTION REPRESENTATION:** If required by the Agreement, FNI will furnish construction representation according to the defined scope for these Services. FNI will observe the progress and the quality of work to determine in general if the work is proceeding in accordance with the construction contract documents. In performing these Services, FNI will report any observed deficiencies to City, however, it is understood that FNI does not guarantee the contractor's performance, nor is FNI responsible for the supervision of the contractor's operation and employees. FNI shall not be responsible for the contractor's means, methods, techniques, sequences, or procedures of construction or the safety precautions and programs incident to the work of the contractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the project site or otherwise performing any of the work of the Project. If City designates a resident project representative that is not an employee or agent of FNI, the duties, responsibilities, and limitations of authority of such resident project representative will be set forth in writing and made a part of this Agreement before the construction phase of the Project begins.
11. **GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT:** City agrees to include provisions in the general conditions of the construction contract that name FNI: (1) as an additional insured and in any waiver of subrogation rights with respect to such liability insurance purchased and maintained by the contractor for the Project (except workers' compensation and professional liability policies); and (2) as an indemnified party in the indemnification provisions where the City is named as an indemnified party.
12. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed that FNI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the project site, if any, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. The parties agree that in performing the Services required by this Agreement, FNI does not take possession or control of the subject site, but acts as an invitee in performing the Services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site. Further, FNI shall have no responsibility for any pollutant during clean-up, transportation, storage or disposal activities.
13. **SUBCONTRACTS:** If, for any reason and at any time during the progress of providing Services, City determines that any subcontractor for FNI is incompetent or undesirable, City shall notify FNI accordingly and FNI shall take immediate steps for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in the Agreement shall create any contractual relation between any subcontractor and City.
14. **PURCHASE ORDERS:** If a purchase order is used to authorize FNI's Services, only the terms, conditions, and instructions typed on the face of the purchase order shall apply to this Agreement. Should there be any conflict between the purchase order and the terms of this Agreement, then this Agreement shall prevail and be determinative of the conflict.
15. **CONSEQUENTIAL DAMAGES:** In no event shall FNI be liable in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental, or consequential damages (such as loss of product, loss of use of equipment or systems, loss of anticipated profits or revenue, non-operation or increased expense of operation), arising out of, resulting from, or in any way related to this Agreement or the Project.
16. **ARBITRATION:** No arbitration, arising out of or relating to this Agreement, involving one party to this Agreement may include the other party to this Agreement without their approval.

17. SUCCESSORS AND ASSIGNMENTS: City and FNI and the partners, successors, executors, administrators, and legal representatives of each are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

Neither City nor FNI shall assign, sublet, or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent FNI from employing such independent associates and consultants as FNI may deem appropriate to assist in the performance of Services hereunder.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Taylor M. Whichard, Director of Public Works

Subject: Discussion, consideration, and possible action regarding a contract with Asphalt Inc. LLC dba Lone Star Paving Company to resurface six (6) City Streets and authorize the City Manager to execute the Contract.

Request: Other



Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

During the Council Meeting on May 19, 2022, Council elected to amend the Interlocal Agreement with CapMetro to include the Transit Infrastructure Funding Program. During the presentation, CapMetro stated that \$702,154 would be available for any approved FY22 project. It also stated that a total of \$789,482 of total capital contributions from CapMetro can be carried over into the next fiscal year. Since no funds were expended on projects in FY22, the City is eligible for a total of \$789,482 according to the presentation.

Bids for RFP #23-03 were due by 1:00 PM on January 19, 2023. The City received three (3) qualifying bids. The lowest responsible bidder was Asphalt, Inc. LLC dba Lone Star Paving Company. Their bid total for RFP #23-03 is \$739,898.45.

Included in this packet is a bid tab comparing all three respective bidders, and Lone Star Paving's Bid Form.

There will be approximately \$50,000 left of these funds to spend on minor road improvements such as MacArthur Avenue. This part of Goal #1, Section B of the Work Plan.

Impact if Approved:

Six (6) City Streets will be resurfaced. This project will be completely funded by CapMetro.

Impact if Denied:

These six (6) streets will not be paved.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Street Department: 10-530-9750

Reimbursed by CapMetro's Build Central Texas Infrastructure Fund

Suggested Motion/Recommendation/Action

Motion to Approve Item N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Discussion, consideration and possible action regarding a contract with Asphalt Inc. LLC dba Lone Star Paving Company to resurface six (6) City Streets and authorize the City Manager to execute the contract

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.26 08:30:44 -06'00'

The Pay Item reference indicates the controlling specification for each Pay Item. Pay Item references are from the specifications referenced in the Standard Form of Agreement, unless otherwise noted.

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE	Bennett Paving		Texas Materials		Lone Star Paving	
						UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
GENERAL CONDITIONS & PAVING											
1	MOBILIZATION, BONDS & INSURANCE	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 26,700.00	\$ 26,700.00	\$ 8,750.00	\$ 8,750.00	\$ 8,750.00	
2	REMOVE & DISPOSE OF TRAFFIC BUTTONS	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,931.29	\$ 2,931.29	\$ 650.00	\$ 650.00	\$ 650.00	
3	TRAFFIC CONTROL	1	LS	\$ 20,531.30	\$ 20,531.30	\$ 31,500.00	\$ 31,500.00	\$ 13,500.00	\$ 13,500.00	\$ 13,500.00	
4	3rd PARTY GEOTECHNICAL BORING & TESTING FOR COMPACTATION & THICKNESS FOR EACH ROAD	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 5,500.00	\$ 5,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	
HIGH DR (C28)											
4	MILLING AND DISPOSAL OF EXISTING PAVEMENT	16,100	SY	\$ 3.65	\$ 58,765.00	\$ 4.22	\$ 67,942.00	\$ 1.40	\$ 22,540.00		
5	PAVEMENT 2.0" HMAC TYPE "D"	16,100	SY	\$ 15.75	\$ 253,575.00	\$ 16.25	\$ 261,625.00	\$ 14.65	\$ 235,365.00		
6	TIE-IN TO EXSITING PAVEMENT (REMOVE 2"x 3' WIDE PVMT.)	130	LF	\$ 10.00	\$ 1,300.00	\$ 3.00	\$ 390.00	\$ -	\$ -		
HENRY (C31)											
7	MILLING AND DISPOSAL OF EXISTING PAVEMENT	8,330	SY	\$ 3.65	\$ 30,404.50	\$ 4.22	\$ 35,152.60	\$ 1.35	\$ 11,245.50		
8	PAVEMENT 2.0" HMAC TYPE "D"	8,330	SY	\$ 15.75	\$ 131,197.50	\$ 17.31	\$ 144,192.30	\$ 14.60	\$ 121,618.00		
9	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	370	LF	\$ 10.00	\$ 3,700.00	\$ 3.00	\$ 1,110.00	\$ -	\$ -		
PAINÉ (C32)											
10	MILLING AND DISPOSAL OF EXISTING PAVEMENT	2,600	SY	\$ 3.65	\$ 9,490.00	\$ 4.22	\$ 10,972.00	\$ 1.45	\$ 3,770.00		
11	PAVEMENT 2.0" HMAC TYPE "D"	2,600	SY	\$ 15.75	\$ 40,950.00	\$ 16.50	\$ 42,900.00	\$ 14.80	\$ 38,480.00		
12	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	180	LF	\$ 10.00	\$ 1,800.00	\$ 3.00	\$ 540.00	\$ -	\$ -		
13	12" HMAC COMPACTED TAPERED EDGE	7,452	LF	\$ 2.22	\$ 16,543.44	\$ 4.76	\$ 35,471.52	\$ 2.50	\$ 18,630.00		
SUNSET STRIP (C33)											
14	MILLING AND DISPOSAL OF EXISTING PAVEMENT	2,570	SY	\$ 3.65	\$ 9,380.50	\$ 4.23	\$ 10,871.10	\$ 2.90	\$ 7,453.00		
15	PAVEMENT 2" HMAC TYPE "D"	2,570	SY	\$ 15.75	\$ 40,477.50	\$ 16.20	\$ 41,634.00	\$ 18.25	\$ 46,902.50		
16	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x 3' WIDE PVMT.)	160	LF	\$ 10.00	\$ 1,600.00	\$ 3.00	\$ 480.00	\$ -	\$ -		
CHEYENNE (C34)											
17	MILLING AND DISPOSAL OF EXISTING PAVEMENT	1,030	SY	\$ 3.65	\$ 3,759.50	\$ 4.22	\$ 4,346.60	\$ 1.80	\$ 1,854.00		
18	PAVEMENT 2" HMAC TYPE "D"	1,030	SY	\$ 15.75	\$ 16,222.50	\$ 27.34	\$ 28,160.20	\$ 15.75	\$ 16,222.50		
19	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x 3' WIDE PVMT.)	75	LF	\$ 10.00	\$ 750.00	\$ 3.00	\$ 225.00	\$ -	\$ -		
PASEO DE VACA (C35)											
20	MILLING AND DISPOSAL OF EXISTING PAVEMENT	9,100	SY	\$ 3.65	\$ 33,215.00	\$ 4.22	\$ 38,402.00	\$ 1.45	\$ 13,195.00		
21	PAVEMENT 2" HMAC TYPE "D"	9,100	SY	\$ 15.75	\$ 143,325.00	\$ 17.29	\$ 157,339.00	\$ 14.80	\$ 134,680.00		
22	TIE-IN TO EXSITING PAVEMENT (REMOVE 2"x 3' WIDE PVMT.)	620	LF	\$ 10.00	\$ 6,200.00	\$ 3.00	\$ 1,860.00	\$ -	\$ -		
23	12" HMAC COMPACTED TAPERED EDGE	5,514	LF	\$ 2.22	\$ 12,241.08	\$ 4.79	\$ 26,412.06	\$ 2.55	\$ 14,060.70		
PAVEMENT MARKINGS											
HIGH DR (C28)											
24	YELLOW TRAFFIC BUTTON REFLECTORS	150	EA	\$ 7.00	\$ 1,050.00	\$ 7.00	\$ 1,050.00	\$ 9.75	\$ 1,462.50		
25	BLUE TRAFFIC BUTTON REFLECTORS	6	EA	\$ 14.00	\$ 84.00	\$ 14.00	\$ 84.00	\$ 9.75	\$ 58.50		
26	SOLID YELLOW 4" THERMOPLASTIC STRIPE (DOUBLE)	5956	LF	\$ 1.10	\$ 6,551.60	\$ 1.10	\$ 6,551.60	\$ 0.75	\$ 4,467.00		
27	SOLID WHITE 4" THERMOPLASTIC EDGE STRIPE (SINGLE)	12288	LF	\$ 0.35	\$ 4,300.80	\$ 0.35	\$ 4,300.80	\$ 0.75	\$ 9,216.00		
28	SOLID WHITE 24" x 12" THERMOPLASTIC MARKER (STOP BAR)	1	EA	\$ 340.00	\$ 340.00	\$ 340.00	\$ 340.00	\$ 300.00	\$ 300.00		
29	YELLOW TRAFFIC BUTTON REFLECTORS	68	EA	\$ 7.00	\$ 476.00	\$ 7.00	\$ 476.00	\$ 9.75	\$ 663.00		

The Pay Item reference indicates the controlling specification for each Pay Item. Pay Item references are from the specifications referenced in the Standard Form of Agreement, unless otherwise noted.

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE	Bennett Paving		Texas Materials		Lone Star Paving	
						UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
30	BLUE TRAFFIC BUTTON REFLECTORS	5	EA	\$ 14.00	\$ 70.00	\$ 14.00	\$ 70.00	\$ 9.75	\$ 48.75	\$ 9.75	\$ 48.75
31	SOLID YELLOW 4" THERMOPLASTIC STRIPE (DOUBLE)	2,708	LF	\$ 1.10	\$ 2,978.80	\$ 1.10	\$ 2,978.80	\$ 0.75	\$ 2,031.00	\$ 0.75	\$ 2,031.00
32	SOLID WHITE 4" THERMOPLASTIC EDGE STRIPE (SINGLE)	5,514	LF	\$ 0.35	\$ 1,929.90	\$ 0.35	\$ 1,929.90	\$ 0.75	\$ 4,135.50	\$ 0.75	\$ 4,135.50
33	SOLID WHITE 24" x 12" THERMOPLASTIC MARKER (STOP BAR)	2	EA	\$ 340	\$ 680.00	\$ 340.00	\$ 680.00	\$ 300.00	\$ 600.00	\$ 300.00	\$ 600.00
TOTAL BASE BID (TOTAL OF ITEMS IN THE COLUMNS ABOVE)				\$ 878,888.92	\$ 995,117.77	\$ 739,898.45					

The total bid shall be entered in the space provided above, and shall also be entered in the space provided in the Bid Summary Sheet. All construction shall be completed per the City of Lago Vista's Technical Construction Standard Manual. Contractor will be required to provide insurance certificate and performance bonds per the specs.

Payment for all items shall be base on **Plans Quantity**, as described in **Measurement and Payment**, unless otherwise noted.

BID FORM

PROJECT IDENTIFICATION: RFP No. 23-03 Street ResurfacingPROJECT IDENTIFICATION NUMBER (PID): RFP No. 23-03

THIS BID IS SUBMITTED TO: Mr. Taylor M. Whichard, Director of Public Works, City of Lago Vista, Texas

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Advertisement of Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for thirty-five days after the day of Bid opening. BIDDER will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen days after the date of OWNER'S Notice of Award.
3. In submitting this bid, BIDDER represents, as more fully set forth in the Agreement, that:

(a) BIDDER has examined and carefully studied the Bidding Documents; including (but not limited to) the following:

BID PACKET - All portions of the Contractor's Bid Packet including the Instructions to Bidders, General Conditions, and any Special and /or Supplementary Conditions

DRAWINGS - Most current set of drawings

SPECIFICATIONS - Most current City of Lago Vista Technical Construction Standards, Specifications Manual, and any other as stated in the construction drawings.

ADDENDA - Acknowledged on the Bid Summary Sheet or on the sealed bid envelope

- (b) BIDDER has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work;
- (c) BIDDER is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.
- (d) BIDDER has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in the General Conditions. BIDDER accepts the determination set forth in the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which BIDDER is entitled to rely as provided in the General Conditions. BIDDER acknowledges that such reports and drawings are not Contract Documents and may not be complete for BIDDER'S purposes. BIDDER acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bidding Documents with respect to Underground Facilities at or contiguous to the site. BIDDER has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by BIDDER and safety precautions and programs incident thereof. BIDDER does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of this Bid for performance and furnishing of the Work in accordance with the times, price and other terms and conditions of the Contract Documents.
- (e) BIDDER is aware of the general nature of Work to be performed by OWNER and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- (f) BIDDER has correlated the information known to BIDDER, information and observations obtained from visits to the site, reports and drawing identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.
- (g) BIDDER has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that BIDDER has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to BIDDER, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for

performing and furnishing the Work for which this Bid is submitted.

(h) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.

4. Measurement shall be based solely on Plan Quantities as listed in the Unit Price Schedule; no quantities shall be measured in the field for payment purposes. BIDDER will complete the Work in accordance with the Contract Documents for the Unit Prices and Quantities listed on the Unit Price Schedule for the total bid in numbers as entered on the Bid Summary Sheet.

5. BIDDER agrees that the Work will be substantially complete, and completed and ready for final payment in accordance with the lines specified in Article 3 of the Standard Form of Agreement. BIDDER accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the lines specified in the Agreement.

6. The following documents are required to be attached to be made a condition of this Bid:
(a) Required Bid Security in the form of certified check, cashier's check or corporate surety bond.

7. Communications concerning this Bid shall be addressed to:

Mr. Taylor M. Whichard
Director of Public Works
City of Lago Vista
5803 Thunderbird Street
Lago Vista, Texas 78645
(512) 267-1155
taylor.whichard@lagovistatexas.gov

The address of BIDDER indicated below:

8. Terms used in this Bid which are defined in the General Conditions or Instructions will have the meanings indicated in the General Conditions or Instructions.

9. SUBMITTED on January 19th, 2023.
State Contractor License No. N/A

If BIDDER is:

An Individual

By _____ (SEAL)
(Individual's Name)

doing business as _____

Business address: _____

Phone No.: _____

Email Address: _____

A Partnership

By Asphalt Inc. LLC, dba Lone Star Paving Company (SEAL)

(Firm Name)

 **EVP**

(General Partner)

Business address: 11675 Sollyville Rd Ste #19
Austin, TX 78759

Phone No.: 512-643-6630

Email Address: Alex @ lspaving.com

A Corporation

By _____ (SEAL)
(*Corporation Name*)

_____ (State of Incorporation)

By _____ (SEAL)
(name of person authorized to sign)

_____ (Corporate Seal) (Title)

Attest _____ (Secretary)

Business address: _____

Phone No.: _____

Email Address: _____

Date of Qualification to do business is _____

A Joint Venture

By _____ (SEAL)
(*Name*)

_____ (Address)

By _____ (SEAL)
(*Name*)

_____ (Address)

Phone No.: _____

Email Address: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above).

The *Pay Item* reference indicates the controlling specification for each Pay Item. Pay Item references are from the specifications referenced in the *Standard Form of Agreement*, unless otherwise noted.

Contractor responsible for the validity, format, and formulas in file.
PDF documents are official

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
GENERAL CONDITIONS & PAVING					
1	MOBILIZATION, BONDS & INSURANCE	1	LS	<u>8,750.</u>	\$ <u>8,750.</u> -
2	REMOVE & DISPOSE OF TRAFFIC BUTTONS	1	LS	<u>650.</u>	\$ <u>650.</u> -
3	TRAFFIC CONTROL	1	LS	<u>13,500.</u>	\$ <u>13,500.</u> -
4	3rd PARTY GEOTECHNICAL BORING & TESTING FOR COMPACTION & THICKNESS FOR EACH ROAD	1	LS	<u>7,500.</u>	\$ <u>7,500.</u> -

The Pay Item reference indicates the controlling specification for each Pay Item. Pay Item references are from the specifications referenced in the *Standard Form of Agreement*, unless otherwise noted.

Contractor responsible for the validity, format, and formulas in file. PDF documents are official

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
HIGH DR (C28)					
4	MILLING AND DISPOSAL OF EXISTING PAVEMENT	16,100	SY	1.40	\$ 22,540. -
5	PAVEMENT 2.0" HMAC TYPE "D"	16,100	SY	14.65	\$ 235,865. -
6	TIE-IN TO EXSITING PAVEMENT (REMOVE 2"x 3' WIDE PVMT.)	130	LF	0.00	\$ 0.00 -
HENRY (C31)					
7	MILLING AND DISPOSAL OF EXISTING PAVEMENT	8,330	SY	1.35	\$ 11,245. 50
8	PAVEMENT 2.0" HMAC TYPE "D"	8,330	SY	14.60	\$ 121,618. -
9	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	370	LF	0.00	\$ 0.00 -
PAINÉ (C32)					
10	MILLING AND DISPOSAL OF EXISTING PAVEMENT	2,600	SY	1.45	\$ 3,770. -
11	PAVEMENT 2.0" HMAC TYPE "D"	2,600	SY	14.80	\$ 38,480. -
12	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	180	LF	0.00	\$ 0.00 -
13	12" HMAC COMPACTED TAPERED EDGE	7,452	LF	2.50	\$ 18,630. -
SUNSET STRIP (C33)					
14	MILLING AND DISPOSAL OF EXISTING PAVEMENT	2,570	SY	2.90	\$ 7,453. -
15	PAVEMENT 2" HMAC TYPE "D"	2,570	SY	18.25	\$ 46,902. 50
16	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	160	LF	0.00	\$ 0.00 -
CHEYENNE (C34)					
17	MILLING AND DISPOSAL OF EXISTING PAVEMENT	1,030	SY	1.80	\$ 1,854. -
18	PAVEMENT 2" HMAC TYPE "D"	1,030	SY	15.75	\$ 16,222.50
19	TIE-IN TO EXSITING PAVEMENT (REMOVE 2.0"x3' WIDE PVMT.)	75	LF	0.00	\$ 0.00 -
PASEO DE VACA (C35)					
20	MILLING AND DISPOSAL OF EXISTING PAVEMENT	9,100	SY	1.45	\$ 13,195. -
21	PAVEMENT 2" HMAC TYPE "D"	9,100	SY	14.80	\$ 134,680. -
22	TIE-IN TO EXSITING PAVEMENT (REMOVE 2"x 3' WIDE PVMT.)	620	LF	0.00	\$ 0.00 -
23	12" HMAC COMPACTED TAPERED EDGE	5,514	LF	2.55	\$ 14,060.70
PAVEMENT MARKINGS					
HIGH DR (C28)					
24	YELLOW TRAFFIC BUTTON REFLECTORS	150	EA	9.75	\$ 1,462.50
25	BLUE TRAFFIC BUTTON REFLECTORS	6	EA	9.75	\$ 58.50 -
26	SOLID YELLOW 4" THERMOPLASTIC STRIPE (DOUBLE)	5956	LF	.75	\$ 4,467. -
27	SOLID WHITE 4" THERMOPLASTIC EDGE STRIPE (SINGLE)	12288	LF	.75	\$ 9,216. -
28	SOLID WHITE 24" x 12' THERMOPLASTIC MARKER (STOP BAR)	1	EA	300.	\$ 300. -
PASEO DE VACA (C35)					
29	YELLOW TRAFFIC BUTTON REFLECTORS	68	EA	9.75	\$ 663. -
30	BLUE TRAFFIC BUTTON REFLECTORS	5	EA	9.75	\$ 48.75 -
31	SOLID YELLOW 4" THERMOPLASTIC STRIPE (DOUBLE)	2,708	LF	.75	\$ 2,031. -
32	SOLID WHITE 4" THERMOPLASTIC EDGE STRIPE (SINGLE)	5,514	LF	.75	\$ 4,135.50
33	SOLID WHITE 24" x 12' THERMOPLASTIC MARKER (STOP BAR)	2	EA	300.	\$ 600. -

TOTAL BASE BID (TOTAL OF ITEMS IN THE COLUMNS ABOVE)	\$ 739,898.45
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The *Pay Item* reference indicates the controlling specification for each Pay Item. Pay Item references are from the specifications referenced in the *Standard Form of Agreement*, unless otherwise noted.

Contractor responsible for the validity, format, and formulas in file.
PDF documents are official

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
TOTAL BASE BID INCLUDING ADDITIONAL BID ITEMS (TOTAL OF ITEMS IN THE COLUMNS ABOVE)					\$ 739,898.45 -
The total bid shall be entered in the space provided above, and shall also be entered in the space provided in the Bid Summary Sheet. All construction shall be completed per the City of Lago Vista's Technical Construction Standard Manual. Contractor will be required to provide insurance certificate and performance bonds per the specs.					Payment for all Items shall be base on Plans Quantity , as described in <i>Measurement and Payment</i> , unless otherwise noted.

BIDDER: Asphalt Inc., LLC dba Lone Star Paving Company
BY: AFP
TITLE: E.V.P.

The Base Bid of the undersigned bidder based upon the quantities shown and the unit prices bid:

Seven Hundred Thirty Nine Thousand Eight Hundred Ninety Eight Dollars, and Forty Five Cents
(\$ 739,898.45). All work bid will be substantially completed within 90 calendar days after the
issuance of the notice to proceed. All work bid will be totally completed within 110 calendar days.

* Note : See the following printed copy of our
Unit prices & extensions if my hand written prices
are difficult to Read.

BID PROPOSAL

BidItem	Description	Quantity	Units	Unit Price	Bid Total
10	MOBILIZATION, BONDS, & INSURANCE	1.000	LS	8,750.00	8,750.00
20	REMOVE & DISPOSE OF TRAFFIC BUTTONS	1.000	LS	650.00	650.00
30	TRAFFIC CONTROL	1.000	LS	13,500.00	13,500.00
35	QUALITY ASSURANCE (COMPACTION & LIFT THICKNESS/RD)	1.000	LS	7,500.00	7,500.00
40	MILLING & DISPOSAL OF EXSITING PAVEMENT	16,100.000	SY	1.40	22,540.00
50	PAVEMENT 2" HMAC TYPE "D"	16,100.000	SY	14.65	235,865.00
60	TIE-IN BUTT JOINT (2" X 3' WIDE)	130.000	LF	0.00	0.00
70	MILLING & DISPOSAL OF EXSITING PAVEMENT	8,330.000	SY	1.35	11,245.50
80	PAVEMENT 2" HMAC TYPE "D"	8,330.000	SY	14.60	121,618.00
90	TIE-IN BUTT JOINT (2" X 3' WIDE)	370.000	LF	0.00	0.00
100	MILLING & DISPOSAL OF EXSITING PAVEMENT	2,600.000	SY	1.45	3,770.00
110	PAVEMENT 2" HMAC TYPE "D"	2,600.000	SY	14.80	38,480.00
120	TIE-IN BUTT JOINT (2" X 3' WIDE)	180.000	LF	0.00	0.00
130	12" COMPACTED TAPERED EDGE	7,452.000	LF	2.50	18,630.00
140	MILLING & DISPOSAL OF EXSITING PAVEMENT	2,570.000	SY	2.90	7,453.00
150	PAVEMENT 2" HMAC TYPE "D"	2,570.000	SY	18.25	46,902.50
160	TIE-IN BUTT JOINT (2" X 3' WIDE)	160.000	LF	0.00	0.00
170	MILLING & DISPOSAL OF EXSITING PAVEMENT	1,030.000	SY	1.80	1,854.00
180	PAVEMENT 2" HMAC TYPE "D"	1,030.000	SY	15.75	16,222.50
190	TIE-IN BUTT JOINT (2" X 3' WIDE)	75.000	LF	0.00	0.00
200	MILLING & DISPOSAL OF EXSITING PAVEMENT	9,100.000	SY	1.45	13,195.00
210	PAVEMENT 2" HMAC TYPE "D"	9,100.000	SY	14.80	134,680.00
220	TIE-IN BUTT JOINT (2" X 3' WIDE)	620.000	LF	0.00	0.00
230	12" COMPACTED TAPERED EDGE	5,514.000	LF	2.55	14,060.70
240	YELLOW TRAFFIC BUTTON REFLECTORS	150.000	EA	9.75	1,462.50
250	BLUE TRAFFIC BUTTON REFLECTORS	6.000	EA	9.75	58.50
260	SOLID WHITE 4" THERMO STRIPE (DOUBLE)	5,956.000	LF	0.75	4,467.00
270	SOLID WHITE 4" THERMO EDGE STRIPE (SINGLE)	12,288.000	LF	0.75	9,216.00
280	SOLID WHITE 24" X 12" THERMO MRKR (STOP BAR)	1.000	EA	300.00	300.00
290	YELLOW TRAFFIC BUTTON REFLECTORS	68.000	EA	9.75	663.00
730	BLUE TRAFFIC BUTTON REFLECTORS	5.000	EA	9.75	48.75
310	SOLID WHITE 4" THERMO STRIPE (DOUBLE)	2,708.000	LF	0.75	2,031.00
320	SOLID WHITE 4" THERMO EDGE STRIPE (SINGLE)	5,514.000	LF	0.75	4,135.50
330	SOLID WHITE 24" X 12" THERMO MRKR (STOP BAR)	2.000	EA	300.00	600.00

BID PROPOSAL

	Bid Total		
			\$739,898.45



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: January 19, 2023

From: Gary Boshears, Chief of Police; Dan Migura, Human Resources

Subject: Discussion, consideration, and possible action regarding a Modification to the City of Lago Vista Personnel Policies and Procedures related to Police Officer Work Periods and Work Schedules.

Request: Business Item

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

The City's Personnel Policies and Procedures currently state that the official work period for police officers is 14 days with each shift consisting of ten work hours per day. Each officer's regularly hourly rate for the purpose of computing overtime is based on 80 working hours per 14-day period. This is in accordance with an exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA).

In early 2020, the Police Department switched from a 10 hour shift to a 12 hours shift for patrol officers and has maintained this schedule since then. For a department our size, the 12 hour shifts for patrol officers offers significant advantages in maximizing the number of officers available at any given time. Officers currently work seven 12-hour shifts in a 14 day pay period, equaling 84 hours. Under the current policy, officers are automatically receiving 4 hours of overtime per pay period which is a significant strain on our overtime budget for regularly scheduled hours.

Section 207 (k) of the FLSA allows the work period for police officers for overtime calculations to be set at 86 hours per 14 day period. Modifying our policies and procedures to an 86 hour pay period would allow for all regularly scheduled time to be paid without officers automatically receiving overtime every pay period. The additional two hours would also allow us to have officers begin their shift 15 minutes early for a shift briefing period and to allow for relief of the shift that is about to be coming off-duty. Overall, this will result in significant overtime savings for our department and align our policies and procedures to match the schedule that officers are working.

Impact if Approved:

The City's Personnel Policies and Procedures for police officer work periods would be aligned to the current work schedule resulting in fewer overtime expenditures for the department.

Impact if Denied:

Police Officers would continue to automatically receive overtime in every pay period from working their regularly scheduled hours, resulting in significant overtime expenditures for the department.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

There may be a need for a small budget amendment in the future to the police department salary line items as those were based on a 80 hour pay period.

Suggested Motion/Recommendation/Action

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:**Agenda Item Approved by City Manager**

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.26 08:23:38 -06'00'

SECTION 6. ATTENDANCE, WORK SCHEDULE, TIME REPORTING, AND OVERTIME

A. HOURS WORKED

1. **Normal Working Hours.** Normal working hours for most City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the City Manager. A morning and an afternoon break of 15 minutes each will be available to each employee, but this time does not accumulate if not taken and may not be applied to any other absence, leave, or time off.
2. **Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for the City Manager to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work. The schedule of a workday may be adjusted to accommodate an employee's needs with the approval of the employee's supervisor. Flex-time arrangements for longer than one (1) month, however, must be formalized by memorandum to the department director and the Human Resources Manager.

During the summer months, employees may work different hours, while still working five (5) days a week, eight (8) hours per day. This seasonal work schedule is changed at the discretion of the department directors, who confer with the City Manager before making the transition each year.

3. **Determination of Hours Worked and Compensation.** The City Manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

B. OFFICIAL WORK PERIOD

1. **Non-Police Employees' Official Work Period.** The official work period for most City employees is a seven-day period beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday.

The official work period for sworn police personnel is different in length from the above work period.

2. **Police Officer Work Periods and Work Schedules.** In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its police officers:

- ◆ The official work period consists of 14 days with each shift consisting of twelve work hours per day and approximately 15 minutes for shift briefing and shift relief for officers coming off-duty.

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Each officer on each shift is given thirty (30) minutes for a meal during the shift. However, during the mealtime, the officers are required to remain in contact with the department. Thus, each officer works twelve hours and 15 minutes each workday resulting in a total of 86 scheduled working hours each 14-day work period.

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- ◆ Each officer's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 86 working hours per 14-day work period; time and one-half overtime compensation will commence after the 86th hour worked in a 14-day period.
- ◆ If a police officer is required to work an extra full shift due to the absence of another officer who is on sick, vacation, or compensatory leave, the officer working the extra shift will receive time and one-half overtime compensation for the full shift. If a police officer is required to work only a partial shift to substitute for another officer who is on approved leave, he or she is paid time and one-half overtime for the total actual number of hours worked. The time-and-a-half overtime rate applies in both situations, either for pay or for accumulation of compensatory time off. However, if the employee has had unscheduled absences or time off for sickness, emergencies, or other personal reasons, the employee's additional hours worked will not be considered for overtime purposes unless the number of hours actually worked exceeds 86 for the 14-day work period. (Please see the provisions in the paragraph titled "Leave Taken and Overtime" for additional information.)
- ◆ The Police Chief will notify affected employees at least once annually of the beginning and ending dates and times of the official 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods.

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(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

C. OVERTIME WORKED

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not eligible for and are not paid overtime compensation.

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The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Manager. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays.

1. **Non-Exempt Employees.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight-time work.

All non-exempt employees must receive their supervisor's and department director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, may not work through their lunch break and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor.

On the employee's timesheet, the appropriate supervisor must also approve any overtime before the timesheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for sworn peace officers, overtime pay for non-exempt employees is at the rate of 1 ½ times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:01 a.m. on Saturday and ends at midnight the following Friday.) Sworn police personnel are paid overtime based on the 14-day work cycle described earlier in this Section of the City's policies, using the Section 207(k) exemption under the Fair Labor Standards Act (FLSA).

2. **Leave Taken and Overtime.** Paid holidays are included as hours worked for purposes of determining eligibility for overtime pay. Vacation, sick leave, witness duty leave, bereavement leave, jury duty or any unscheduled leave of absence is not considered time worked for purposes of performing overtime calculations.
3. **Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and any accrued time should be used within 60 days of its accrual.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued compensatory time. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

4. **Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective.

Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

5. **Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the department director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.
6. **Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek (or 80 hours for sworn peace officers in a 14-day work period). Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

“Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the Human Resources Manager. It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Human Resources Manager. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

Overtime is defined as hours worked in excess of the allowable **number** of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-police employees; and 86 hours per 14-day work period for sworn peace officers).

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For most employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For sworn peace officers, overtime begins to accrue after the 86th hour worked during the 14-day work period.

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Employees engaged in recreational or seasonal activities which do not operate for more than seven months in any calendar year, and which meet the other statutory prerequisites, are also exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA. See the chapter of these policies under the main heading “**Categories of Employment**” for additional information on FLSA exemptions.

D. ON-CALL DUTY PAY

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

1. **Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) by arriving at the worksite within 30 minutes. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.
2. **On-Call Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. However, in recognition of the added commitment the employee is being asked to make when designated as "on call," the City pays the on-call employee an additional \$75.00 per week for serving on-call.

In addition, the City pays on-call employees called back to the workplace at one and one-half (1 ½) their regular rate of pay for actual hours worked, as well as guaranteeing a minimum of two (2) hours' pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off.

Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor is not considered call-back time and is paid at the employee's regular rate of pay until overtime requirements are met.

Travel time to and from a call-back is compensable under this policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their timesheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

3. **Employees Called in for Emergencies Who Are Not Designed as "On Call".** Employees who may be asked to report to duty at any time due to an emergency situation are not considered to be on call. When such employees report for duty, they are paid for time actually worked at their regular hourly wage unless the additional hours actually worked constitute overtime under the FLSA provisions explained earlier in this Section.

E. INCLEMENT WEATHER / EMERGENCY CLOSING

During normal operating hours, City offices DO NOT CLOSE during inclement weather conditions. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his or her immediate supervisor and/or department director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full time and part time non-exempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

Each department director or immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected, non-essential personnel who were scheduled to work during the time of closure will be granted paid "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other types of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the department director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

In the event that weather conditions prohibit certain departments whose primary work location is outdoors, employees may be asked to perform other duties, attend training sessions or the supervisor may deem it necessary to send the employees home until conditions improve. Employees sent home due to adverse weather conditions will be paid at their regular pay rate but those hours will not count towards calculating overtime.

F. TIME REPORTING

Supervisors will keep records of all hours worked and time not worked. Forms for this purpose are provided by the City. Time records must be signed by the employee's immediate supervisor and department head.

It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time worked.

Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the timesheets sent to the Human Resources Manager and recorded on the individual department's records.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: February 2, 2023

From: Tracie Hlavinka, City Manager

Subject: Discussion, consideration, and possible action regarding Ordinance No. 23-02-02-01; An Ordinance amending the City of Lago Vista Rules of Procedures, Article 7, Section 8, Subsections 9 - 11.

Request: Business Item

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

On November 3, 2022, and December 1, 2022, City Council discussed several sections of the current Rules of Procedure. During the November 3rd meeting, Council requested a full review of the Rules of Procedures after the upcoming election. The Council conducted that discussion of the full document at the December 1st meeting and gave staff and the City Attorney direction to revisions they would like to see brought back for collective consideration and approval.

At the January 5, 2023, Council Meeting the Rules of Procedure were approved with the changes recommended by Council. Upon further review, Councilor Marion noticed conflicts in Article 7, section 8, subsections 9 - 11 of the Rules of Procedure regarding non-regulatory committees having to follow Open Meeting Law requirements.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Motion to Make Selection N/A - N/A - N/A

Known as:

Discussion, consideration, and possible action regarding Ordinance No. 23-02-02-01; An Ordinance amending the City of Lago Vista Rules of Procedures, Article 7, Section 8, Subsections 9 - 11.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.01.24 12:16:59 -06'00'

ORDINANCE NO. 23-02-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ORDINANCE 23-01-05-06, RULES OF PROCEDURE, PROVIDING FOR PUBLICATION, PROVIDING FOR PENALTIES, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary of proper for carrying out a power granted by to the City; and

WHEREAS, Article III, Section 3.13 of the City Charter of Lago Vista, Texas requires the City Council to establish by ordinance its procedures for conducting Council meetings; and

WHEREAS, on September 20, 2018, the City Council of the City of Lago Vista adopted Ordinance No. 18-09-20-04 establishing Rules of Procedure applicable to the City Council and all City commissions, boards and advisory committees; and

WHEREAS, on January 5, 2023, the City Council of the City of Lago Vista adopted Ordinance No. 23-01-05-06 repealing and replacing the prior version of the Rules of Procedure; and

WHEREAS, the City Council has found that further amendments to Article 7, Section 8, Subsections 9 – 11 are necessary to be consistent with amendments made on January 5, 2023; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to amend the Rules of Procedure by repealing and replacing the current version.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LAGO VISTA, TEXAS, THAT:**

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend the Rules of Procedure as shown in Exhibit “A.” Underlined language shall be added and language to be deleted is signified by strike-through.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby

repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this _____ day of February, 2023 by a vote of the City Council of the City of Lago Vista, Texas.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit “A”

RULES OF PROCEDURE

FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS



Adopted: 2021

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Authority.

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and committees of the City of Lago Vista, in accordance with the Charter. Open meeting requirements of the City Council do not apply to city boards, committees, and commissions without rulemaking, nor quasi-judicial except as required under state law. Processes for disciplinary action will be similar for the City Council and the regulatory boards and commissions but will vary for the non-regulatory commissions, boards, and committees. Any reference to Mayor also applies to the presiding officer of a commission, board, or committee of the City of Lago Vista. Any reference to City Council also applies to any commission, board, or committee. Decisions made by state-mandated boards and commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about commissions, boards, and committees can be found in Article 7 of this document.

1.3 Amendment.

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present.

1.4 Annual Review.

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

2.2 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council, commissions, boards, and committees with regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers. Boards, committees, and commissions without regulatory authority may be video recorded and posted to the city website when possible.

2.3 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

2.4 Regular Meetings.

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

2.5 Special/Town Hall Meetings.

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

2.6 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.7 Work Sessions.

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.8 Executive Sessions.

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Items discussed in executive session are to remain private. Except for action taken in open session, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an executive session. Section 551.146 of the Texas Government Code makes such an act a **class B misdemeanor** and opens the person who reveals such information personally liable for any damages resulting from such action.

2.9 Recessed Meetings.

No meeting shall be recessed for a longer period of time than allowed by state law.

2.10 Quorum.

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

2.11 Conflict of Interest.

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

2.12 Presiding Officer.

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely; however the presiding officer should not make a motion unless the remainder of the commission, board or council members fail to make a motion.

The presiding officer of commissions, boards, and committees shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

2.13 Minutes of Meetings.

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

2.14 Suspension and Amendment of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended and/or amended by a super majority vote (see Article 3.7 of these rules) of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminarily approve the amendment.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

3.2 Model Format for an Agenda Item Discussion.

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. Announce the Item.** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. Receive a Report.** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. Council Discussion.** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
- 4. Seek Citizen Input.** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.
- 5. Motion First.** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
- 6. Motion Second.** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
- 7. Discuss the Motion.** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
- 8. Vote.** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.
- 9. Announce the Outcome.** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.”

3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- ***Motion to Adjourn.*** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- ***Motion to Recess.*** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- ***Motion to Fix the Time to Adjourn.*** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- ***Motion to Table.*** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- ***Motion to Remove from Table.*** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

NUMBER OF COUNCIL MEMBERS	NUMBER OF VOTES FOR SUPER MAJORITY
6	5 or more
5	4
4	3
3	3

- **Motion to Limit Debate.** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.
- **Motion to Object to the Consideration of an Item.** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- **Motion to Suspend the Rules.** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- **Motion to Hire/Fire the City Manager.** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

- 1. Request to Speak.** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
- 2. Order.** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
- 3. Improper References Prohibited.** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
- 4. Interruptions.** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
 - a. Point of Privilege.** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council members ability to hear.
 - b. Point of Order.** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. Motion to Appeal.** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
 - d. Call for orders of the day.** This is simply another way of saying, "let's return to the agenda." If a council member believes the discussion has strayed from the agenda. The motion does not require

a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

e. **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at board, committee, or commission meetings as requested by the council liaison and approved by the city manager.

1. **Warning.** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. **Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. **Sergeant-at-Arms.** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. **Motion to Enforce.** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory boards is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory boards or commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the seventh (7) calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for City Council's consideration, the item may be postponed until the next regular meeting.

4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

4.2 Executive Session Items.

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

4.3 Action on Executive Session Items.

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Committees, boards, and commissions can independently determine if they would like to recite the pledges and conduct an invocation.

4.5 Citizen Comments on Non-Agenda Items.

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

4.6 Items of Community Interest.

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

4.7 Presentations & Proclamations.

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.8 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

4.9 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

4.10 Citizen Comments on Agenda Items.

All persons desiring to speak to the City Council on an agenda item must submit a "request to speak card" (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

4.11 Approval of the Minutes.

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

4.12 Consent Agenda Items.

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled "consent agenda." Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

4.13 Discussion Items.

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

4.14 Staff and Council Liaison Reports.

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned boards, committees, and commissions. Council Liaisons may also bring forward items from their assigned board, committees, and commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8 (4) d.

4.15 Executive Session

If the City Council did not finish deliberations on the executive session items at the early session, Council may reconvene into executive session after the regular session as necessary.

4.16 Adjournment.

The mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

5.3 Documents and Exhibits to be Presented.

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at least 72 hours before the beginning of the session. When necessary, the mayor and city manager can introduce new material after the 72-hour deadline when new information is vital to an agenda item.

5.4 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.5 Prohibitions Against Formal Actions.

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

5.6 Audience Comments or Questions.

Audience comments or questions will be considered at a work session subject to legal time constraints.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

6.2 Rules Governing Citizen Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items.
2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by supermajority, votes to suspend the rules.
3. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.
 - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.

8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.

6.3 Preservation of Order.

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

All standing boards and commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council and all Rules of Procedure apply to them, provided that such boards shall not be required to follow any open meetings rules that are not applicable to such board under state law.

7.2 Meeting Times and Agenda Order.

All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda. Boards with rulemaking or quasi-judicial authority must be in accordance with the Texas Open Meetings Act.

7.3 Boards with Regulatory Authority.

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment.

7.4 Committees without Regulatory Authority.

In no specific order: Lago Vista Parks and Recreation Advisory Committee, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Committee, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Committee, Lago Vista Youth Advisory Committee, and any additional non-regulatory city committees or boards that are created.

7.5 Appointments.

City Council Members shall review applications of all eligible applicants for vacant positions on the City's boards, commissions, and committees. Each Council Member assigned as Liaison to a board, commission, or committee shall nominate appointees to the specific board. City Council shall vote to approve or deny

nominations, by majority vote, until such time as all vacancies have been filled on the specific board, commission, or committee.

7.6 Board Members' Service.

Members appointed to boards or commissions that have regulatory authority shall serve 2-year terms in accordance with the City Charter. Members appointed to boards or commissions that *do not have* regulatory authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards, commissions or committees shall follow the Rules of Procedure set forth for the City Council. Members of boards, committees, and commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other board, committee, or commission so as to encourage a broad base of citizen participation.

7.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General's website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

7.8 Council Liaisons and Committees, Boards, and Commissions.

1. Definition of Liaison

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

2. Council Liaison

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency board or commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory board or committee of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

3. Council Liaison Procedures

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity.

Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

4. Duties and Expectations of a Council Liaison

- a. A Council member acting as a Liaison to a Council advisory committee or other body (board or commission) is not a member of the committee. Rather, the Councilmember is a positive resource to support the committee in the completion of its work, subject to the rules stated below.
- b. A Council member liaison is acting as a representative of the full City Council and, as such, has no authority to provide direction or guidance to the committee other than direction or guidance provided by the full City Council.
- c. The Council member liaison shall work to ensure that the committee is only taking actions or doing work that is within the scope of the committee as determined or approved by City Council. The liaison can do this, for example, by reminding the committee of the scope of work that the City Council set for the committee.
- d. The Councilmember liaison shall report on items and issues from their board, committee or commission meetings, and shall bring to the Council, via an agenda item, any requests from the committee, such as the following:
 - o Questions raised by a committee about the committee's scope of work; and
 - o Requests from the committee to change the committee's scope of work; and
 - o Requests for expenditures of the city resources to further the committee's work (money, staff time, or other resources); and
 - o Requests from the committee to place an item on a Council meeting agenda; and
 - o Items that are liaison or staff-initiated topics that need City Council input or need feedback to the committee.

5. Selecting, replacing, and training of committee members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the board, committee, or commission. No candidate can be nominated to a committee without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October-December timeframe.
- b. The council liaison is responsible for resolving any issues with a committee member in consultation with the committee chair and city attorney as appropriate. If the issue is with the committee chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a committee, board, or commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.

Possible actions of the Council include:

- i. **No Action.** The City Council chooses to take no action.
- ii. **Private Censure.** The City Council may choose to privately censure the offending member.
- iii. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
- iv. **Removal.** If the violation is severe enough in nature, the council; may make the decision to remove the member from the board or commission.

- c. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a committee member must conform with rules covered in the city charter, ordinances, and state law.
- d. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced committee members. This includes appropriate legal and/or specific subject-matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

6. Selecting and replacing council liaisons

- a. After elections each November, the city council members will discuss each committee, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the committee chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

7. Selecting committee officers

Each January, each committee is required to elect a chair, vice-chair, and secretary from among its members.

8. Planning and reporting of the annual work plan of the committee

- a. At the beginning of each calendar year, each committee will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary. In the case of non-state mandated boards and committees, they will be responsible for developing the work plan associated with the board or committee.
- b. The committee and related department head will review the committee's annual work plan once a year.
- c. Every June or July, the committee chair will report to the city council the progress on the committee's annual work plan. Objectives and priorities will be adjusted as required.

9. Preparing and publishing the agendas

- a. The committee chair will have the ultimate responsibility for creating the agenda for each meeting.
 - i. The committee chair is responsible for accumulating desired agenda items from the other committee members, and city staff.
 - ii. If council liaison would like an item included on a board committee, or commission's agenda, he/she will bring that item before city council for discussion, consideration and

possible action followed by the council liaison reporting back to city council the actions of the board, committee, or commission on said item.

- iii. If an item is presented by the council liaison, the committee chair cannot withhold the item from the agenda.
- iv. The committee chair has the authority to interact with the council liaison and the department head related to the committee for the purpose of gathering appropriate information that should accompany agenda items. Should the committee chair feel he/she needs access to other city staff, he/she will do so through city manager.
- v. The agenda should be emailed to the department head related to the committee a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.

b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the committee chair and council liaison will be jointly responsible for:

- i. determining what supporting material should be provided in a packet to the committee prior to the meeting.
- ii. accumulating the appropriate material with support of city staff; and
- iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.

c. The committee secretary (whether committee member or city staff depending on whether it is a state mandated committee), chairperson, or related department head is responsible for the distribution of final agenda and packet items to committee members and council liaison.

10. Roles in committee meetings

- a. Appropriate city staff and council liaison are permitted in committee executive sessions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated committees/boards where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a committee meeting. The following points provide a guideline for the council liaison in this context:
 - i. The council liaison has no voting rights in committee meetings.
 - ii. The council liaison shall not influence the committee's recommendations with his/her opinions.
 - iii. A council liaison does not lead a committee meeting or participate other than:
 - A. to provide factual information to help support the committee's discussions and deliberations,
 - B. to answer committee member questions, and
 - C. to listen attentively so as to be able to be the primary two-way communication channel between the committee and council.
 - iv. All the above apply equally to open and executive session segments of a committee meeting.
 - v. A council liaison attends all committee meetings and should arrange a replacement council member if he/she cannot attend.

11. Sub-committees

- a.** Committees, boards, and commissions may make use of sub-committees (a non-quorum sub-set of the committee, board, or commission) to analyze issues and bring back recommendations to the full entity.
- b.** To appropriately create a sub-committee, an item must be placed on the committee, board, or commission official agenda to discuss and possibly take action on the issue at hand and the use of a sub-committee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a sub-committee to review the issue and report back information and recommendations to the full body. When creating a sub-committee, the full body in its approved motion should specify:
 - i. The issue the sub-committee will review;
 - ii. The members of the sub-committee (no more than 1 less than a quorum of the full body); and
 - iii. The time frame within which the sub-committee will operate.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple
Motion to Hire/Fire the City Manager	Yes	Yes	Yes	At least 5 votes

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.