

**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 7. 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 conveyer 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 (further amended) by Mayor Pro-Tem Prince, seconded (both the motion and amendment) 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. Amended 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 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 Prince, seconded by Councilor Marion, the above and foregoing instrument was passed and approved this 2nd day of February 2023.