

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JANUARY 19, 2023**

BE IT REMEMBERED that on the 19th 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 with Mayor Pro Tem Prince and Councilor Durbin attending via videoconference.

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 item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
 - B. 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).

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 item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
No action taken.
 - B. 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).
Ms. Lynda Aird thanked City Council for looking into the concern of improper notification and making the necessary corrections.
On a motion by Councilor Roberts, seconded by Councilor Marion, City Council voted unanimously approving a resolution of the City Council of the City of Lago Vista finding insufficient notice for Planning and Zoning Commission hearing held on August 11, 2022,

related to the property known as "The Peninsula", ordering that proper notification be given, and ordering those necessary hearings be re-held and subsequent actions be considered. Motion carried.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

10:30 – 15:11

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.

Mr. Bernd Schmalz spoke about concerns he has with a recent amendment to the Code of Ordinances.

Mr. Stephen Liebel withdrew his request to speak.

15:14 – 23:25

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 the artists of the new City Flag and thanked the citizens for participating in the survey and helping to choose the new design.
Thanked City employee Diego Rios, Utility Crew Leader, who retired this week after 20 years of service to the City.
- b. Information regarding holiday schedules.
None
- c. Recognition of individuals, i.e., Proclamations.
Lago Vista High School cheerleaders are 3 times State champions. This is the first year in 4A.
Lago Vista High School volleyball players Brook Evert and Amelia Robinson named first ever Texas High School Coaches Association Class 4A super elite team for volleyball.
- d. Reminders regarding City Council events.
None
- e. Reminders regarding community events.
The annual Lago Fest is scheduled for April 22, 2023.
Dinner with Chief Boshears is scheduled for February 8, 2023, from 6:00 p.m. to 8:30 p.m. at the Lago Vista High School cafeteria.
State of the City will be held February 15, 2023, at K-Oaks during the Chamber's monthly luncheon.
The Chamber's annual Casino Night is scheduled for February 25, 2023.
The Public Works Department has posted public notices of upcoming water outages on the City's website.
Lion's Club Chili Feast is scheduled for February 11, 2023.
Lion's Club Blood Drive is scheduled for February 18, 2023.
- f. Health and safety announcements.
Lake Travis continues to be below normal levels.

Mayor Tidwell announced that Agenda Item #10 would be next on the agenda.

ACTION ITEMS

24:00 – 35:13

10. Discussion, consideration and possible action regarding a request by the owner of 9313 Rolling Hills Trail to waive the requirement to connect to the municipal wastewater system until an adequate connection to the municipal water system is also available.
On a motion by Councilor Sullivan, seconded by Councilor Hunt, City Council voted unanimously to approve the temporary waiver requested by the owner of 9313 Rolling Hills Trail and instructed staff to follow-up with owner when he is within 300 feet of water and sewer both. Motion carried.

35:38 – 1:25:52

11. Discussion, consideration and possible action regarding an archery range proposal at Sunset Park from David Snyder.
Mr. Snyder addressed City Council with his proposal for an archery range.
Mr. Dave Stewart spoke on his concerns of placing an archery range at Sunset Park.
On a motion by Councilor Hunt, seconded by Councilor Roberts, City Council voted 5 to 2 with Mayor Pro-Tem Prince and Councilor Durbin in opposition authorizing the City Manager and staff to begin negotiations on contractual language for what a lease would look like as well as go deeper into the due diligence investigatory process of what would be the issues involved in the establishment of this type of facility. Motion carried.

Mayor Tidwell announced that Agenda Item #15 would be next on the agenda.

1:26:25 – 1:51:28

15. Discussion, consideration, and possible action allowing for the submission of a City facility naming application for Ann Murrow.
Ms. Anna Johndrow spoke on her support for the submission of the application.
On a motion by Councilor Roberts, seconded by Councilor Sullivan, City Council voted unanimously to allow for the submission of a City facility naming application for Ann Murrow to the City Manager. Motion carried.

Mayor Tidwell announced that Agenda Item #12 would be next on the agenda.

1:52:19 – 1:59:29

12. Discussion, consideration, and possible action regarding the selection of a new website design and hosting service for the City of Lago Vista website.
On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to allow the City Manager to move forward with the contract from Civic Engagement. Motion carried.

Mayor Tidwell announced that Agenda Item #3 would be next on the agenda.

WORK SESSION

2:00:03 – 2:20:15

3. Review and discuss City's Ethics Policy.
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.

2:20:19 – 2:21:46

4. Consideration the procurement of a CX26 Mini Excavator for the utilities division from Associated Supply Company through the BuyBoard Cooperative in the amount of \$74,934.
5. Consider Resolution 23-1981, A Resolution by the City Council of the City of Lago Vista, Texas receiving a list of properties owned by the City of Lago Vista and the associated uses or planned uses of such properties.
6. Consider an amendment to the Bunker Bar & Grille concession services agreement at the Lago Vista Golf Course.

On a motion by Councilor Sullivan, seconded by Councilor Hunt, City Council voted unanimously to approve the Consent Agenda. Motion carried.

PUBLIC HEARINGS

2:21:51 – 2:26:45

7. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for the approximately 1.026-acre tract known as Abstract 2152, Survey 35 of the H & O.B. Railroad Company, commonly referred to as being located at 21504 Boggy Ford Road from the C-1C (“professional, Business Office, Low Density Retail”) district to P-1B (“Development Park District, Active”).

Mayor Tidwell opened the public hearing at 8:54 p.m.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

No citizens spoke during the public hearing.

Mayor Tidwell closed the public hearing at 8:58 p.m.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to adopt Ordinance 23-01-19-01. Motion carried.

2:26:57 – 2:55:21

8. 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.

Mayor Tidwell re-opened the public hearing from January 5, 2023, at 8:59 p.m.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

No citizens spoke during the public hearing.

Mayor Tidwell closed the public hearing at 9:25 p.m.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to accept the blue and green changes as presented in the council packet, accept the proposed change in Section 11:60, (b), (4) from one year each to six months each, accept the proposed change in Section 13.40 (a), (1) (A) amending 10 days to 15 days, and within the

same section, accept the changes presented by Councilor Roberts with one modification instead of referring to “municipal tax roll” the language should refer to “in accordance with state law”. Motion carried.

Mayor Tidwell called for a meeting recess at 9:27 p.m.

Mayor Tidwell reconvened the meeting at 9:40 p.m.

2:55:52 – 3:51:30

9. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Sections 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.

Mayor Tidwell announced the continuation of the public hearing that was opened on January 3, 2023.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

Mr. Bernd Schmalz spoke during the public hearing.

Ms. Racheal Rich requested clarification on one of the proposed changes that was discussed during the public hearing.

Mayor Tidwell closed the public hearing at 10:34 p.m.

On a motion by Councilor Hunt, seconded by Councilor Sullivan, City Council voted 4 to 3 with Councilor Durbin, Councilor Marion, and Councilor Roberts in opposition, to approve the language of the change presented in the packet and adding the definition of “Disinvestment”.

Mayor Tidwell announced that Agenda Item #13 would be next on the agenda.

ACTION ITEMS

3:52:02 – 4:25:25

13. Discussion, consideration, and possible action regarding a legislative bill concerning Capital Metro Transportation Authority and the Texas Transportation Code.

Mr. Shane Saum spoke on this item. He also was available to provide additional information and answer questions.

On a motion by Councilor Durbin, seconded by Councilor Roberts, City Council unanimously voted to approve the legislative bill language as presented with Councilor Sullivan’s notes and with the recommendations changing October 1st to July 1st in Section 451.611 (g), changing the second year anniversary to first year anniversary in 451.603 (c) and to anointing the City Manager and Mayor Tidwell as the City’s two main contacts with the Legislative staff and any other cities that may get involved. Motion carried.

4:25:28 – 4:27:12

14. Discussion, consideration, and possible action on Resolution 23-1986, A Resolution of the City Council of the City of Lago Vista authorizing support for Legislative changes relating to the authority of the Capital Metropolitan Transportation Authority.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council unanimously voted to approve Resolution 23-1986. Motion carried.

4:27:35 – 4:29:49

16. Discussion, consideration, and possible action on Resolution 23-1983, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Airport Advisory Board.

On a motion by Councilor Durbin, seconded by Councilor Roberts, City Council unanimously voted to approve Resolution 23-1983 appointing Don Loeschner to serve an unexpired term expiring December 31, 2023. Motion carried.

4:30:19 – 4:31:41

17. Discussion, consideration, and possible action on Resolution 23-1984, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Board of Adjustment.

On a motion by Councilor Marion, seconded by Councilor Sullivan, City Council unanimously voted to approve Resolution 23-1984 appointing Shad Pellizzari to serve an unexpired term expiring December 31, 2024. Motion carried.

4:31:49 – 4:33:42

18. Discussion, consideration, and possible action on Resolution 23-1985, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Golf Course Advisory Committee.

On a motion by Councilor Hunt, seconded by Councilor Marion, City Council unanimously voted to approve Resolution 23-1985 appointing Gary Tupa to serve an unexpired term expiring December 31, 2023. Motion carried.

4:33:48 – 4:38:18

19. Discussion, consideration, and possible action on an Interlocal Agreement with Travis County Emergency Services District 1 (ESD 1).

On a motion by Mayor Tidwell, seconded by Councilor Sullivan, City Council unanimously voted to approve the Interlocal Agreement with Travis County Emergency Services District 1 (ESD 1). Motion carried.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 11:22 p.m.

Respectfully submitted,


Ed Tidwell, Mayor



ATTEST:


Lucy Aldrich, City Secretary

On a motion by Councilor Sullivan, seconded by Councilor Hunt, the above and foregoing instrument was passed and approved this 16th day of February 2023.