

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, MARCH 16, 2023**

**BE IT REMEMBERED** that on the 16th day of March 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 (Absent)
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 council members are present except Councilor Marion who has an excused absence.

**EXECUTIVE SESSION**

1. At 5:32 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. Update on pending litigation Brittany Henry vs. City of Lago Vista: Civil Action No. 1:21-CV-723-RP; in the United States District Court for the Western District; Austin Division (Government Code Section 551.071).
  - C. Update on pending litigation David Stewart vs. City of Lago Vista: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Government Code Section 551.071).
  - D. Update on pending litigation Martin Maxwell Brenner vs. City of Lago Vista; Cause No. D-1-GN-22-005699 in the 455th Judicial District Court, Travis County (Government Code Section 551.071).
  - E. Update on pending litigation Robin Reid vs. City of Lago Vista: EEOC Matter 451-2023-00406 (Government Code Section 551.071).
  - F. Consultation with Legal Counsel regarding the City's Petition for Exemption for submission to the U.S. Department of Transportation regarding Rusty Allen Municipal Airport. (Government Code Section 551.071).
  - G. Consultation with Legal Counsel discussing the role of individual council members in legislating, governing, and investigating and discussing the rules regarding the same. (Government Code Section 551.071).

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

2. At 6:33 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. Update on pending litigation Brittany Henry vs. City of Lago Vista: Civil Action No. 1:21-CV-723-RP; in the United States District Court for the Western District; Austin Division (Government Code Section 551.071).  
No action taken.
  - C. Update on pending litigation David Stewart vs. City of Lago Vista: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Government Code Section 551.071).  
No action taken.
  - D. Update on pending litigation Martin Maxwell Brenner vs. City of Lago Vista; Cause No. D-1-GN-22-005699 in the 455th Judicial District Court, Travis County (Government Code Section 551.071).  
No action taken.
  - E. Update on pending litigation Robin Reid vs. City of Lago Vista: EEOC Matter 451-2023-00406 (Government Code Section 551.071).  
No action taken.
  - F. Consultation with Legal Counsel regarding the City's Petition for Exemption for submission to the U.S. Department of Transportation regarding Rusty Allen Municipal Airport. (Government Code Section 551.071).  
No action taken.
  - G. Consultation with Legal Counsel discussing the role of individual council members in legislating, governing, and investigating and discussing the rules regarding the same. (Government Code Section 551.071).  
Did not finish discussing and may go back into Executive Session at the end of the meeting.

**PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG**

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

**05:37 – 08:47**

**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.

Ms. Jackie Goodwin – spoke about the placement of banners that are hung on Lohman Ford.

**08:59 – 14:27**

**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.  
None
- b. Information regarding holiday schedules.  
None
- c. Recognition of individuals, i.e., Proclamations.  
Recognized LVISD students for their recent accomplishments.
- d. Reminders regarding City Council events.  
None
- e. Reminders regarding community events.  
Lion's Club annual golf tournament on May 5, 2023.  
Chamber of Commerce Luncheon is March 22, 2023, with guest speaker Bob Rose LCRA Chief Meteorologist.  
Provided contact information for those interested in getting involved in the Texas State Legislature.  
Official Guide to Northshore Lake Travis has been published and mailed to postal recipients.  
Lago Vista Women's Club grant application submission date is March 31st at 5:00 p.m.  
Coffee with Veterans is scheduled for March 17 from 8:00 a.m. to 10:00 a.m. at the Hope Center – Guest speaker is Brandon Cook.  
The Knights of Columbus / St. Mary's Fish Fry is March 17 from 5:00 p.m. to 7:00 p.m.  
Lago Vista's Farmers Market is March 18 from 10:00 a.m. to 2:00 p.m.  
Minecraft Game Time at the Library is March 18 from 12:00 p.m. to 1:00 p.m.  
Mystery Book Club is scheduled at the Library on March 20 from 10:00 a.m. to 12:00 p.m. and Vista Stitchers meet from 1:00 p.m. to 4:00 p.m.  
Bring Your Own Art event is scheduled at the Library on March 21 from 2:00 p.m. to 4:00 p.m.  
Lago Fest is scheduled on April 22, 2023.
- f. Health and safety announcements.  
Lake Travis remains below normal.  
Reviewed drought contingency plans.

*Mayor Tidwell announced that Agenda Item #9 was put on the agenda after being tabled on March 2, 2023, calling for all Council Members to be in attendance when considering the agenda item. With Councilor Marion's absence, the item will continue to be tabled to the next regular scheduled City Council Meeting (April 6, 2023).*

## **PUBLIC HEARING AND POSSIBLE ACTION**

**14:45 – 15:22**

- 9. The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-16-02; an Ordinance of the City Council of Lago Vista, Texas amending the existing Planned Development District (PDD) approval applicable to the property located at 1900 American Drive and known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels;" and providing for related matters.  
Continuation of tabled action from March 2, 2023, still stands – no action.

*Mayor Tidwell announced that Agenda Item #11 would be next on the agenda.*

## **ACTION ITEMS**

### **15:26 – 28:37**

11. Discussion, consideration, and possible action regarding Resolution No. 23-1993; A Resolution by the City Council of the City of Lago Vista, Texas, accepting the Fiscal Year 2022 Audit as prepared by Singleton, Clark & Company, PC.  
A motion made by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously to approve Resolution No. 23-1993. Motion carried.

*Mayor Tidwell announced that Agenda Item #1 would be next on the agenda.*

## **STAFF AND COUNCIL LIAISON REPORTS**

### **29:03 – 33:04**

1. Routine Reports from City Staff  
No action taken.

### **33:05 – 52:31**

2. Routine Reports from City Council Board/Commission/Committee Liaisons.  
A consensus of council members agreed for Planning & Zoning Commission to submit questions concerning the consideration and discussion of the requested amendments to Chapter 3 of the 2030 Comprehensive Plan during the Planning & Zoning meeting held on March 9, 2023.

## **PRESENTATIONS**

### **52:39 – 1:00:14**

3. Presentation from the Youth Advisory Commission.  
No action taken.

### **1:00:36 – 1:59:10**

4. Presentation from Golf Course Architect Jeffrey D. Blume, ASGCA.  
Ms. Lois Kruger spoke in support of making improvements to the golf course.  
No action taken.

### **1:59:43 – 2:09:14**

5. Presentation from Joel Scott regarding the Water Treatment Plant 3.  
No action taken.

## **CONSENT AGENDA**

### **2:09:37 – 2:11:31**

6. Consider approval of the February 16, 2023, meeting minutes.
7. Consider approval of the February 24, 2023, special called meeting minutes.

8. Consider approval of Ordinance 23-03-16-01; an Ordinance by the City Council of the City of Lago Vista, Texas amending Article 1.1800 of Chapter 1 of the Lago Vista Code of Ordinances amending the Ethics Policy.

Councilor Roberts requested that Agenda Item #8 be pulled for separate consideration.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously to approve the consent agenda items 6 and 7. Motion carried.

#### **2:11:32 – 2:51:50**

8. Consider approval of Ordinance 23-03-16-01; an Ordinance by the City Council of the City of Lago Vista, Texas amending Article 1.1800 of Chapter 1 of the Lago Vista Code of Ordinances amending the Ethics Policy.

Councilor Roberts made a motion to adopt Ordinance 23-03-16-01 with amended language applying to 1.1809 but not retro-actively. Councilor Durbin seconded the motion. Motion carried 3 ayes to 2 nays with Councilor Hunt and Councilor Sullivan in opposition and Mayor Pro-Tem Prince abstaining. Councilor Roberts made a motion to reconsider. Mayor Pro-Tem Prince seconded the motion. Motion to reconsider carried unanimously. Councilor Hunt made a motion to approve the language as proposed for the Ethics Policy changes drafted with the exception of section 1.1812, striking the text beginning after the word “baseless” in the first sentence through number four (4), “or, damage a related third party”; reading as follows: “In the event a complaint is received by the City Manager or City Council as applicable that is subsequently found to be baseless, the City Manager or City Council may refer the matter to the appropriate court or prosecutor and (b) the City Manager or City Council...”; and that the adopted amended Ethics Policy be effective immediately. Mayor Pro-Tem Prince seconded the motion. During further discussion, Councilor Hunt amended the motion to include amending the recognized typo changing “Section 1.809” to read “Section 1.1809”. Mayor Pro-Tem Prince seconded the amended motion. City Council voted on the motion as amended 5 ayes to 1 nay with Councilor Sullivan in opposition. Motion carried.

### **PUBLIC HEARING AND POSSIBLE ACTION**

#### **2:52:04 – 3:19:21**

10. The Lago Vista City Council will hold a public hearing and consider a conditional use application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence on Lot 1901A of Lago Vista Estates, Section 6, commonly referred to as 7503 White Oak Drive.

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

Mayor Tidwell opened the public hearing at 9:37 p.m.

Ms. Racheal Rich spoke about billable time regarding staff's time spent on applications.

Mayor Tidwell closed the public hearing at 9:40 p.m.

On a motion by Councilor Hunt, seconded by Mayor Pro-Tem Prince, City Council voted 5 ayes to 1 nay with Councilor Sullivan in opposition to approve the conditional use application as pursuant to Section 17 of Chapter 14 of the Code of Ordinances to allow for the accessory building as described in the agenda meeting the existing requirements (alternate decision A). Motion carried.

### **ACTION ITEMS**

3:19:27 – 3:24:30

12. Discussion, consideration, and possible action regarding Ordinance 23-03-16-03; an Ordinance of the City Council of the City of Lago Vista, Texas pursuant to Vernon's Texas Codes Annotated, Local Government Code, Chapter 102, Section 102.007(b) providing for amendments to Ordinance No. 22-09-15-01, for the fiscal year beginning October 1, 2022, and ending September 30, 2023. The Hotel Occupancy fund currently has \$100,000 budgeted for an electronic information sign. A budget amendment is required as the quote is \$115,000. On a motion made by Councilor Durbin, seconded by Councilor Hunt, City Council voted unanimously to approve Ordinance 23-03-16-03. Motion carried.

*Mayor Tidwell called for a recess.*

*Mayor Tidwell reconvened the meeting at 10:05 p.m.*

### EXECUTIVE SESSION

1. At 10:05 p.m., Council convened into a closed Executive Session pursuant to;

G. Consultation with Legal Counsel discussing the role of individual council members in legislating, governing, and investigating and discussing the rules regarding the same. (Government Code Section 551.071).

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


2. At 10:50 p.m., Council reconvened from Executive Session into open session, to act as deemed appropriate in City Council's discretion regarding:

G. Consultation with Legal Counsel discussing the role of individual council members in legislating, governing, and investigating and discussing the rules regarding the same. (Government Code Section 551.071).  
No action taken.

### ADJOURNMENT

Mayor Tidwell adjourned the meeting at 10:51 p.m.

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 6th day of April 2023.