

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, APRIL 6, 2023**

**BE IT REMEMBERED** that on the 6th day of April 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 council members are present.

**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. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 and Government Code Section 551.072)
  - C. Consultation with Legal Counsel regarding Cause No. D-1-GN-23-001164 in the 455th Travis County District Court, Caelum Capital, LLC, v. City of Lago Vista. (Government Code Section 551.071)
  - D. Consultation with Legal Counsel regarding dormant Planned Development Districts (PDD). (Government Code Section 551.071)
  - E. 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 6:31 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 was taken but directions were given to City Manager to bring an ordinance to City Council repealing Ordinance 22-09-01-01 in regard to Agenda Item #9.

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 and Government Code Section 551.072)  
No action taken.

C. Consultation with Legal Counsel regarding Cause No. D-1-GN-23-001164 in the 455th Travis County District Court, Caelum Capital, LLC, v. City of Lago Vista. (Government Code Section 551.071)  
No action taken.

D. Consultation with Legal Counsel regarding dormant Planned Development Districts (PDD). (Government Code Section 551.071)  
No action taken.

E. 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.

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

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

**04:54 – 05:17**

**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 one signed up to speak.

**05:18 – 22:26**

**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 to report.

b. Information regarding holiday schedules.

None to report.

c. Recognition of individuals, i.e., Proclamations.

Students and Teachers from Lago Vista School District were recognized for their recent awards and accomplishments.

Mayor Tidwell presented a Proclamation to the Lago Vista Police Department recognizing the week of April 9-15, 2023 as Nation Public Safety Telecommunicators Week.

d. Reminders regarding City Council events.

None to report.

e. Reminders regarding community events.

Lago Fest, April 22, 2023.

Balcones Canyonlands National Wildlife Refuge, Songbird Festival, April 21-23.

Northlake Church, Lago Egg Drop, April 8, 2023.

Farmers Market, Plant Swap, April 8, 2023.

Golf Tournaments at Lago Vista Golf Course: LVES PTO Tournament, April 16, 2023; WGA Eclectic Tournament, April 18 & 19, 2023; and CAPPs School Tournament, April 18 & 19, 2023.

2023 Texas Trash- Off, April 15, 2023.

North Lake Travis Chamber Luncheon with a keynote address presented by the Office of the Governor's Small Business Team and Texas Economic Development and Tourism, April 19, 2023.

Lions Club Blood Drive, April 15, 2023.

Lions Club Golf Tournament, May 5, 2023.

f. Health and safety announcements.

Lake Travis remains below normal lake levels.

Sewer averages have been calculated and are reflected on the water bills.

Mulch is available at the Green Center.

## **STAFF AND COUNCIL LIAISON REPORTS**

**22:36 – 24:24**

1. Routine Reports from City Staff.

No action taken.

**24:26 – 33:19**

2. Routine Reports from City Council Board/Commission/Committee Liaisons.

No action taken.

## **CONSENT AGENDA**

**33:20 – 35:02**

3. Consider approval of the March 2, 2023, meeting minutes.
5. Consider approval of the March 23, 2023, special meeting minutes.
6. Consider approval of the March 27, 2023, special joint meeting minutes.
7. Consider approval of a request by Northlake Church to locate three temporary electronic message centers in the Lohman Ford Road right-of-way to publicize their third annual "Lago Egg Drop" to be conducted on April 8, 2023, at the LVHS Football Stadium.
8. Consider approval authorizing the City Manager to purchase a 2022 Chevrolet 5500 heavy haul truck for \$67,400 that was approved in FY-23's Water Services Budget.

Mayor Pro-Tem Prince and Councilor Marion requested that consent agenda item 4 be pulled for separate consideration.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously to approve consent agenda items 3, 5, 6, 7, and 8. Motion carried.

**35:03 – 37:14**

4. Consider approval of the March 16, 2023, meeting minutes.

Mayor Pro-Tem Prince requested a correction to the March 16, 2023, meeting minutes agenda item #2 Routine Reports from City Council Board/Commission/Committee Liaisons. Councilor Marion identified that the same minutes did not reflect her excused absence. On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted unanimously to approve agenda item #4 as discussed. Motion carried.

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

## **ACTION ITEMS**

**37:32 – 1:07:20**

12. Discussion, consideration and possible action regarding an outdoor archery range located at Sunset Park from David Snyder.

Requestors of the outdoor archery range, Mr. David Snyder and his business associates, were available to provide additional information and answer questions.

Mayor Tidwell read a statement from Ms. Lia Coryell in support of the agenda item.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously authorizing the City Manager to development an agreement with Mr. Snyder which would be brought back to City Council for further consideration and possible action. Motion carried.

*Mayor Tidwell announced that Agenda Item #14 would be next on the agenda.*

**1:08:03 – 1:37:05**

14. Discussion, consideration and possible action regarding response to the U.S. Department of Transportation, Federal Aviation Administration, Office of Airport Compliance and Management Analysis letter requesting exemption under 49 U.S.C. Section 47107(s)(3) at Lago Vista Rusty Allen Airport (RYW) concerning residential through the fence (RTTF) activities.

Councilor Durbin, who has been directed to be the lead on this subject by City Council was available to provide additional information and answer questions.

Mr. James Peck, Vice-Chair of the Airport Advisory Board and President of the Rusty Allen Airport Property Owners' Association spoke in support of the agenda item.

On a motion by Councilor Durbin, seconded by Councilor Marion, City Council voted 6 ayes to 1 nay, with Councilor Sullivan in opposition approving submission of the letter presented by Councilor Durbin with the amendments proposed by Mayor Pro-Tem Prince to the FAA. Motion carried.

*Mayor Tidwell announced that Agenda Item #9 would be next on the agenda.*

## **PUBLIC HEARING AND POSSIBLE ACTION**

**1:37:15 – 1:42:47**

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 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. (Tabled from March 2, 2023 and March 16, 2023) This item has been tabled at the last two meetings pending attendance of all council members for consideration and action on the item. The applicant withdrew their application on March 30, 2023.

The City Council recognized the withdrawal, and no action was taken.

Mayor Tidwell recognized the following citizens to hear their comments on the agenda item:

Ms. Jill Piasecki spoke on the agenda item.

Ms. Lynda Aird spoke on the agenda item.

**1:42:48 – 2:00:34**

10. The Lago Vista City Council will hold a public hearing and consider Ordinance 23-04-06-01; an Ordinance of the City Council of Lago Vista, Texas amending Section 1.12, Section 2.15, and Section 4.21 of Chapter 10 of the Lago Vista Code of Ordinances to amend the maximum number of lots that can be included in a preliminary subdivision plat without prior approval of a concept plan, and to clarify what divisions of property are considered lots for the purpose of that requirement.

The public hearing was opened at 8:12 p.m.

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

No one signed up to speak.

The public hearing was closed at 8:28 p.m.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted unanimously to approve Ordinance 23-04-06-01 as presented. Motion carried.

## **ACTION ITEMS**

**2:00:37 – 2:01:09**

11. Discussion, consideration and possible action approving Resolution 23-1994; "A Resolution by the City Council of the City of Lago Vista, Texas, Providing for a Public Hearing and Notice of Intent to Issue Special Assessment Revenue Bonds, Series 2023 (Tessera on Lake Travis Public Improvement District Improvement Area #3 Project) as Required by the City's Home Rule Charter; Providing an Effective Date; and Containing Other Matters Relating to the Subject".

Agenda item #11 was pulled from consideration.

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

**2:01:10 – 2:34:13**

13. Discussion, consideration and possible action, including remediation by the City of Lago Vista, ensuring compliance with an order issued by the Building and Standards Commission regarding the dangerous condition of Lot C1A of Lago Vista Travis Plaza Subdivision, also known as 5603 Lago Vista Way.

Mr. Jim Mattox spoke on the agenda item.

Ms. Janet Mattox spoke on the agenda item.

Ms. Shaheen Hasan spoke on the agenda item.

On a motion by Councilor Roberts, seconded by Councilor Marion, City Council voted unanimously authorizing Lago Vista Code Enforcement to obtain the repair and/or securing of the building/structure, and to file a lien against such property for the cost and expense. Motion carried.

**2:34:18 – 2:50:52**

15. Discussion, consideration and possible action regarding Ordinance 23-04-06-02; an Ordinance of the City Council of the City of Lago Vista, Texas, amending the Code of Ordinances by repealing the existing sign regulations in Article 4.800 of Chapter 4, reenacting new sign regulations as Chapter 5, consolidating all building and fire code regulations in Chapter 3, and reserving Article 4.800 of Chapter 4 for future use.

On a motion by Councilor Roberts, seconded by Councilor Marion, City Council voted unanimously to approve Ordinance 23-04-06-02 as presented. Motion carried.

**2:20:56 – 2:56:53**

16. Discussion, consideration and possible action approving an emergency expense in the amount of \$54,000 for T.F.R. Enterprises, Inc. to chip and haul away brush collected from Winter Storm Mara.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Hunt, City Council voted unanimously to approve the expense with T.F.R. Enterprises, Inc. Motion carried.

**2:56:56 – 3:23:54**

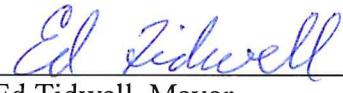
17. Discussion, consideration and possible action authorizing the City Manager to enter into an agreement with LCRA for the purchase of raw water from Lake Travis.

On a motion by Councilor Roberts, seconded by Sullivan, City Council voted unanimously to table the agenda item directing City Manager Tracie Hlavinka to bring this agenda item back addressing the questions that City Council have asked. Motion carried.

#### **ADJOURNMENT**

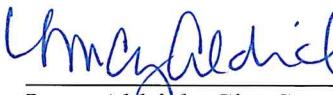
Mayor Tidwell adjourned the meeting at 9:53 p.m.

Respectfully submitted,

  
Ed Tidwell, Mayor



ATTEST:

  
Lucy Aldrich, City Secretary

On a motion by Councilor Hunt, seconded by Councilor Sullivan, the above and foregoing instrument was passed and approved this 20th day of April 2023.