

RESOLUTION 25-2116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS DESIGNATING CITY'S AIRPORT ADVISORY BOARD COUNCIL LIAISON AND AIRPORT ADVISORY BOARD CHAIRPERSON AS SOLE REPRESENTATIVES ON MATTERS RELATED TO RUSTY ALLEN AIRPORT REGULATIONS AND FUNDING

WHEREAS, the City of Lago Vista created confusion with TxDOT and FAA by conflating the Rusty Allen Airport Property Owners Association (RAAPOA) voluntary maintenance funding agreement with a compulsory agreement whereby private landowners pay for access to the City's airport taxiways and runways; and

WHEREAS, that confusion resulted in FAA (a) acknowledging that the City meets the statutory requirements of FAA's exemption provided in P.L. 115-234, Section 185, but (b) due to the City's assertion of an agreement from airport adjacent landowners, which requires payment for airport access, alleged agreement having been modified since FAA's Modernization and Reform Act of 2012, therefore (c) the City is required to comply with all other requirement of the FAA Modernization and Reform Act of 2012, Section 136 related to residential through the fence (RTTF) access (letter from Kevin D. Willis, FAA Director, Office of Compliance and Management Analysis, dated September 6, 2023), and

WHEREAS, on the last day of February 2024 the RAAPOA voluntary maintenance funding agreement expired without concurrence for reinstatement, potentially costing the City approximately twenty three thousand dollars (\$23,000 USD) annually; and

WHEREAS, following expiration of the RAAPOA voluntary maintenance funding agreement, it has become clear to the City that:

- (a) as stated in Resolution 24-2056, the City of Lago Vista has never owned, nor had the ability to control or grant, alter or waive property rights of RAAPOA perpetually deeded properties, specifically the permanent airport access easements defined in the Conditions, Covenants and Restrictions filed of record in the Travis County Real Property Records dated May 8, 1990 (hereinafter the "CCR's");
- (b) the City cannot change, order, or modify the airport access easements granted to the RAAPOA member properties within the CCR's;
- (c) the CCR's clearly state that access to the taxiways and runways are granted to any property subject to the RAAPOA at the time of their filing May 8, 1990;
- (d) the CCR's pre-date FAA's Section 136 of the Airport Modernization and Reform Act of 2012;

- (e) the CCR's, specifically, grant access to the publicly owned taxiways and runways and have not been modified since their inception on May 8, 1990, prior to the City's acquisition of the airport;
- (f) the CCR's are perpetual in nature;
- (g) the City understands that RAAPOA's voluntary maintenance funding agreements are not access agreements. The voluntary maintenance funding agreements make no mention of the POA's legal and perpetual rights of access to the airport or attempt in any manner to change the access granted under the CCR's; and

WHEREAS, by Resolution 24-2056 the City Council directs City Council AAB Liaison (Councilperson Rob Durbin) to oversee interaction between the City and the FAA Office of Airport Compliance and Management Analysis for the purpose of pursuing the airport's Section 185 exemption; and

WHEREAS, other members of the City have continued to engage TxDOT and FAA creating a risk of perpetuating confusion on matters related to the Rusty Allen Airport; and

WHEREAS, Resolution 24-2062 states "Mayor Sullivan was directed to not represent to TxDOT or the FAA that he is speaking on behalf of the City regarding matters related to the airport...". Said resolution passing by a vote of 5 to 1.

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

1. All Rusty Allen Airport matters related to funding or regulatory issues, whether local, state or federal, shall be represented solely by the City Council AAB Liaison, currently councilman Rob Durbin, or his authorized delegate, and the AAB Chairman, currently Stephen Lowry, or his authorized delegate.
2. These two representatives serve at the pleasure of the City and will abide by the City Charter under the direction of City Council.
3. The representatives serve in their respective capacities as City Council AAB Liaison and AAB Chairperson. In due course Council may nominate others to serve in the capacity of AAB Liaison, and in due course the Airport Advisory Board may nominate others to serve in the capacity of AAB Chairperson. The responsibilities conveyed herein shall automatically transfer to whomever occupies those appointed positions at the time of appointment, whether the appointment is for a temporary period of time, in an acting capacity, or for a full appointed term. No further action is required by the City Council to affect the transfer of responsibilities.
4. The City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson to engage with TxDOT and FAA to resolve existing confusion related to the Section 185 exemption. Said resolution will result in written acknowledgement from FAA, in a form acceptable to TxDOT that the Rusty Allen Airport is exempt as stated in Section 185.
5. The City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson to resolve obstacles related to the RAAPOA's voluntary maintenance funding agreement.

Said resolution will result in a final draft maintenance funding agreement for City Council review, discussion, and vote, and the Mayor's execution on behalf of the City.

6. The City of Lago Vista further authorizes the AAB Council Liaison and AAB Chairperson to engage with local, state, and federal stakeholders, third parties, and agencies to pursue funding and address regulatory matters for the airport's continued safe public use. All such engagements shall comply with the City Charter. All formal actions will be presented to City Council for review and concurrence, then executed by the Mayor according to the City Charter.
7. Finally, the City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson, or their delegates to report to City Council any unauthorized member of the City, whether staff person, elected official, or resident, engaging independently with local, state or federal stakeholders, third parties, or agencies in a manner suggesting the person or party represents the City of Lago Vista. The City of Lago Vista recognizes that city staff working under the guidance of City Council and under the direction of the AAB Council Liaison and AAB Chairperson are not independently representing themselves in an unauthorized manner.

AND IT IS SO RESOLVED.

PASSED AND APPROVED this 6th day of March 2025.

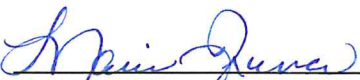
CITY OF LAGO VISTA, TEXAS



Kevin Sullivan, Mayor

ATTEST:





Maria Franco, City Secretary

On a motion by Roberts, seconded by Awen the above and foregoing resolution was passed and approved.

