

Mayor
Ed Tidwell

Mayor Pro-Tem
Kevin Sullivan



Council Members
Gage Hunt
Rob Durbin
Chelaine Marion
Paul Roberts
Paul Prince

AGENDA CITY COUNCIL REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular meeting on Thursday, August 18, 2022, beginning at 5:30 p.m. with Executive Session, in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by V.T.C.A., Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/781721229>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (646) 749-3122

- One-touch: <tel:+16467493122,,781721229#>

Access Code: 781-721-229

CALL TO ORDER, CALL OF ROLL

EXECUTIVE SESSION

1. Convene into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

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

2. Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:
 - A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice (as needed).

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The regular City Council meeting will begin at 6:30 p.m.

<https://cms7files.revize.com/lagovistatx/Citizen%20Participation%20Form%20-%20City%20Council.pdf>

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.

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.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

PRESENTATION

3. Report from the Building and Standards Commission on the progress of their annual work plan.

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.

4. Approval of the May 19, 2022, regular meeting minutes.
5. Approval of the June 16, 2022, regular meeting minutes.
6. Approval of the July 7, 2022, regular meeting minutes.
7. Approval of the July 9, 2022, special meeting minutes.

8. Approval of the July 21, 2022, regular meeting minutes.
9. Consideration and possible action regarding Ordinance 22-08-18-01 of the City of Lago Vista, Texas amending the City's Code of Ordinances, Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Sections 2.212, 2.214, 2.225, and 2.236, providing codification and publication, an effective date, remainder and repealer, severability, proper notice and open meetings clause.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

10. The Lago Vista City Council will hold a public hearing and consider Ordinance 22-08-18-02 of the City Council of Lago Vista, Texas amending Section 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
- Close public hearing
- Council discussion and possible decision (continue public hearing if no decision results)

ACTION ITEMS

11. Discussion, consideration, and possible action regarding Resolution No. 22-1950, appointment of a new Police Chief.
12. Discussion, consideration, and possible action regarding Ordinance No. 22-08-18-03; An Ordinance ordering and establishing procedures for the 2022 General Election in the City of Lago Vista to elect officials for Place 2, Place 4, and Place 6; providing for notice of the election; providing election precinct and polling places; providing for early voting; providing an effective date and open meetings clause; and providing for related matters.
13. Discussion, consideration, and possible action regarding Ordinance No. 22-08-18-04; An Ordinance ordering an Election to be held on the question of increasing the City of Lago Vista's general revenue sales and use tax rate pursuant to Chapter 321 of the Texas Tax Code, conditioned on a majority of qualified voters voting "No" on Proposition "A", which is the measure on the question of the continuation of the Capital Metropolitan Transportation Authority in the City of Lago Vista; providing for notice of the election; providing election precinct and polling places; providing for early voting; providing an effective date and open meetings clause; and providing for related matters.
14. Discussion, consideration, and possible action regarding Ordinance No. 22-08-18-05; An Ordinance amending Ordinance No. 22-08-04-01 that ordered a Special Election to be held on the question of the City of Lago Vista's continued participation in the Capital Metropolitan Transportation Authority; providing for identifying the Early Voting Main Polling Place and

the dates and times for early voting; providing an effective date and open meetings clause; and providing for related matters.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 4:45 p.m. on the 11th day of August, 2022.

Lucy Aldrich

Lucy Aldrich, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

MEETING DATE: August 18, 2022

CALL TO ORDER:

**AGENDA ITEM: CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE,
INVOCATION**

Comments:

ADJOURN:

TURN RECORDER OFF

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Hunt _____ ; **Sullivan** _____ ; **Durbin** _____ ; **Marion** _____ ;

Tidwell _____ ; **Roberts** _____ ; **Prince** _____

Motion Carried: Yes _____ ; **No** _____

MEETING DATE: August 18, 2022

AGENDA ITEM: EXECUTIVE SESSION

Comments:

- A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

MEETING DATE: August 18, 2022

AGENDA ITEM: RECONVENE FROM EXECUTIVE SESSION

- A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice (as needed).



AGENDA ITEM
City of Lago Vista

To:

Council Meeting:

From:

Subject:

Request:

Legal Document:

Legal Review:

EXECUTIVE SUMMARY:

Impact if Approved:

Impact if Denied:

Is Funding Required?	Yes	No	If Yes, Is it Budgeted?	Yes	No	N/A
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Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to	-	-
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Motion to	-	-
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Motion to	-	-
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Known as:

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Mayor Tidwell/Council

Subject: Items of Community Interest

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

For this agenda, we have included the items that can be communicated under this section. Those items are:

- a. Expressions of thanks, gratitude, and condolences
- b. Information regarding holiday schedules
- c. Recognition of individuals, including Proclamations
- d. Reminders regarding City Council events
- e. Reminders regarding community events
- f. Health and safety announcements

No action is required for these items.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 18 August, 2022

From: Roy Jambor, AICP / PA (Development Services Director)

Subject: Report from the Building and Standards Commission on the progress of their annual work plan.

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

Section 8 of Article 7 (Boards and Commissions) of the "Rules of Procedure" adopted by the Lago Vista City Council in 2021 specifies that each committee, board, or commission shall create an annual work plan, notwithstanding any of the work brought to them in accordance with their responsibilities as outlined in the Code of Ordinances. Section 8.c. specifically states that "Every June or July, the committee chair will report to the city council the progress on the the committee's annual work plan."

That report was presented for review at the June 1, 2022 regular meeting of the Building and Standards Commission and formally adopted by the members at their regular meeting on July 6, 2022. The Council Liaison, Mr. Roberts, coordinated this date for the specified report to the City Council with the Chair and Vice-Chair. That report is included in the packet for the review and use of the Council.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Mid-year progress report on the annual work plan of the Building and Standards Commission

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:30:43 -05'00'

Building and Standards Commission

Mid-Year Report

June 2022

Last Six Months:

- Approved four driveway “variances”.
- Recommended an Access Management ordinance in February.
- Recommended in April a new Sign ordinance that includes a provision for larger multitenant signs as noted in the Comprehensive Plan.
- Recommended in April a new Contractor Registration ordinance.
- Recommended a revised Dark Sky ordinance in May.
- Recommended in May a revised provision for construction site garbage and debris containers.

Next six months:

Discuss and consider recommending amending the code of ordinances to amend and/or move certain provisions from Chapter 3, Building Code, to the zoning ordinance.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Lucy Aldrich, City Secretary

Subject: Consent Agenda

Request: Other

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

- 4. Approval of the May 19, 2022, regular meeting minutes.
- 5. Approval of the June 16 2022, regular meeting minutes.
- 6. Approval of the July 7, 2022, regular meeting minutes.
- 7. Approval of the July 9, 2022, regular meeting minutes.
- 8. Approval of the July 21, 2022, regular meeting minutes.
- 9. Consideration and possible action regarding Ordinance No. 22-08-18-01 of the City of Lago Vista, Texas, amending the City's Code of Ordinances, Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Sections 2.212, 2.214, 2.225, and 2.236, providing codification and publication, an effective date, remainder and repealer, severability, proper notice and open meetings clause.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:37:56 -05'00'

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, MAY 19, 2022**

BE IT REMEMBERED that on the 19th day of May A.D., 2022, 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 any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

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

2. At 6:30 p.m., Council reconvened from Executive Session into open session, to act as deemed appropriate in City Council’s discretion regarding:
 - A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

03:50 – 11:09

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.

Lynda Aird made comments regarding developers.

Joan Davis made comments regarding unsafe road on Paseo De Vaca & Lohman Ford.

11:25 – 23:07

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.
Lago Vista Lions barbecue event on Memorial Day weekend expressed thanks to the Community.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations
Congratulations to the 2022 LVISD Boys Golf Team for earning the Silver Medal in the State Tournament and the Lady Vikings Golf Team placed 5th at the State Tournament and to Lindsey Sanders who is a State Art Medalist.
KLVB received the Governor's Award.
- b. Reminders regarding City Council events.
There are 44 candidates for the Police Chief.
- c. Reminders regarding community events.
Memorial Day tribute on Monday, May 30 at 7 p.m. at Veteran's Memorial Park.
May 28, the CERT and Firewise is holding a Town Hall at K-Oaks from 3 to 4:30 pm.
Lago Vista Freedom Festival will be held on July 2, from noon – 10. July 4, parade begins at 10 a.m. down Dawn Drive.
- d. Health and safety announcements.
Lake Travis is down 16.19 ft. from normal.
There is a 501c3 here that takes care of Mason bees.

PRESENTATION

23:08 – 53:45

- 3. Update on the Utility Rate Study by the Utility Rate Committee.
No action taken.

53:47 – 1:46:08

- 4. Presentation from Capital Metro Transit Authority representative Sam Sargent.
No action taken.

ACTION ITEMS

1:46:12 – 2:11:30

- 13. Discussion, consideration, and possible action considering Amendment One to the Interlocal Agreement with Capital Metropolitan Transportation Authority for Build Central Texas.
On a motion by Mayor Pro Tem Sullivan, seconded by Councilor Marion, Council voted unanimously that we approve this change to the agreement with CapMetro.
On a motion by Mayor Pro Tem Sullivan, seconded by Councilor Durbin, Council voted unanimously to reconsider the motion.
On a motion by Mayor Pro Tem Sullivan, seconded by Councilor Marion, Council voted unanimously to approve this amendment to the agreement with CapMetro and include in there, the list of projects that we want to put forward to them which would include the seven streets and the City Hall parking lot. Motion carries.

2:12:11 – 2:15:52

- 12. Discussion, consideration, and possible action regarding Resolution No. 22-1943; 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 2022 (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.

On a motion by Mayor Pro Tem Sullivan, seconded by Councilor Prince, Council voted unanimously that we approve Resolution No. 22-1943. Motion carries.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

2:16:10 – 2:58:19 Mayor Tidwell recused himself from participating in this item.

10. 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 for approximately 19.420 acres of the existing Planned Development District (PDD) known as the “Falls at Lake Travis” and to add approximately 7.819 acres currently in the TR-1 (“Temporary Restricted”) zoning district to that approval in order to restrict the designated uses within the described area to only those allowed within the P-2 (“Park and Greenbelt, Passive”) zoning district.

- Mayor’s presentation
- Applicant’s presentation
- Open public hearing

The public hearing was opened at 8:48 p.m.

Bob Gorlow and Meg Blakey appeared provide additional information and address questions from Council.

David Stoneking made comments regarding not following the deed restrictions.

Dan Eckermann made comments in opposition of this development.

Clive Rutherford made comments regarding the listing of the property.

- Close public hearing

The public hearing was closed at 9:22 p.m.

- Council discussion and possible decision

On a motion by Councilor Roberts, seconded by Councilor Prince, Council voted unanimously that we defer hearing this application until June 16 and brought back before us with the companion application subject to it being amended on the 13th. Motion carries.

Council recessed from 9:27 p.m. until 9:40 p.m.

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.

2:58:51 – 2:59:44

8. Approval of the May 5, 2022, regular meeting minutes.

On a motion by Mayor Pro Tem Sullivan, seconded by Councilor Marion, Council voted unanimously that we approve the consent agenda. Motion carries.

WORK SESSION

2:59:45 – 3:53:41

5. Discussion regarding Social Media Policy for elected officials and Boards and Commissions.
No action taken.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

3:54:10 – 3:55:16

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 official zoning map for approximately 80.4 acres of the existing “Montechino Planned Development District” (PDD) that approves a new single-family residential lot detail plan for Lot 9, 10, 14, 15, 16, 17 and 18 of the Marshall’s Harbor Subdivision and approximately 36.845 acres of the D & W R.R. Company Survey Number 99, Abstract Number 246.

- Applicant’s presentation
- Public hearing still open
- Close public hearing
- Council discussion and possible decision

The applicant asked that we continue to leave this open until the next Council meeting.

3:55:18 – 4:29:08

11. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending various sections of Article 3.800 of Chapter 3 of the Lago Vista Code of Ordinances to update the requirements for outdoor or exterior lighting to achieve added consistency with the most recent model ordinance recommended by the Texas Chapter of the International Dark Sky Association; and providing for related matters.

- Open public hearing
The public hearing was opened at 10:37 p.m.
- Mayor’s presentation
- Close public hearing
The public hearing was left open.
- Council discussion and possible decision
No action taken.

ACTION ITEMS

4:29:09 – 4:32:05

14. Discussion, consideration, and possible action on Resolution No. 22-1944; A Resolution Repealing a six-month Moratorium on new applications for Economic Incentives for residential development.
On a motion by Mayor Pro Tem Sullivan, seconded by Councilmember Durbin, Council voted unanimously that we approve Resolution No. 22-1944. Motion carries.

4:32:06 – 4:42:57

6. Discussion regarding a draft Commercial Through the Fence Agreement for the Rusty Allen Airport.

No action taken. This item will be brought back at a future Council meeting.

4:43:00 – 4:43:50

7. Discussion regarding a draft Residential Through the Fence Agreement for the Rusty Allen Airport.

No action taken. This item will be brought back at a future Council meeting.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 11:25 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this 18th day of August 2022.

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JUNE 16, 2022**

BE IT REMEMBERED that on the 16th day of June A.D., 2022, 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 Pro-Tem Sullivan called the meeting to order at 5:32 p.m. and announced that all Councilmembers are present with Mayor Tidwell and Councilor Marion participating via video conference.

EXECUTIVE SESSION

1. At 5:33 p.m., Council convened into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - B. Consultation with legal counsel regarding the value, use, and potential disposition of City owned property. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - C. Consultation with legal counsel regarding the status of Water Treatment Plant 3 Property. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - D. Update on pending litigation Brittany Henry vs. City of Lago Vista: EEOC Charge 451-2020-0181. (Section 551.071 Consultation with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - E. Discussion regarding City Manager’s Annual Review (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

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

2. At 6:38 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 any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.

- B. Consultation with legal counsel regarding the value, use, and potential disposition of City owned property. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.
- C. Consultation with legal counsel regarding the status of Water Treatment Plant 3 Property. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.
- D. Update on pending litigation Brittany Henry vs. City of Lago Vista: EEOC Charge 451-2020-0181. (Section 551.071 Consultation with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.
- E. Discussion regarding City Manager’s Annual Review (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

Mayor Pro-Tem Sullivan led the Pledge of Allegiance and Pledge to Texas Flag.

03:05 – 03:23

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 for citizen comments.

03:24 – 09:15

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.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations.
Recognized students of the Lago Vista’s women’s golf team won 5th place at state, several team members of the Lago Vista baseball team had several students make it to the all-district team. Several students from Lago Vista High School were awarded scholarships.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
Fourth of July Events will take place Saturday, July 2nd, with a 5K run, the Freedom Festival, and fireworks all at Bar K Park. The parade will take place Monday, July 4th, on Dawn Drive at 10:00 a.m.
Lion’s Club is holding a blood drive Saturday, June 18th.
- f. Health and safety announcements.
Reminder that setting off fireworks at home or holding any unsanctioned fireworks events within the city limits of the City of Lago Vista is illegal.
Phase 2 of the waterline tie-in project will take place Wednesday, June 22nd. Water interruptions and road closures begin late evening through morning.

Mayor Pro-Tem Sullivan announced a change to the agenda moving Agenda Item No. 16 to be considered next.

09:23 – 10:15

16. Discussion and possible action regarding a request from TerraMark Ventures for a letter expressing support from the City of Lago Vista for a permanent street improvement connecting the existing Marshall's Vista Subdivision with a proposed new street within The Hollows and the City of Jonestown.

On a motion by Councilor Durbin, seconded by Councilor Hunt, Council voted unanimously to remove Agenda Item No. 16 from the agenda. Motion carries.

Mayor Pro-Tem Sullivan continued with the agenda items in the order as published.

PRESENTATION

10:21 – 38:31

3. EDAC's semi annual report to Council.
No action taken.

WORK SESSION

38:33 – 1:05:52

4. Discussion regarding CO and GO Bonds.
No action taken.

1:05:59 – 1:51:20 (Agenda Items 5 & 6 were discussed jointly)

5. Discussion regarding draft Through the Fence Residential Airport Agreements for the Rusty Allen Airport.

6. Discussion regarding draft Through the Fence Commercial Airport Agreements for the Rusty Allen Airport.

Mr. James Peck spoke in support of the agreements.

A consensus among City Council members directed staff to bring back the agreements as discussed for action at a future meeting in August.

1:51:25 – 2:24:53 (Agenda Items 7 & 8 were discussed jointly)

7. Discussion about the need to evaluate the existing zoning districts and the uses permitted within them as currently established within Chapter 14 of the Lago Vista Code of Ordinances.

8. Discussion about the need and potential alternative approaches to complete an amendment to the Future Land Use Map and associated land use recommendations and policies within the existing Comprehensive Plan.

A consensus among City Council members directed staff and the Planning and Zoning Commission to continue to work on zone simplification, lot size minimums, addressing errors in the map and the table.

2:25:03 – 2:43:03

9. Discussion regarding Council narrowing down selections for official City flag.
City Council narrowed down one flag from each artist when more than one flag was submitted.
The consensus is as follows:
Artist 1 – Flag #1 with Lago Vista logo and colors

Artist 2 – Flag #1 with Lago Vista colors

Artist 3 – One flag submitted

Artist 4 – One flag submitted

Artist 5 – One flag submitted

Artist 6 – Flag #2 circle with sun, hills, lake and boat

Artist 7 – Flag #1 white boat on lake

Artist 8 – Flag #2 with Lago Vista Texas on it

All designs will be put into a survey. The survey will go out on social media outlets for all citizens to vote on the designs.

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.

2:43:03 – 2:44:37

10. Consideration and possible action regarding a Social Media Policy.

11. Consideration and possible action regarding an Ordinance of the City of Lago Vista, Texas amending various sections of Article 3.800 of Chapter 3 of the City of Lago Vista Code of Ordinances to update the requirements for outdoor and exterior lighting to achieve added consistency with the most recent model ordinance recommended by the Texas Chapter of the International Dark Sky Association; and providing for related matters.

On a motion by Councilor Hunt, seconded by Councilor Roberts, Council voted unanimously that the consent agenda be approved removing item No. 11 for separate consideration. Motion carries.

2:44:37 – 2:49:00

11. Consideration and possible action regarding an Ordinance of the City of Lago Vista, Texas amending various sections of Article 3.800 of Chapter 3 of the City of Lago Vista Code of Ordinances to update the requirements for outdoor and exterior lighting to achieve added consistency with the most recent model ordinance recommended by the Texas Chapter of the International Dark Sky Association; and providing for related matters.

Mr. Jeff Hillard made comments supporting the ordinance.

On a motion by Councilor Roberts, seconded by Councilor Prince, Council voted 6 ayes to 1 nay (Mayor Pro-Tem Sullivan) that item No. 11 be approved. Motion carries.

PUBLIC HEARING AND POSSIBLE ACION (FIRST CONSIDERATION)

2:49:16 – 5:06:44 (Agenda Items 12 & 13 were discussed jointly)

Prior to Mayor Pro-Tem Sullivan reading the caption, Mayor Tidwell recused himself from participating in items 12 & 13.

12 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 for approximately 19.420 acres of the existing Planned Development District (PDD) known as the “Falls at Lake Travis” and to add approximately 7.819 acres currently in the TR-1 (“Temporary Restricted”) zoning district to that approval in order to restrict the designated uses within the described area to only those allowed within the P-2 (“Park and Greenbelt, Passive”) zoning district.

13. 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 approximately 295.9 acres of the existing Planned Development District (PDD) known as the “Falls at Lake Travis” and to add approximately 190.9 acres currently in the TR-1 (“Temporary Restricted”) zoning district to that approval for a new concept and detail plan that modifies the uses and development standards for the property.

- Mayor’s presentation
- Applicant’s presentation
Applicant presented during public hearing.
- Open public hearing
The public hearing was opened at 9:35 p.m.
Mr. Michael Whalen spoke on behalf of the applicant.
Ms. Meg Blakey, Executive Vice President of project developer, spoke in support of the agenda items.
Mr. Robert Gorlow, developer of project, spoke in support of the agenda items.
Ms. Rita Parker spoke in support of the agenda items.
Mr. Jim Awalt spoke in opposition of item 12 and spoke in support of item 13.
Ms. Reesa Jones spoke in support of the agenda items.
Ms. Penny Byrnes spoke in opposition of the agenda items.
Mr. Donald McNary spoke in opposition of the agenda items.
Mr. Chris Byrnes spoke in opposition of the agenda items.
Mr. Craig West did not speak in favor or in opposition but rather on concerns he has with the project as a whole.
Mr. Tom Hilner spoke in opposition of the agenda items.
Ms. Leslie Winn spoke in support of the agenda items.
Mr. David Winn spoke in support of the agenda items.
Mr. Clive Rutherford spoke in support of the agenda items.
Mr. Dan Eckerman spoke in support of the project but in opposition of approving the 200’ strip and of future development until current infrastructure can be addressed.
Ms. Imelda Faught spoke in support of the agenda items.
Mr. Robert Gorlow addressed some of the concerns that were brought up during the public hearing.
- Close public hearing
The public hearing was closed at 11:19 p.m.
- Council discussion and possible decision
On a motion by Councilor Prince, seconded by Councilor Hunt, Council voted 3 ayes to 3 nays (Councilor Roberts, Councilor Marion and Councilor Durbin) that item No. 12 (updated ordinance received by staff before the meeting) requiring a super majority vote to be approved. Motion failed.
On a motion by Councilor Hunt, seconded by Councilor Prince, Council voted 5 ayes to 1 nay (Councilor Roberts) that item No. 13 (updated ordinance received by staff before the meeting) be approved. Motion carries.

5:06:44 – 5:06:46

Mayor Pro-Tem Sullivan called for a recess at 11:43 p.m. and reconvened the meeting at 11:55 p.m. Mayor Tidwell rejoined the meeting at 11:55 p.m.

ACTION ITEMS

5:06:46 – 5:32:37

14. Discussion, consideration, and possible action on an amendment to the Groseclose Development Agreement.

Mr. Jeff Ethridge with W Land Development was available to provide additional information and answer questions.

Mr. Michael Cadigan spoke of his concerns with the developer and the lack of communication with him as the neighbor of the proposed development.

On a motion by Councilor Roberts, seconded by Councilor Hunt, City Council voted unanimously disapproving the requested amendment to the development agreement. Motion carries.

5:32:44 – 5:35:18

15. Discussion, consideration, and possible action regarding Resolution No. 22-1947; A Resolution by the City Council of the City of Lago Vista, Texas, Appointing an individual to fill an unexpired vacant term as a member on the Board of Adjustment.

On a motion by Councilor Marion, seconded by Councilor Roberts, City Council voted unanimously approving Resolution No. 22-1947, appointing Anna Jandrow to fill the unexpired term beginning immediately and ending January 1, 2023, on the Board of Adjustment. Motion carries.

5:35:27 – 5:41:29

17. Discussion, consideration, and possible action regarding an Interlocal Agreement between the City of Lago Vista and Travis County to update the Hazard Mitigation Action Plan.

On a motion by Councilor Roberts, seconded by Councilor Hunt, City Council voted unanimously to approve the Interlocal Agreement with Travis County updating the Hazard Mitigation Action Plan. Motion carries.

ADJOURNMENT

Mayor Pro-Tem Sullivan adjourned the meeting at 12:29 a.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Starr Lockwood, Assistant City Secretary

On a motion by _____, seconded by Councilmember _____, the above and foregoing instrument was passed and approved this 18th day of August 2022.

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JULY 7, 2022**

BE IT REMEMBERED that on the 7th day of July A.D., 2022, 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 5:31 p.m. and announced that all Councilmembers are present.

EXECUTIVE SESSION

1. At 5:34 p.m., Council convened into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
 - B. Update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 in the United States District Court for the Western District; Austin Division (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
 - C. 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. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
 - D. Consultation with City Attorney regarding State laws applicable to the municipal annexation process. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
 - E. Consultation with legal counsel regarding the 1.03-acre property dedicated by plat as public parkland recorded in Document No. 200000248. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
 - F. Discussion regarding City Manager’s Annual Review. (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

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

2. At 6:32 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 any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.
 - B. Update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 in the United States District Court for the Western District; Austin Division (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.
 - C. 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. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.
 - D. Consultation with City Attorney regarding State laws applicable to the municipal annexation process. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.
 - E. Consultation with legal counsel regarding the 1.03-acre property dedicated by plat as public parkland recorded in Document No. 200000248. (Sections 551.072 Real Property, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.
 - F. Discussion regarding City Manager’s Annual Review. (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
Agenda Item F to be further discussed following the end of the regular meeting in executive session.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

07:21 – 11:57

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. Traci McGary spoke about speeding on Boggy Ford.

11:59 – 17:40

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 everyone on the Lago Vista Freedom Fest Committee/team for the efforts put into a very successful Independence Day celebration.
Sunset Park playground equipment has arrived and is being installed.

- b. Information regarding holiday schedules.
N/A
- c. Recognition of individuals, i.e., Proclamations
N/A
- d. Reminders regarding City Council events.
City Council will be holding an all-day work session on the budget Saturday, July 9, 2022.
- e. Reminders regarding community events.
Back to School Bash on July 30, 2022.
- f. Health and safety announcements.
N/A

WORK SESSION

17:40 – 55:29

- 3. Discussion regarding the development of a Contractor Registration Program and corresponding amendments to the City of Lago Vista Code of Ordinances Chapter 3 and Fee Schedule.
No action taken.

56:00 – 1:55.48

- 4. Discussion regarding draft Residential and Commercial Through the Fence Agreements for the Rusty Allen Airport.
Mr. James Peck spoke on behalf of the RAAPOA in regard to the agreements.
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.

1:55:51 – 1:57:18

- 5. Consideration and possible action regarding request by Silverstone Custom Homes, Ltd., to waive the building permit extension fees otherwise required for additional time to complete a single-family residence at 21203 Norris Cove.
Agenda Item No. 5 was pulled from Consent Agenda for separate consideration.
- 6. Consideration and possible action on Ordinance No. 22-07-07-01 an Ordinance of the City Council of the City of Lago Vista, Texas, amending Article 1.500 of the Code of Ordinances, regarding purchasing to add Section 1.502 Procedures For Electronic Bids or Proposals, Providing Codification and Publication, an Effective Date, Repealer, Severability, Proper Notice and Open Meetings Clauses.
- 7. Consideration and possible action on Ordinance No. 22-07-07-02 an Ordinance of the City Council of the City of Lago Vista, Texas, amending Article 1.300, Section 1.331, City Council Meetings, to reflect the current practice of dual regular monthly City Council Meetings and to properly reference the City's Rules of Procedure, providing Codification and Publication, an Effective Date, Repealer, Severability, Proper Notice and Open Meetings Clauses.

8. Consideration and possible action regarding the Joint Election Agreement with Travis County for November 2022 election and approval of the corresponding Election Services Contract. On motion by Councilor Durbin, seconded by Councilor Prince, Council voted unanimously that the consent agenda be approved removing item No. 5 for separate consideration. Motion carries.

1:57:21 – 2:13:38

5. Consideration and possible action regarding request by Silverstone Custom Homes, Ltd., to waive the building permit extension fees otherwise required for additional time to complete a single-family residence at 21203 Norris Cove. On a motion by Councilor Prince, seconded by Councilor Marion, Council voted unanimously to approve a 50% reduction of the permit extension fees owed by Silverstone Custom Homes for the construction of the residence at 21203 Norris Cove. Motion carries.

PUBLIC HEARING AND POSSIBLE ACION (FIRST CONSIDERATION)

2:13:51 – 2:30:27

9. The Lago Vista City Council will hold a public hearing and consider an Ordinance No. 22-07-07-04, an Ordinance of the City Council of the City of Lago Vista, Texas to amend various chapters of the Lago Vista Code of Ordinances to create access management regulations and to incorporate be reference the Technical Construction Standard Specifications Manual adopted by Ordinance No. 19-02-21-02; and providing for related matters.

- Open public hearing
- Mayor Tidwell opened the public hearing at 8:43 p.m.
- Mayor’s presentation
- Close public hearing
Mayor Tidwell closed the public hearing at 8:58 p.m.
- Council discussion and possible decision
On a motion by Councilor Roberts, seconded by Councilor Marion, Council voted unanimously to approve Ordinance No. 22-07-07-04 with corrections and typos that have been identified by Mayor Pro-Tem Sullivan and Councilor Prince during discussion. Motion carries.

ACTION ITEMS

2:30:30 – 2:31:33

10. Discussion, consideration and possible action regarding Ordinance No. 22-07-07-03, an Ordinance of the City Council of the City of Lago Vista, Texas to amend three existing standard driveway details within the Technical Construction Standard Specifications Manual adopted by Ordinance No. 19-02-21-02; and providing related matters. On a motion by Councilor Roberts, seconded by Councilor Prince, Council voted unanimously to approve Ordinance No. 22-07-07-03. Motion carries.

2:31:34 – 2:41:56

11. Discussion, consideration, and possible action regarding Contract with Vista Modular for design and engineering for temporary City Hall Building.

On a motion by Mayor Pro-Tem Sullivan, seconded by Councilor Marion, Council voted unanimously to approve the contract with Vista Modular for design and engineering services for a temporary City Hall building with the caveat that staff will correct the typo on the top of page 2 with the extraneous word “approval” and if there is anything more significant than that, staff will need to bring the contract back to City Council for consideration. Motion carries.

2:41:58 – 2:48:28

12. Discussion, consideration, and possible action regarding Ordinance No. 22-07-07-05 amending utility bill late fees.

On a motion by Mayor Pro-Tem Sullivan, seconded by Councilor Gage, Council voted unanimously to approve Ordinance No. 22-07-07-05. Motion carries.

EXECUTIVE SESSION

2:48:31 – 2:49:21

1(F). At 9:17 p.m., Council convened into a closed Executive Session pursuant to; Discussion regarding City Manager’s Annual Review. (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

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

2(F). At 10:42 p.m., Council reconvened from Executive Session into open session to act as deemed appropriate in City Council’s discretion regarding: Discussion regarding City Manager’s Annual Review. (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
No action taken.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Starr Lockwood, Assistant City Secretary

On a motion by _____, seconded by Councilmember _____, the above and foregoing instrument was passed and approved this 18th day of August 2022.

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
SATURDAY, JULY 9, 2022**

BE IT REMEMBERED that on the 9th day of July A.D., 2022, the City Council held a special called meeting at 9:00 a.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 9:11 a.m. and announced that all Councilmembers are present.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

01:28– 02:09

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.

ACTION ITEMS

02:10 – 06:11

1. Discussion, consideration, and possible action regarding appointment of a new City Secretary.
On a motion by Mayor Pro-Tem Sullivan, seconded by Councilor Roberts, Council voted unanimously to approve Resolution 22-1948 appointing Lucy Aldrich as City Secretary.
Motion carries.

WORKSHOP

06:17 – 1:12:18

2. Discussion regarding CapMetro
No action taken.

1:12:20 – 3:35:09

3. Discussion regarding budget and CIP projects for fiscal 2022-2023
Mayor Tidwell recessed the meeting at 11:40 a.m. for lunch break
Mayor Tidwell reconvened the meeting at 12:15 p.m.
No action taken.

3:35:12 – 4:46:18

4. Discussion regarding potential bond election
No action taken.

Mayor Tidwell recessed the meeting at 2:35 p.m. for a short break.
Mayor Tidwell reconvened the meeting at 2:45 p.m.

4:47:20 – 6:10:12 (Agenda Items 5 & 6 were discussed jointly)

5. Discussion regarding Parks and Recreation Advisory Committee Recommendations to City Council for City-Owned Properties
6. Discussion regarding City-owned property
No action taken.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 4:08 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Starr Lockwood, Assistant City Secretary

On a motion by _____, seconded by Councilmember _____, the above and foregoing instrument was passed and approved this 18th day of August 2022.

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JULY 21, 2022**

BE IT REMEMBERED that on the 21st day of July A.D., 2022, 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 Pro-Tem Sullivan called the meeting to order at 5:30 p.m. and announced that all Councilmembers are present with Mayor Tidwell, Councilor Hunt and Councilor Marion participating via video conference.

EXECUTIVE SESSION

1. At 5:31 p.m., Council convened into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - B. Discussion regarding City Manager’s Annual Review (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

At 6:13 p.m., Council reconvened from Executive Session into open session and advised that there was no action taken on Executive Session Item A and reported that City Manager Tracie Hlavinka has meet and exceeded City Council’s expectations over the last year. No action taken. Mayor Pro-Tem recessed the meeting at 6:15 p.m. announcing that the Regular Meeting would reconvene at 6:30 p.m.

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 any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.
 - B. Discussion regarding City Manager’s Annual Review (Sections 551.074 Personnel Matters, 551.071 Advice of Counsel, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

Mayor Pro-Tem Sullivan reported that Tracie Hlavinka has meet and exceeded City Council's expectations over the last year. No action taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

Mayor Pro-Tem Sullivan led the Pledge of Allegiance and Pledge to Texas Flag.

06:01 – 06:17

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.

06:22 – 11:43

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.
N/A
- b. Information regarding holiday schedules.
N/A
- c. Recognition of individuals, i.e., Proclamations
Welcomed new City Secretary, Lucy Aldrich.
Lago Vista High School senior Ethan Helton who was recognized in the Austin American Statesman as a top 20 football player for 2022. He was also the 3A District offensive MVP.
- d. Reminders regarding City Council events.
Budget meetings are scheduled to occur on August 8th, August 15th and 22nd with all of the meetings beginning at 5:30 p.m.
Period for City Council candidates to apply for a place on November 8, 2022, ballot begins July 23, 2022, and ends on August 22, 2022.
- e. Reminders regarding community events.
Reception at K-Oaks on Monday, July 25 to meet the Police Chief finalists.
Back to School Bash on July 30 from 11:00 a.m. to 3:00 p.m.
- f. Health and safety announcements.
Planned water outages are on the City's website.
Lake Travis is 33 feet below full and 19.36 feet below normal.

PRESENTATION

11:48 – 1:04:25

3. Presentation of the Golf Course Advisory Committee's FY2022 Annual Report and recommendations for actions and improvements.
Mr. Larry Levy spoke on his concerns of the history of the golf course and his recommendations going forward with the golf course.
Ms. Ania Safko spoke on her concerns with the identified algae problem.
No action taken.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

1:04:30 – 1:27:19

4. The Lago Vista City Council will hold a public hearing and consider a conditional use approval pursuant to Section 16.70 of Chapter 14 of the Lago Vista Code of Ordinances to allow for a home-based beauty salon at 20205 Park Strip Street (Lago Vista Civic Center Addition, Lot 2012).
 - Mayor’s presentation
 - Applicant’s presentation
Applicant did not present.
 - Open public hearing
The public hearing was opened at 7:44 p.m.
Ms. Ania Safko spoke in support of the agenda item.
 - Close public hearing
The public hearing was closed at 7:48 p.m.
 - Council discussion and possible decision
On a motion by Councilor Roberts, seconded by Councilor Prince, Council voted 6 ayes to 1 nay (Councilor Durbin), that item No. 4 to be approved as recommended by the Planning and Zoning Commission (option A). Motion carries.

ACTION ITEMS

1:27:23 – 2:09:35

5. Discussion, consideration and possible action on an Ordinance ordering an Election to be held on the question of the City of Lago Vista’s continued participation in the Capital Metropolitan Transportation Authority; designating November 8, 2022, as the date of the General Election; prescribing the form of the ballot; providing for election procedures; providing an effective date; providing an open meetings clause; and providing for related matters.
On a motion by Councilor Durbin, seconded by Councilor Roberts, City Council voted 6 ayes to 1 nay (Councilor Marion), to continue discussions in Executive Session with City Attorney after action is taken on Agenda Item No. 6 and to table taking action on the agenda item until the next regular meeting scheduled for August 4, 2022. Motion carries.

2:09:53 – 2:16:27

6. Discussion, consideration, and possible action regarding representation on the Region 10 Lower Colorado-Lavaca Regional Flood Planning Group (RFPG).
On a motion by Councilor Prince, seconded by Councilor Roberts, City Council voted 6 ayes, 0 nays, and 1 abstention (Councilor Durbin) nominating Council Durbin as a representative on the Region 10 Lower Colorado-Lavaca Regional Flood Planning Group on behalf of the City of Lago Vista. Motion carries.

EXECUTIVE SESSION

- Agenda Item No. 5 At 8:44 p.m., Council convened into a closed Executive Session pursuant to;
- A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

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

Agenda Item No. 5 At 9:13 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 any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
No action taken.

ADJOURNMENT

Mayor Pro-Tem Sullivan adjourned the meeting at 9:13 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by _____, seconded by Councilmember _____, the above and foregoing instrument was passed and approved this 18th day of August 2022.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Interim Chief Rob Sherwin

Subject: Consideration and possible action regarding Ordinance No. 22-08-18-01 of the City of Lago Vista, Texas, amending the City's Code of Ordinances, Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Sections 2.212, 2.214, 2.225, and 2.236, providing codification and publication, an effective date, remainder and repealer, severability, proper notice and open meetings clause.

Request: Consent Agenda

Legal Document: Ordinance

Legal Review:

EXECUTIVE SUMMARY:

A review of Chapter 2 of the Lago Vista Code of Ordinances found that multiple ordinances (Sec 2.12 Compliance with Registration, Permits, and Tag Provision, Sec 2.214 Dogs and Cats at Large (Violation of Restraint Provision), Sec 2.225 Animal Control Nuisances, contain set fines within the ordinance. Current best practices dictate that city prosecutors and municipal judges have flexibility to address violations brought to the court by means other than fine only.

Section 2.236 Dog Bite Investigations and Dangerous Dog Information needs to updated to reflect changes made to Chapter 822 of the Texas Health and Safety Code.

The Ordinance revises the referenced sections to remove the set fines, allowing for utilization of existing Section 2.235 that refers to the general penalty clause in Section 1.109. This would impose a fine up to five hundred (\$500.00) for violation of the ordinance. In addition, the ordinance also amends Section 2.236 to be compliant with the Texas Health and Safety Code.

On August 4, 2022, City Council directed staff to amend the ordinance as presented with these said changes and place on the consent agenda at a future meeting.

Impact if Approved:

Article 2.200 of Chapter 2 will change to allow prosecutors and judges to set fines consistent with a violation of the ordinance. Liability to owners of dangerous dogs if a person has suffered serious bodily injury or death have been changed and the ordinance should match state law.

Impact if Denied:

Fine schedules within the ordinance will remain in place and there will be no flexibility for city court to address violations.

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Animal Control Ordinance Amendment

Agenda Item Approved by City Manager

Tracie Hlavinka

Digitally signed by Tracie Hlavinka
Date: 2022.08.11 13:42:23 -05'00'

ORDINANCE NO. 22-08-18-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 2 ANIMAL CONTROL, ARTICLE 2.200 ANIMAL CONTROL GENERALLY, SECTIONS 2.212, 2.214, 2.225 AND 2.236, PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REMAINDER AND REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.

WHEREAS, the City of Lago Vista, Texas is a home rule city; and

WHEREAS, the Texas Health and Safety Code Chapters 822, 826, and Texas Local Government Code Chapter 217 allow for municipal regulation of animals and animal related nuisances; and

WHEREAS, Chapter 2 of the City's Code of Ordinances contains Animal Control regulations; and

WHEREAS, the City Council desires to amend Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Sections 2.212, 2.214 and Section 2.225 as reflected in Exhibit "A" to remove the specific penalties listed in the respective sections and instead utilize the penalty clause in Section 2.235 referring to the general penalty clause in Section 1.109; and

WHEREAS, the City Council also desires to amend Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Section 2.236 as reflected in Exhibit "A" to conform the requirements to Chapter 822 Texas Health and Safety Code; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Sections 2.212, 2.214, 2.225, and 2.236 of the Code of Ordinances.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 2 Animal Control, Article 2.200 Animal Control Generally, Sections 2.212, 2.214, 2.225, and 2.236 of the Code of Ordinances as shown in Exhibit "A." Underlined language shall be added and language to be deleted is signified by strike-through.

SECTION 3. REMAINDER AND REPEALER. The remainder of all portions of Article 2.200 not amended by this Ordinance continue in force and effect. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 18th day of August 2022 by a vote of the City Council of the City of Lago Vista, Texas.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit "A"

Sec 2.212 Compliance With Registration, Permits And Tags Provision

If a dog or cat is picked up and the owner has registered and holds a current dog or cat city permit, but fails to have a current rabies tag worn by the dog or cat, a citation may be issued ~~and a fine of ten dollars (\$10.00)~~ per missing tag for the violation. ~~It shall be a violation~~ A citation for failure to register and possess a current city permit and ~~rabies~~ tag for any dog or cat. ~~shall carry a fine of fifty dollars (\$50.00).~~

Sec 2.214 Dogs And Cats At Large (Violation Of Restraint Provision)

- (a) ~~It is a class C Misdemeanor for an~~ ~~Ne~~ owner ~~shall to~~ allow any dog or cat to be at large in the city. Any dog or cat observed at large in the city may be impounded. Citations will be issued to owners, ~~and shall be separate of any other penalties, fines and fees.~~ Citations for violation of this provision shall be subject to the following fines:
 - 1st Offense \$40.00
 - 2nd Offense \$80.00
 - 3rd Offense \$120.00
- (b) ~~Second and third offense fines apply to violations of this provision which have occurred cumulatively within the same calendar year.~~

Sec 2.225 Animal Control Nuisances

- (a) An animal control nuisance shall mean any animal problem which an owner causes or allows to be caused in the manner of keeping the animal, that disturbs the comfort, physical senses, health, or well-being of another person; or that interferes with another person's enjoyment or rightful use of ~~his~~ their own property.
- (b) ~~A citation or warning may be issued for a violation of any of the nuisance problems in the amount of:~~
 - 1st Offense — \$25.00
 - 2nd Offense — \$50.00
 - 3rd Offense — \$75.00

Sec 2.236 Dog Bite Investigations And Dangerous Dog Information

- (a) ~~Chapter 822 of the Texas Health and Safety Code relating to dangerous dogs was recently amended by the Texas State Legislature by House Bill 2065. The statute was amended to add Subchapter D which requires among other things that local animal control authorities annually register dangerous dogs for events that occur after September 1, 1991.~~
- (b) Dangerous dogs are dogs that:

- (1) Make an unprovoked attack on a person causing bodily injury and occurring in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.
 - (2) Make an unprovoked attack on a person in a place other than an enclosure in which the dog was being kept, which enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own, causing the person to reasonably believe that the attack may have caused bodily injury.
- (c) Owners of dangerous dogs must:
- (1) Register the dog annually as a dangerous dog with the local animal control authority and pay a registration fee as set forth in the fee schedule located in Appendix A of this code.
 - (2) Restrain the dog at all times on a leash in the immediate control of a person or in a secure enclosure.
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least One Hundred Thousand Dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog against any person.
 - (4) Submit proof of the dog's current rabies vaccination.
 - (5) Attach the issued dangerous dog tag to the dog's collar or harness and insure that the tag is worn at all times.
 - (6) Inform the local animal control authority, if the dangerous dog is sold or moved to a new address, within fourteen (14) days of the sale or move of the dog. The new owner of the dangerous dog shall register the dog by presenting the prior registration and remitting a fee as set forth in the fee schedule located in Appendix A of this code to the animal control authority.
 - (7) Inform the local animal control authority office of any attacks on people by the dangerous dog.
- (d) A secure enclosure for a dangerous dog is one that:
- (1) Is a fenced area or a structure that is:
 - (A) Locked;
 - (B) Capable of preventing the entry of the general public including children;
 - (C) Capable of preventing the escape or release of the dog; and
 - (D) Clearly marked as containing a dangerous dog.
 - (2) Has been inspected and approved by the representatives of the local animal control program.
- (e) Liability of owners of dangerous dogs.
- (1) The owner or person in possession of a dangerous dog may be charged with a Class C misdemeanor if the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury.
 - (2) The owner or person in possession of a dangerous dog may be charged with a 3rd Degree Felony Misdemeanor if his dangerous dog makes an unprovoked attack on another person outside the dog's enclosure and causes serious bodily injury or death.

- (3) If the attack causes the death of a person, the owner or person may be charged with a 2nd Degree Felony.(If the owner of the dog is found guilty in either of the above cases, the court may order the destruction of the dangerous dog.)
- (4) In addition to criminal prosecution, a person who commits an offense as detailed in (1) and (2) above is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). A city or county attorney may file a suit in a court of competent jurisdiction to collect this civil penalty.
- (f) Dog bite investigators should be familiar with this section and should inform the owners of dogs involved in a bite or injury, of the facts contained in this section. This section may be duplicated and given as a hand-out. A dog that was loose at the time of a bite resulting in bodily injury may be declared dangerous, required to be registered as a “dangerous dog,” restrained in a secure enclosure, and insurance obtained, or proof of financial responsibility required.
- (g) For the purposes of this section, the following words or phrases shall have the meaning provided below:
- (1) Unprovoked Attack. An attempt by a dog to bite and inflict bodily injury on a person when the dog was not hit, kicked, or struck by the person with an object or part of the person’s body, nor was any part of the dog’s body pulled, pinched, or squeezed by the person, nor was the dog taunted or teased by the person. Consideration will be given to whether the person was in the dog’s territory and on property of the dog’s owner at the time of the attack (e.g. when the dog is confined to owner’s property by rope or chain, or when a dog is defending its young on the property of its owner.) If at the time of the unprovoked attack the person was in the dog’s territory and the dog was confined, then any attack will not be deemed an unprovoked attack.
 - (2) Bodily Injury. Physical pain, illness, or any impairment of physical condition.
 - (3) Serious Bodily Injury. means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 18 August, 2022

From: Roy Jambor, AICP / PA (Development Services Director)

Subject: The Lago Vista City Council will hold a public hearing and consider Ordinance No. 22-08-18-02 of the City Council of Lago Vista, Texas amending Section 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.

Request: Public Hearing

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

The mandatory requirements for the Board of Adjustment to approve a zoning variance remain as enumerated in Section 11.20 of Chapter 14 of the Lago Vista Code of Ordinances, as amended by this Council in Ordinance Number 21-08-19-03. The purpose of that amendment was to maximize consistency with all applicable state statutes.

Effective, September 1, 2021 (shortly thereafter) HB 1475 provided authority for additional discretion that the Board of Adjustment might exercise in determining whether the basis of a specific variance application is an "unnecessary hardship" (the statutory requirement). As a result, the following five items are currently included in a new Section 211.009(b-1) of the Texas Local Government Code: 1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code; 2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; 3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement; 4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or 5) the municipality considers the structure to be a nonconforming structure.

However, the second item on the list caused the staff some significant concern as it seems to allow the consideration of fairly normal setbacks on a relatively small lot (a size that is very common in Lago Vista) to contribute towards a determination of an "unnecessary hardship." As a result, the Development Services staff asked the City Attorney to spend quite a bit of time in an attempt to discern the intent behind that provision. Ultimately, she obtained consistent recommendations from a number of sources including the TML legal staff and presenters at a recent continuing legal education seminar. That recommendation was a reminder that these were discretionary factors that could be considered, but did not supersede the mandatory requirements or our ordinance that are now consistent with the balance of Section 211.009. The staff subsequently prepared this draft, unanimously recommended by the Planning and Zoning Commission at their July 14, 2022 regular meeting.

Impact if Approved:

Notice of this additional discretion available to the Board of Adjustment in consideration of a variance application would be more apparent to both the board members and potential applicants.

Impact if Denied:

The exercise of that discretion would presumably be equally valid. However, it is far less likely that potential applicants would know of their ability to urge the Board of Adjustment to exercise that discretion.

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to	<input type="text" value="Enact Ordinance"/>	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>
Motion to	<input type="text" value="Deny Ordinance"/>	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>
Motion to	<input type="text" value="Table Ordinance"/>	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>	-	<input type="text" value="N/A"/>

Known as:

Integration of HB 1475 of the 2021 Texas Legislature into Chapter 14 of the Lago Vista Code of Ordinances.

Agenda Item Approved by City Manager

Tracie Hlavinka

Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:35:58 -05'00'

ORDINANCE NO. 22-08-18-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 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 APPLICATION OF A ZONING ORDINANCE PROVISION WOULD RESULT IN AN UNNECESSARY HARDSHIP; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously specified the findings required for the Board of Adjustment to approve a zoning variance in Section 11.20 of Chapter 14, the Zoning Ordinance; and

WHEREAS, the City Council of the City of Lago Vista has also previously provided guidance to the Board of Adjustment by including language in Section 11.30 of Chapter 14, the Zoning Ordinance, that specifies what is described as their “interpretive role” in making the required determinations; and

WHEREAS, Section 211.009(b-1) of the *Texas Local Government Code* now includes enumerated discretionary authority that the Board of Adjustment may exercise in the determination of whether the basis of a specific variance application is an “unnecessary hardship;” and

WHEREAS, the staff and members of the Planning and Zoning Commission believe that it is in the best interest of the residents and property owners of the City if local ordinances are as consistent as possible with state statutes so that the Board of Adjustment can more effectively rely on the guidance of Texas courts in making decisions involving zoning variance requests; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and conducted multiple public hearings concerning those regulations at their meetings between November 11, 2021 and July 14, 2022; and

WHEREAS, the proposed changes should also yield results that are more aligned with the expectations of the residents and property owners of Lago Vista; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements contained within Sections 11.30 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on August 18, 2022, reviewed the recommendation, and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 11.30 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A.”**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED 18th day of August 2022.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 14

ZONING

11.30 Interpretive Role

At the sole discretion of the Board of Adjustment, any of the grounds enumerated in Section 211.009(b-1) of the Texas Local Government Code may be considered in making the determination whether the strict application of a zoning ordinance provision in a specific circumstance would result in an unnecessary hardship.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Tracie Hlavinka, City Manager

Subject: Discussion, consideration and possible action regarding Resolution No. 22-1950, appointment of a new Chief of Police.

Request: Business Item

Legal Document: Other

Legal Review:

EXECUTIVE SUMMARY:

After the retirement of Police Chief Dannie Smith, the City contracted with Strategic Government Resources (SGR) for management of the search, interview and selection process for a new Police Chief. The extensive nationwide search resulted in a group of 55 candidates from 18 different states.

According to the City Charter, the City Manager, subject to approval by the Council, shall appoint a Chief of Police.

An offer was made to Gary Boshears contingent on the Council approving the appointment. Chief Boshears has over 20 years of law enforcement experience and for the past six years has served as the Police Chief for Granite Shoals, Texas.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Discussion, consideration and possible action regarding appointment of a new Chief of Police.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:32:55 -05'00'

CITY OF LAGO VISTA, TEXAS

RESOLUTION 22-1950

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING AN INDIVIDUAL TO SERVE AS THE CHIEF OF POLICE OF THE CITY OF LAGO VISTA

WHEREAS, the City of Lago Vista is a home rule municipality, operating in accordance with the City Charter as amended in November 2021; and

WHEREAS, in accordance with Section 4.05 of the City Charter, the City Manager, subject to approval by the Council, shall appoint a Chief of Police; and

WHEREAS, the City Manager has conducted a thorough search for a new chief of police city and has identified Gary Boshears as the best candidate for the position.

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

THAT, the City Manager has appointed Gary Boshears to the office of Chief of Police with the powers and duties of said office and City Council hereby confirms this appointment.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 18th day of August 2022.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing instrument was passed and approved.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Lucy Aldrich, City Secretary

Subject: Discussion, consideration, and possible action regarding Ordinance No. 22-08-18-03; an ordinance ordering and establishing procedures for the 2022 General Election in the City of Lago Vista to elect officials for Place 2, Place 4, and Place 6; providing for notice of the election; providing election precinct and polling places; providing for early voting; providing an effective date and open meetings clause; and providing for related matters.

Request: Business Item

Legal Document: Ordinance

Legal Review:

EXECUTIVE SUMMARY:

The General Election will be held on November 8, 2022.

There are three (3) positions for City Council expiring, those positions are listed below.

Each council member is elected at-large, by place, for a two-year terms.

- Council Member Place 2
- Council Member Place 4
- Council Member Place 6

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Ordinance ordering November 8, 2022 General Election.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:37:02 -05'00'

ORDINANCE NO. 22-08-18-03

AN ORDINANCE ORDERING AND ESTABLISHING PROCEDURES FOR THE 2022 GENERAL ELECTION IN THE CITY OF LAGO VISTA, TEXAS TO ELECT COUNCILMEMBERS FOR PLACE 2, PLACE 4 AND PLACE 6; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING ELECTION PRECINCT AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, on November 8, 2022, there shall be elected the following officials for this City: Council Member Place 2; Council Member Place 4; and Council Member Place 6;

WHEREAS, the Texas Election Code is applicable to said election and this ordinance establishes procedures consistent with the Code, and designates the voting place for the election;

WHEREAS, the voters of the City will be adequately and conveniently served by the common early voting polling places specified herein, which are located outside the boundary of the City, and such polling places will facilitate the orderly conduct of the election;

WHEREAS, the City of Lago Vista, Texas (hereinafter the "City") has made provision to contract with Travis County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), and such contract provides for political subdivisions subject to the contract that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

SECTION 1. The General Election of the City shall be held on Tuesday, November 8, 2022, to elect Council Members for Place 2, Place 4, and Place 6, to serve a term of two (2) years each. Candidates at the election for the above offices shall file their applications to become candidates with the City Secretary of the City, at City Hall, 5803 Thunderbird Drive, Lago Vista, Texas 78645, between Saturday, July 23, 2022, and Monday, August 22, 2022, at 5:00 p.m. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary and will be held on Wednesday, August 24, 2022, at 10:00 a.m. at City Hall.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Travis County Election Officer for use on the voting devices and ballots used by Travis County.

SECTION 3. The Travis County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of

elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early Voting.

(a) Early voting for qualified voters of the City residing in Travis County shall be held at the dates, times, and locations authorized by the Travis County Elections Administrator. The main early voting location is the Austin Permitting and Development Center, 6310 Wilhelmina Delco Drive, Austin, TX 78752. Branch polling locations shall be authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

(b) Early voting for qualified voters of the City residing in Travis County shall commence as specified by the *Texas Election Code* and the respective Elections Administrator:

Monday, October 24, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, October 25, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, October 26, 2022	7:00 a.m. – 7:00 p.m.
Thursday, October 27, 2022	7:00 a.m. – 7:00 p.m.
Friday, October 28, 2022	7:00 a.m. – 7:00 p.m.
Saturday, October 29, 2022	7:00 a.m. – 7:00 p.m.
Sunday, October 30, 2022	12:00 p.m. (Noon) – 6:00 p.m.
Monday, October 31, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, November 1, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, November 2, 2022	7:00 a.m. – 7:00 p.m.
Thursday, November 3, 2022	7:00 a.m. – 7:00 p.m.
Friday, November 4, 2022	7:00 a.m. – 7:00 p.m.

(c) The period to apply for a ballot by mail is Saturday, January 1, 2022, through Friday, October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on Friday, October 28, 2022.

(d) The period to apply for a federal postcard application (FPCA) is January 1, 2022, through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022.

(e) Early Voting Conducted by the Travis County Elections Administrator:

1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code* for the qualified voters of the City residing in Travis County. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election for qualified voters of the City residing in Travis County.

2) Applications for ballot by mail for qualified voters of the City residing in Travis County shall be mailed to:

By mail:
Rebecca Guerrero,
County Clerk Travis County Early Voting Clerk
PO Box 149325
Austin, Texas 78714-9325
By Contract Carriers / Fedex:
Elections Division Travis County Clerk
5501 Airport Blvd. Austin, Texas 78751
Telephone: (512) 238-VOTE
Email: elections@traviscountytexas.gov
Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>

- 3) Registered voters of the City of Lago Vista may vote at any designated Travis County early voting location.

SECTION 5. The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Travis County for such election precincts in Travis County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Travis County will be provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

SECTION 6. The City Secretary, or designee, is instructed to aid the Travis County Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Travis County and the City, the Travis County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Travis County Election Officer shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Travis County for the election.

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this Ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 9. The Mayor is authorized and directed to post an election order for this election that complies with the Texas Election Code by August 22, 2022.

SECTION 10. The election shall be held and conducted by the Travis County Election Officer in compliance with state law and the Election Agreement, and this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 11. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 18th day of August 2022.

LAGO VISTA, TEXAS

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Lucy Aldrich, City Secretary

Subject: Discussion, consideration, and possible action regarding Ordinance No. 22-08-18-04; an ordinance ordering a Special Election in the City of Lago Vista to increase the City's general revenue sales and use tax rate pursuant to Chapter 321 of the Texas Tax Code, conditioned on a majority of qualified voters voting "No" on Proposition "A", which is the measure on the question of the continuation of the Capital Metropolitan Transportation; prescribing the form of the ballot; providing for election procedures; and providing for an effective date; providing an open meetings clause; and providing for related matters.

Request: Business Item

Legal Document: Ordinance

Legal Review:

EXECUTIVE SUMMARY:

Chapter 321 of the Texas Tax Code authorizes the general revenue sales and use tax to be adopted in increments starting at one-eighth of one percent (1%) with the maximum not to exceed two percent (2%). The City of Lago Vista has set the local sales tax rate at the maximum of 2%. Of that 2%, 1% goes to CapMetro for participation in the CapMetro Transit System, which equates to approximately \$882,000 a year. The City receives the other 1%, which also equates to approximately \$882,000 per year.

On August 4, 2022, City Council ordered a special election on the question of the City of Lago Vista's continued participation in the Capital Metropolitan Transportation Authority. If a majority of qualified voters vote "No," then CapMetro will calculate the net financial obligation to the City and will continue to collect the 1% sales tax within the City until the net financial obligation is collected. After the net financial obligation is collected, CapMetro will cease to collect the 1% sales tax within the City and there will be a 1% sales tax increment available for adoption by the local taxing authority (upon approval by a majority of qualified voters).

Also on August 4, 2022, City Council discussed and determined that an election should be held on the question of increasing the City's general revenue sales tax from 1% to 2% conditioned upon a majority of qualified voters voting "No" on the proposition questioning the City's continued participation in the Capital Metropolitan Transportation Authority.

Impact if Approved:

The City will include a proposition on the ballot for the upcoming November 8, 2022 election.

Impact if Denied:

No proposition will appear on the ballot.

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Increase the City's general revenue sales and use tax rate election proposition ordinance

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:37:35 -05'00'

ORDINANCE NO. 22-08-18-04

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, ON A PROPOSITION TO INCREASE THE CITY'S GENERAL REVENUE SALES AND USE TAX RATE PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE, CONDITIONED ON A MAJORITY OF QUALIFIED VOTERS VOTING "NO" ON PROPOSITION "A", WHICH IS THE MEASURE ON THE QUESTION OF THE CONTINUATION OF THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY IN THE CITY OF LAGO VISTA; PRESCRIBING THE FORM OF THE BALLOT; PROVIDING FOR ELECTION PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the current general revenue sales and use tax rate within the City of Lago Vista, Texas (the "City") is one percent (1%);

WHEREAS, Chapter 321 of the Texas Tax Code authorizes the general revenue sales and use tax to be adopted in increments of one-eighth of one percent (1%);

WHEREAS, the maximum combined sales tax rate adopted by local taxing authorities may not exceed two percent (2%);

WHEREAS, the City is located within the Capital Metropolitan Transportation Authority (CapMetro), which collects a one percent (1%) sales tax within the City;

WHEREAS, the current combined sales tax rate for all local taxing authorities in the City is two percent (2%);

WHEREAS, the City Council called an election on the question of the continuation of CapMetro within the City of Lago Vista ("Proposition A");

WHEREAS, if a majority of qualified voters vote "No" on Proposition A, then CapMetro will calculate the net financial obligation of the City, pursuant to Subchapter M, Chapter 451, Texas Transportation Code, and will continue to collect the one percent (1%) sales tax within the City until the net financial obligation is collected;

WHEREAS, after the net financial obligation is collected, CapMetro will cease to collect the one percent (1%) sales tax within the City and there will be a one percent (1%) sales tax increment available for adoption by local taxing authorities (upon approval by a majority of qualified voters);

WHEREAS, the City Council has determined that an election should be held on the question of increasing the City’s general revenue sales tax from one percent (1%) to two percent (2%) conditioned upon a majority of qualified voters voting “No” on Proposition A (“Proposition B”);

WHEREAS, the ballot language will ask voters to approve a sales and use tax of two percent (2%), which is the total general revenue sales and use tax rate that will be in effect upon approval by a majority of the qualified voters and canvassing of the election;

WHEREAS, the two percent (2%) sales and use tax will not be implemented by the Comptroller unless Proposition A fails and Proposition B passes;

WHEREAS, if Proposition A fails and Proposition B passes, the total rate of all sales and use taxes levied within the City will not exceed two percent (2%);

WHEREAS, the City Council finds it appropriate to substitute the words “Yes” and “No” on the ballot for “For” and “Against” to be consistent with language used for other City propositions scheduled for the November 8, 2022 election;

WHEREAS, the City of Lago Vista lies within the boundaries of Travis County;

WHEREAS, the City of Lago Vista, Texas (hereinafter the "City") approves and agrees to conducting the election jointly with other political subdivisions in Travis County in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City has contracted with the Travis County Elections Administrator to conduct the City's election for Travis County voters residing in the City, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the "Election Services Contracts");

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

Section 1. Special Election Ordered. The City Council of the City of Lago Vista hereby orders a special election to be held on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m. to submit to the qualified voters of the City a proposition allowing such voters to vote for or against a one percent (1%) increase in the general revenue sales and use tax rate, pursuant to Chapter 321, Texas Tax Code, and upon approval of the increase, the City’s general revenue sales and use tax rate shall be equal to two percent (2%), provided that the increase shall be conditional upon a majority of qualified voters voting “No” on Proposition A and will go into effect pursuant to applicable state law.

Section 2. Ballot and Proposition Language. The official ballots for said special election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" as to the proposition, with the ballots to contain such provisions,

markings and language as required by law, and with such proposition to be expressed in a form substantially as follows:

City of Lago Vista Proposition B
General Revenue Sales Tax
Conditional Upon a Majority “NO” Vote on Proposition A

The adoption of a local sales and use tax in the City of Lago Vista at the rate of two percent
(2%)

_____ YES _____ NO

Section 3. Printed Materials. The official ballots, together with such other election materials as are required by the *Texas Election Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 4. Notice of Election. Notice of the election shall be given in the manner as provided in the *Texas Election Code* and the *City Charter*. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in English and Spanish in a newspaper of general circulation in the City. The Travis County Elections Administrator is authorized and shall give all notices for their respective jurisdictions required for the election.

Section 5. Conduct of Election. The Travis County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for that part of the City located in Travis County pursuant to the Election Services Contract between the City of Lago Vista and Travis County. The election shall be held and conducted in compliance with the City Charter, state law, and the Election Services Contract.

Section 6. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Travis County, provided that such political subdivisions hold an election on November 8, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the Election Services Contract.

Section 7. Election Precincts and Election Day Polling Places.

- (a) The election precincts for the election shall be the election precincts established for Travis County.
- (b) The polling place for each election precinct located in Travis County shall be the polling place established by Travis County. The returns will be provided by precinct and the Travis County Elections Administrator shall tabulate and provide the election returns for votes cast by Travis County voters.

Section 8. Early Voting.

- (a) Early voting for qualified voters of the City residing in Travis County shall be held at the dates, times, and locations authorized by the Travis County Elections Administrator. The main early voting location is the Austin Permitting and Development Center, 6310 Wilhelmina Delco Drive, Austin, TX 78752. Branch polling locations shall be authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

- (b) Early voting for qualified voters of the City residing in Travis County shall commence as specified by the *Texas Election Code* and the respective Elections Administrator:

Monday, October 24, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, October 25, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, October 26, 2022	7:00 a.m. – 7:00 p.m.
Thursday, October 27, 2022	7:00 a.m. – 7:00 p.m.
Friday, October 28, 2022	7:00 a.m. – 7:00 p.m.
Saturday, October 29, 2022	7:00 a.m. – 7:00 p.m.
Sunday, October 30, 2022	12:00 p.m. (Noon) – 6:00 p.m.
Monday, October 31, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, November 1, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, November 2, 2022	7:00 a.m. – 7:00 p.m.
Thursday, November 3, 2022	7:00 a.m. – 7:00 p.m.
Friday, November 4, 2022	7:00 a.m. – 7:00 p.m.

- (c) The period to apply for a ballot by mail is Saturday, January 1, 2022, through Friday, October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on Friday, October 28, 2022.
- (d) The period to apply for a federal postcard application (FPCA) is January 1, 2022, through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022.
- (e) Early Voting Conducted by the Travis County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the

Travis County Elections Administrator in accordance with the *Texas Election Code* for the qualified voters of the City residing in Travis County. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election for qualified voters of the City residing in Travis County.

- 2) Applications for ballot by mail for qualified voters of the City residing in Travis County shall be mailed to:
 - By mail:
Rebecca Guerrero,
County Clerk Travis County Early Voting Clerk
PO Box 149325
Austin, Texas 78714-9325
 - By Contract Carriers / Fedex:
Elections Division Travis County Clerk
5501 Airport Blvd. Austin, Texas 78751
Telephone: (512) 238-VOTE
Email: elections@traviscountytexas.gov
Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>
- 3) Registered voters of the City of Lago Vista may vote at any designated Travis County early voting location.

Section 9. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County, in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of said election and such appointments are approved. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

Section 10. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aid the Travis County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contract between the City and the Travis County Elections Administrator, the Travis County Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contract.

Section 11. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in

carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as provided in Section 451.607, Texas Election Code.

Section 12. General. The general election shall be held and conducted by the Travis County Elections Administrator in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies, materials, and equipment to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 11, 2022, nor later than November 22, 2022.

Section 13. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 14. Effective Date; Election Code; Preamble. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control, and the Travis County Elections Administrator shall comply with the Texas Elections Code. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes as part of the findings of Council.

Section 15. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 16. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapter. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this 18th day of August 2022 by a vote of the City Council of the City of Lago Vista, Texas.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing ordinance was passed and approved.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: August 18, 2022

From: Lucy Aldrich, City Secretary

Subject: Discussion, consideration, and possible action on Ordinance 22-08-18-05 amending Ordinance 22-08-04-01 that ordered a Special Election to be held on the question of the City of Lago Vista's continued participation in the Capital Metropolitan Transportation Authority; providing for identification of the Early Voting Main Polling Place; providing for the dates and times early voting will be conducted, providing an effective date and open meetings clause; and providing for related matters.

Request: Business Item

Legal Document: Ordinance

Legal Review:

EXECUTIVE SUMMARY:

On August 4, 2022, City Council ordered a Special Election to be held on the question of the City of Lago Vista's continued participation in the Capital Metropolitan Transportation Authority.

Per Texas Election Code, the election order shall include the Early Voting Main Polling Place, and if any voting on Saturday or Sunday is to occur, what the dates and hours would be. When Ordinance 22-08-04-01 was presented to City Council on August 4, 2022, the early voting main polling place and the Saturday and Sunday voting times had not been identified.

The City Secretary was notified by Travis County on August 9, 2022 that the Early Voting Main Polling Place would be the Austin Permitting and Development Center and that voting on Saturday, October 29, 2022, would be from 7:00 a.m. to 7:00 p.m. and voting on Sunday, October 30, 2022, would be from 12:00 p.m. (noon) to 6:00 p.m.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Ordinance amending Ordinance 22-08-04-01 ordering Special Election (CapMetro) to provide for Main Early Voting Polling Place and dates and times for voting on Saturday and Sunday.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2022.08.10 14:29:52 -05'00'

ORDINANCE NO. 22-08-18-05

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ORDINANCE 22-08-04-01 THAT ORDERED A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE CITY OF LAGO VISTA'S CONTINUED PARTICIPATION IN THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY; PROVIDING FOR IDENTIFICATION OF THE MAIN EARLY VOTING POLLING PLACE; PROVIDING FOR THE DATES AND TIMES EARLY VOTING WILL BE CONDUCTED; PROVIDING AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED.

WHEREAS, On August 4, 2022, the City Council of the City of Lago Vista, Texas ordered a Special Election via Ordinance No. 22-08-04-01 for the citizens of Lago Vista to be given an opportunity to vote on Lago Vista's continued participation in the Capital Metropolitan Transportation Authority, pursuant to *Section 451.601, et seq., Texas Transportation Code*; and

WHEREAS, the City of Lago has contracted with Travis County to conduct its elections to be held on November 8, 2022; and

WHEREAS, Section 85.004, Texas Election Code, provides that the election order must designate and state the location of the main early voting polling place; and

WHEREAS, when Ordinance No. 22-08-04-01 was adopted, the early voting polling place had not been identified by Travis County; and

WHEREAS, Section 85.007, Texas Election Code, provides that the election order must state the dates and hours that voting on Saturday or Sunday is to be conducted; and

WHEREAS, when Ordinance No. 22-08-04-01 was adopted, the hours that voting on Sunday had not been identified by Travis County; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Ordinance No. 22-08-04-01 to reflect the location of the main early voting polling place and the dates and hours that voting on Saturday or Sunday will be conducted.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, hereby amends Ordinance No. 22-08-04-01 as follows:

Section 8. is amended to read as follows:

Section 8 Early Voting.

- (a) Early voting shall commence on Monday, October 24, 2022, and continue through Friday, November 4, 2022, and early voting polls shall remain open for the time specified by the *Texas Election Code* and the respective Elections Administrator.

Monday, October 24, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, October 25, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, October 26, 2022	7:00 a.m. – 7:00 p.m.
Thursday, October 27, 2022	7:00 a.m. – 7:00 p.m.
Friday, October 28, 2022	7:00 a.m. – 7:00 p.m.
Saturday, October 29, 2022	7:00 a.m. – 7:00 p.m.
Sunday, October 30, 2022	12:00 p.m. (Noon) – 6:00 p.m.
Monday, October 31, 2022	7:00 a.m. – 7:00 p.m.
Tuesday, November 1, 2022	7:00 a.m. – 7:00 p.m.
Wednesday, November 2, 2022	7:00 a.m. – 7:00 p.m.
Thursday, November 3, 2022	7:00 a.m. – 7:00 p.m.
Friday, November 4, 2022	7:00 a.m. – 7:00 p.m.

- (b) The period to apply for a ballot by mail is Saturday, January 1, 2022, through Friday, October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on Friday, October 28, 2022.
- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022, through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022.
- (d) Early Voting Conducted by the Travis County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code* for the qualified voters of the City residing in Travis County. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election for qualified voters of the City residing in Travis County.
 - 2) Applications for ballot by mail for qualified voters of the City residing in Travis County shall be mailed to:

By mail:
 Rebecca Guerrero,
 County Clerk Travis County Early Voting Clerk
 PO Box 149325
 Austin, Texas 78714-9325
 By Contract Carriers / Fedex:
 Elections Division Travis County Clerk
 5501 Airport Blvd. Austin, Texas 78751
 Telephone: (512) 238-VOTE
 Email: elections@traviscountytexas.gov

Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>

- 3) The main early voting location for qualified voters of the City residing in Travis County is: Austin Permitting and Development Center, 6310 Wilhelmina Delco Drive, Austin, TX 78752. Registered voters of the City of Lago Vista may vote at any designated Travis County early voting location.
- 4) Early voting for qualified voters of the City residing in Travis County shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

SECTION 3. All other provisions of Ordinance No. 22-08-04-01 shall remain in full force and effect and the same shall be interpreted and applied together and consistent with this ordinance.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED this 18th day of August 2022 by a vote of the City Council of the City of Lago Vista, Texas.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.