



The City of Lago Vista

*To provide and maintain a healthy, safe, vibrant
community, ensuring quality of life.*

AGENDA CITY COUNCIL SPECIAL CALLED MEETING

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a Special Called Meeting on Thursday, January 4, 2018, beginning at 6:30 p.m. in the City Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, as prescribed by V.T.C.A., Government Code Section §551.041, to consider the following agenda items. Items do not have to be taken in the same order as shown in the meeting notice.

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

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.

PRESENTATION

1. Presentation of Firewise Anniversary Plaque to the City of Lago Vista.

PUBLIC HEARINGS AND ACTION

2. The Lago Vista City Council will hold a Public Hearing to consider Ordinance No. 18-01-04-01; 17-1160-PDD-MOD; a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single & multi-family development at 5606 Country Club Dr. (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M & 4M).
 - Staff presentation
 - Open Public Hearing
 - Close Public Hearing
 - Council discussion
 - Action regarding Ordinance No. 18-01-04-01; An Ordinance of the City Council of the City of Lago Vista, Texas, amending the Official Zoning Map by rezoning approximately 27.90 acres known as Lot 6, 7, and 8 of the Canyon Oaks Subdivision, Lot 3M of Lago Vista Plaza save and except 75 by 85 feet of said Lot, and Lot 4M of Lago Vista Plaza from its current Planned Development District ("PDD") to a separate Planned Development District ("PDD") to be known as the Sunset Harbor PDD, and providing for related matters.

3. The Lago Vista City Council will hold a Public Hearing to consider Ordinance No. 18-01-04-02; 17-1168-R-REZ; a zoning change request from R-4 Multifamily Residential to R-1D Single Family Residential within Chapter 14, Section 13, Article 13.20 located at 20201, 20203, 20205, 20209, 20211 and 20213 Continental Dr. (Highland Lakes Estates, Section 16, Lots 1A-6A).
 - Staff presentation
 - Open Public Hearing
 - Close Public Hearing
 - Council discussion
 - Action regarding Ordinance No. 18-01-04-02; An Ordinance of the City Council of the City of Lago Vista, Texas, amending the Official Zoning Map by rezoning Highland Lakes Estates, Section 16, Lots 1A-6A (20201, 20203, 20305, 20209, 20211 and 20213, (Continental Drive) from the R-4 Multifamily Residential District to the R-1D Single Family Residential District; and providing for related matters.

ACTION ITEMS

4. Discussion and consideration of Resolution No. 18-1728; A Resolution Establishing an Economic Development Policy as pursuant to Chapter 380 of the Texas Local Government Code.
5. Discussion and consideration of Ordinance No. 18-01-04-03; An Ordinance of the City of Lago Vista, Texas, establishing a Comprehensive Economic Development Policy and Program for Economic Development activities for the City as authorized by Section 380.001, Texas Local Government Code; providing for an effective date; proper notice and meeting; severability and repealer.
6. Discussion and consideration of Ordinance No. 18-01-04-04; An Ordinance of the City Council of the City of Lago Vista, Texas, amending Chapter 13, Utilities, Article 13.1000, Utility Billing of the City's Code of Ordinances to add Section 13.1050, Reclaimed Water; also amending Appendix A, Section 6.200, to add Reclaimed Water Rates; providing a savings clause; providing a severability clause; providing a penalty provision and providing open meetings and an effective date.
7. Discussion and consideration of Ordinance No. 18-01-04-05; An Ordinance of the City of Lago Vista, Texas, amending Chapter One, General Provisions, Article 1.1900, Golf Courses of the City's Code of Ordinances relating to golf course use, enforcement, and vehicle restrictions at golf courses; creating offenses, posting of signs, and establishing penalties; providing an effective date, open meetings clause; and providing for related matters.
8. Discussion and consideration of Resolution No. 18-1736; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the filing of a grant application with the Capital Area Council of Governments (CAPCOG) for a Regional Solid Waste Grant Program Grant and authorizing certain individuals to act on behalf of the City.
9. Discussion and consideration of Ordinance No. 18-01-04-06; An Ordinance of the City Council of the City of Lago Vista, Texas, repeal and replace Article 9.500, Aviation Department, of Chapter 9, Personnel, of the Lago Vista Code of Ordinances; providing a

savings clause; severability clause; penalty provisions; effective date, open meetings clause; and providing for related matters.

10. Discussion and Re-consideration of Contingent Award of Contract for construction of the Safe Routes to Schools Project due to TxDOT's refusal to confirm award.
11. Discussion and consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.
 - A. Resolution No. 18-1729; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to fill expiring terms as regular members on the Airport Advisory Board; appointing an individual to fill an expiring term as an alternate member on the Airport Advisory Board.
 - B. Resolution No. 18-1730; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an expiring term as the regular Place 2 member on the Board of Adjustment; appointing an individual to fill an expiring term as the regular Place 4 member on the Board of Adjustment; appointing an individual to fill an expiring term as the Senior Alternate member on the Board of Adjustment; appointing an individual to fill an expiring term as the Junior Alternate member on the Board of Adjustment.
 - C. Resolution No. 18-1731; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an expiring term as the regular Place 2 member on the Building Committee; appointing an individual to fill an expiring term as the regular Place 4 member on the Building Committee; appointing an individual to fill an expiring term as an alternate member on the Building Committee.
 - D. Resolution No. 18-1732; A Resolution by the City Council of the City of Lago Vista, Texas appointing four individuals to fill expiring terms as members on the Planning & Zoning Commission.
 - E. Resolution No. 18-1733; A Resolution by the City Council of the City of Lago Vista, Texas appointing three individuals to full terms as members on the Library Advisory Board.
 - F. Resolution No. 18-1734; A Resolution by the City Council of the City of Lago Vista, Texas appointing four individuals to full terms as members on the Parks and Recreation Advisory Committee.
 - G. Resolution No. 18-1735; A Resolution by the City Council of the City of Lago Vista, Texas appointing seven individuals to full terms as members on the Golf Course Advisory Committee.

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.

12. Approval of the following minutes:

November 16, 2017 Regular meeting; and
December 7, 2017 Special Called meeting

FUTURE MEETINGS

13. Consider schedule and items for future Council meetings.

EXECUTIVE SESSION

14. Convene into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel concerning Airport property.
- D. Consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.

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

15. Reconvene from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel concerning Airport property.
- D. Consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.

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 **3:30 p.m.** on the **29th day of December, 2017.**


Sandra Barton, 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.

REMOVED FROM
BULLETIN BOARD:

Date: _____

Time: _____

By: _____

MEETING DATE: January 4, 2018

CALL TO ORDER:

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

Comments:

ADJOURN:

TURN RECORDER OFF

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Williams_____**; Sullivan**_____**; Davila**_____**; R. Smith**_____;

Tidwell_____**; Weatherly**_____**; Bland**_____

Motion Carried: Yes_____**; No**_____

MEETING DATE: January 4, 2018

AGENDA ITEM: CITIZEN COMMENTS

Comments:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Williams _____; Sullivan _____, Davila _____; R. Smith _____;

Tidwell _____; Weatherly _____; Bland _____

Motion Carried: Yes _____; No _____



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: January 4, 2018

From: Ron Smith, Council member

Subject: Presentation of Firewise Anniversary Plaque to the City of Lago Vista.

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: January 4, 2018

From: Roy Jambor, AICP / PA

Subject: Ordinance 18-01-04-01; 17-1160-PDD-MOD; a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single & multi-family development at 5606 Country Club Dr. (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza Lots 3M & 4M).

Request: Public Hearing

Legal Document: Ordinance

Legal Review: ☐

EXECUTIVE SUMMARY:

After some clarifications, improvements and corrections, the current proposed development plan seems to address all comments and includes clearly established development standards that are enforceable by the City staff. Although it did not generate much discussion, both multi-family lots are proposed to be developed in accordance with R-4 standards (with the addition of condominiums as a permitted use). As such, it is conceivable that each of the two lots could include as many as six units. However, it is far more likely that the actual number will be less. The remainder of this summary will concentrate on issues that generated public comment or that are inherently complex.

Perhaps the most concern involved the connection of the proposed private street network to Camille Court, a public right-of-way that includes improvements south of the existing roundabout that do not meet City construction standards. That gated connection was intended for emergency use only as dictated by an International Fire Code requirement for developments with more than 30 lots. Language was clarified, an additional "hammerhead" incorporated into the design and phasing introduced to delay the construction of that connection until the final (second) phase of development. It was also clarified that the developer would be responsible for constructing improvements south of the roundabout that meet City standards as part of that emergency egress.

Similar safety concerns were expressed regarding deficiencies in Country Club Drive near the proposed entry to this development. Although not their responsibility, the developer agreed to redesign their entry to minimize the safety concerns caused by the narrowing of the existing public street. By exaggerating the size of their new entry, they were able to eliminate much of the problem without sacrificing property originally proposed for development.

The proposed limitations on the use of the waterfront property is relevant to this application since it helps define the use of the subject property. However, outside of the misunderstanding that a commercial marina was being proposed, most of the discussion focused on aspects of dock and pier design that are beyond the jurisdiction of the City. As a result, speculative representations of those improvements were removed from the development plan as a clarification.

Impact if Approved:

This ordinance would replace an existing ordinance approving a PDD with 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office on this property with a PDD for no more than 45 single family residential lots and two, multi-family lots approximately .5 acres in size with a waterfront area limited by the ordinance but with improvements on LCRA property and subject to their regulatory authority.

Impact if Denied:

The existing ordinance approving 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office on this property would remain intact if this ordinance is denied.

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

Indicate Funding Source:

N/A

Suggested Motion/Recommendation/Action

Motion to	Enact Ordinance	N/A	-	N/A	-	N/A
Motion to	Deny Ordinance	N/A	-	N/A	-	N/A
Motion to	Table Ordinance	N/A	-	N/A	-	N/A

Known as:

The proposed development is commonly referred as "Sunset Harbor." The Planning & Zoning Commission unanimously recommended that the ordinance be enacted (by the four members present) subject to a correction that is incorporated into the current draft version of the ordinance.

Agenda Item Approved by City Manager

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 1

Application

CITY OF LAGO VISTA
BUILDING AND DEVELOPMENT SERVICES

5803 THUNDERBIRD LAGO VISTA, TEXAS 78645
OFFICE 512-267-5259 FAX 512-267-5265

ZONING CHANGE REQUEST APPLICATION
(PLEASE PRINT)

Name of Owner(s): AQE Development LLC

Owner's Address: 1301 S Capital of TX Hwy #C-300, Austin, TX 78746-6574

Contact Person: William P. McLean, as agent for AQE Development, LLC

Email Address: bmclean@mcleanhowardlaw.com

Contact Phone Numbers: 512-328-2008

(DAYTIME)

(CELL)

(FAX)

COMPLETE LEGAL DESCRIPTION OF PROPERTY (PLEASE PRINT)

Canyon Oaks Resub 6-8
Subdivision: Lago Vista Travis Plaza Section: Lot No: 3M-4M

Property Address: 5606 Country Club Drive, Lago Vista, TX 78645

Volume and Page where deed is filed: Doc. #2016007785

NATURE OF REQUEST (PLEASE PRINT)

Requests a Zoning Change from the current zoning designation of Planned Development District (PDD)

To Planned Development District (PDD) for the purpose of Single Family and Multi-Family development

In my absence I hereby designate the following person to act in my behalf as my designated agent. **(PLEASE PRINT)**

Name of Agent: Bill McLean

Address: 901 S. Mopac Expy, Bldg II, Ste 225, Austin, TX 78746

Phone Numbers: 512-328-2008 512-328-2409

(DAYTIME)

(CELL)

(FAX)

Signature of Applicant: William P. McLean Date: 09-01-2017

LEGAL DESCRIPTION

ALL OF LOT 6, LOT 7 AND LOT 8, RESUBDIVISION OF LOTS 6, 7, AND 8 OF CANYON OAKS, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PALT BOOK 98, PAGE 212, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL OF LOT 4M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 3M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND DESCRIBED AS THE NORTHWEST 75 FEET BY 85 FEET OF SAID LOT 3M IN A QUITCLAIM DEED DATED DECEMEBER 26, 2001 TO ANDREA MONTGOMERY ROACH OF RECORD IN DOCUMENT NO. 2002242969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

September 1, 2017

Ron Jambor, Director
Development Services Department
5803 Thunderbird Street
Lago Vista, TX 78645

via_email_to_development@lago-vista.org

RE: Zoning Change Request (the "Application") for the Proposed Sunset Harbor Planning Development District (the "Project") located at 5606 Country Club Drive, Lago Vista, Texas (the "Property")

Dear Mr. Jambor:

As agent for AQE Development, LLC, owner of the above-reference Property (the "Applicant"), we are hereby submitting the enclosed Application to change the zoning ordinance applicable to the Sunset Harbor Planned Development District ("PDD"). The Property is 27.90 acres in size and is bounded by single-family homes to the north, a water treatment plant and single and multifamily homes to the east, a water treatment plant and vacant property to the south, and Lake Travis to the west. The purpose of this Application is to change the concept plan for the PDD and associated provisions as applicable to create a single-family and multi-family development.

1. Property Characteristics

The zoning and development in the area generally reflects a mixture of residential uses. The properties to the north and southeast are zoned "R-1E – Single-Family Residential"; the properties to the east are primarily zoned "R-4 – Multifamily Residential"; and the property to the south is zoned "PDD – Planned Development District" with residential uses. The entire western portion of the Property fronts Lake Travis.

Although Ordinance No. 07-18-16-01 originally establishing the Sunset Harbor PDD was approved by the City Council in August 2007, the Property remains vacant and unimproved. The Property's sloping topography, size and shape provide the opportunity for a residential development that will not adversely impact adjacent single-family residences, and allows for the construction of homes with privacy and great views of Lake Travis.

2. Proposed Conceptual Land Use Plan

The newly proposed Sunset Harbor PDD (the "Project") will allow for the establishment of a residential project that incorporates unique design and attractive aesthetic components while

preserving the natural environment. Specifically, the proposed PDD Conceptual Land Use Plan ("Land Use Plan") proposes three (3) zoning areas generally described as follows:

1. Parcel A – generally characterized with high to moderate intensity residential uses;
2. Parcel B – generally characterized with low intensity residential uses; and
3. Parcel C – generally characterized with community amenities and open space.

The zoning areas are identified in the Land Use Plan submitted with the Application.

3. Proposed Permitted Uses and Site Development Regulations

The Applicant proposes uses of the Property that are both compatible with existing and adjacent uses and consistent the City of Lago Vista 2030 Comprehensive Plan. In addition, the Applicant proposes site development regulations on the Property that are also compatible with the surrounding area and will assist in the challenges presented by the sloping topography. The specific site development regulations that the Applicant proposes apply to the Property are set forth in the draft zoning ordinance and the Land Use Plan.

4. Proposed City Code Modifications

In order to develop the Project with the flexibility, predictability and the design characteristics envisioned for the Property, the Applicant is requesting certain modifications to the City Code of Ordinances (the "Code"). The Code modifications that the Applicant proposes for the Project are set forth in the drafted zoning ordinance included with the Application.

5. Conclusion

The Project meets all the requirements contained in PDD Code provisions. The Project will preserve the natural environment, and encourage high quality development and innovative design. The new PDD will result in development that is superior to the development that would occur under the previously approved PDD.

Please note that the Application submittal packet does not include the Utility Estimate. The Utility Estimate Application was mailed to the City's Development Services Department on August 8th, but the estimate was not complete as of the date of this submittal. As such, the Utility Estimate will be provided to supplement this Application as soon as it is made available.

On behalf of the Applicant, we look forward to working with the City and all applicable stakeholders on this zoning case. If you have any questions or comments, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



William P. McLean

August 8, 2017

Ron Jambor, Director
Development Services Department
5803 Thunderbird Street
Lago Vista, TX 78645

via_email_to_development@lago-vista.org

RE: Authorization from AQE Development, LLC to submit a Utility Estimate Application and a Rezoning Application for the Property located at 5606 Country Club Drive (the "Property")

Dear Mr. Harrell:

I, William T. Reid, IV, authorized representative of the current owner of the above-referenced Property, hereby authorize William P. McLean of McLean & Howard, LLP to submit to the City of Lago Vista an application for an estimate to extend utility services to the Property and an application for the rezoning of the Property.

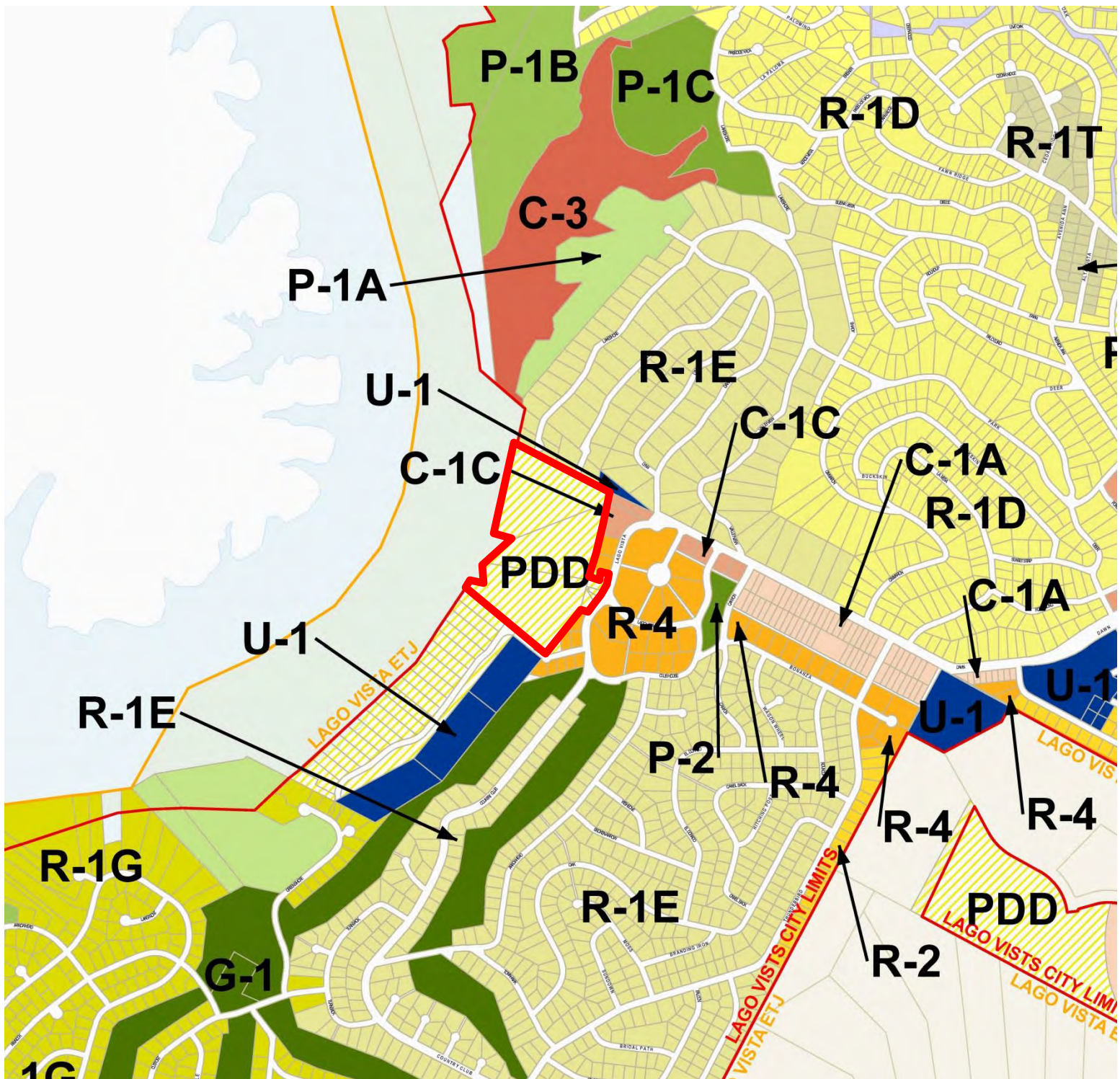
Should you have any questions regarding this information, please contact me at 512-647-6100.

Sincerely,

A handwritten signature in black ink, appearing to be 'WR' followed by a horizontal line.

William T. Reid, IV
AQE Development, LLC

Present Zoning Classification





Existing Structures

Vacant - No Structures

Vacant - No Structures

Map of Current Uses



Existing Land Use Map



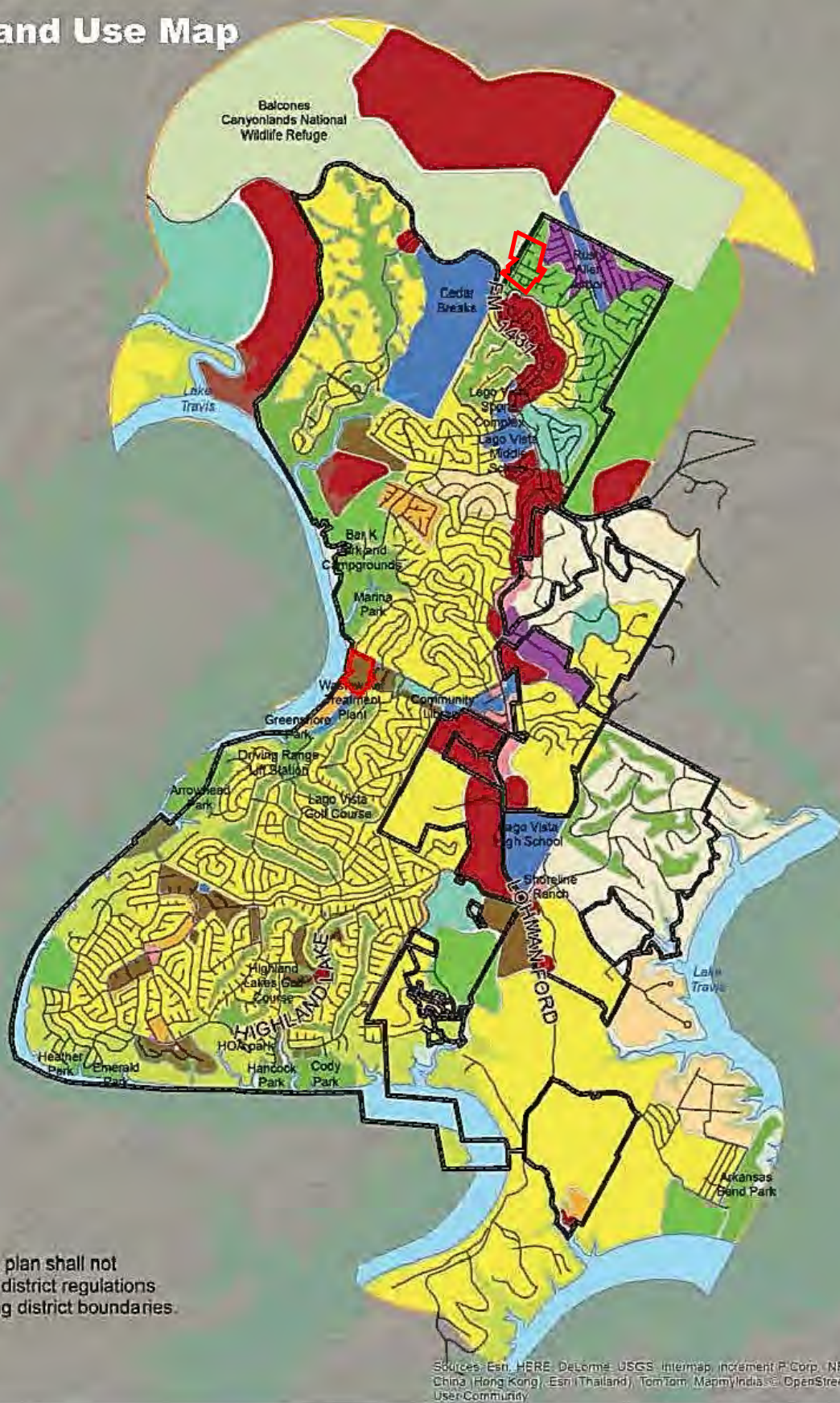
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

- | | | |
|----------------------|----------------------|------------------------|
| Single Family | Balcones Canyonlands | Lake Travis |
| Two-Family (Duplex) | Retail | Vacant |
| Townhome | Office | Right-of-way |
| Multi-Family | Commercial | Utilities |
| Manufactured Home | Public/Semi-Public | Lago Vista City Limits |
| Parks and Open Space | Industrial | Lago Vista ETJ |



City of Lago Vista

Future Land Use Map



- Rural Residential
- Estate Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- City Park
- POA Park

- Balcones Canyonlands
- Mixed Use
- Neighborhood Retail/Office/Commercial
- Regional Retail/Office/Commercial
- Public/Semi-Public
- Industrial

- Lago Vista City Limits
- Lago Vista ETJ
- Flood Prone



City of Lago Vista

RIVERA ENGINEERING TX PE FIRM REGISTRATION NO. F-11492

P.O. Box 90485 – Austin, Texas 78709-0485 – Telephone (512) 899-3310 – Email: michaelriveraengineering@gmail.com

September 1, 2017

Mr. Ron Jambor
Development Services Director
City of Lago Vista
5803 Thunderbird Street
Lago Vista, TX 78645-5864

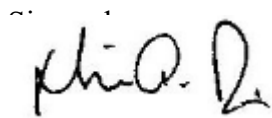
Re: **Sunset Harbor – 5919 Lago Vista Way, Lago Vista, Texas**
Determination of Potential TIA Requirements

Dear Mr. Jambor:

I am writing to provide you with my determination of the potential Traffic Impact Analysis (TIA) requirements for the proposed Sunset Harbor project. The subject tract is located at 5919 Lago Vista Way, within Travis County and the village of Lago Vista's Full Purpose Jurisdiction. The site contains approximately 27.90 acres of land. The current property legal description is Lots 6, 7 & 8, Resubdivision of Lots 6, 7 & 8 of Canyon Oaks, Lot 4M and a portion of Lot 3M, Lago Vista Travis Plaza, Travis County, Texas.

Based on my review proposed development, I have determined that a TIA for the project should not be required. My determination is based on the conceptual plan for the project, which proposes the development of 37 recreational homes on the property. That number of recreational homes equates to approximately 117 vehicle trips per day. According to Lago Vista requirements, a TIA is required if the development would generate over 200 trips per day with access to a collector street with less than 40 feet of pavement, or over 400 trips per day with access to an arterial street with 40 feet of pavement width. The projected 117 trips per day is well below the established threshold.

Should you have any questions about the results of my evaluation, or if you need any additional information, please feel free to contact me.



Michael A. Rivera, P.E.
President
Rivera Engineering
TX PE Firm Reg. No. F-11492



TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2261192

ACCOUNT NUMBER: 01-7480-0117-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TX HWY # C-300
AUSTIN, TX 78746-6574

PROPERTY DESCRIPTION:

.2200 ACR OF LOT 4M LAGO VISTA TRA
VIS PLAZA

ACRES

.2200 MIN%

.000000000000 TYPE

SITUS INFORMATION: 5606 COUNTRY CLUB DR

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	TRAVIS COUNTY	*ALL PAID*
	LAGO VISTA ISD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #1	*ALL PAID*
	CITY OF LAGO VISTA	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$2,262.74

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

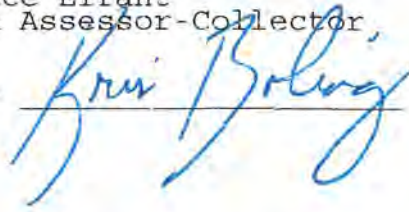
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/14/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: 

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2260075

ACCOUNT NUMBER: 01-7483-0103-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TEXAS HWY STE C3
WEST LAKE HILLS, TX 78746-6574

PROPERTY DESCRIPTION:

LOT 6 CANYON OAKS SUBD RESUB OF LO
TS 6,7&8 OF

ACRES

.0000 MIN%

.000000000000 TYPE

SITUS INFORMATION:

SEMINOLE

DR

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	TRAVIS COUNTY	*ALL PAID*
	LAGO VISTA ISD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #1	*ALL PAID*
	CITY OF LAGO VISTA	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$12,489.13

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/05/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By:

Juanita Morones

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2260076

ACCOUNT NUMBER: 01-7480-0126-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TEXAS HWY STE C3
WEST LAKE HILLS, TX 78746-6574

PROPERTY DESCRIPTION:

LOT 7 CANYON OAKS SUBD RESUB OF LO
TS 6,7&8 OF

ACRES

.0000 MIN%

.000000000000 TYPE

SITUS INFORMATION:

CAMILLE

CT

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	TRAVIS COUNTY	*ALL PAID*
	LAGO VISTA ISD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #1	*ALL PAID*
	CITY OF LAGO VISTA	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$10,454.56

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/05/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By:



TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2260077

ACCOUNT NUMBER: 01-7480-0125-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TEXAS HWY STE C3
WEST LAKE HILLS, TX 78746-6574

PROPERTY DESCRIPTION:

LOT 8 CANYON OAKS SUBD RESUB OF LO
TS 6,7&8 OF

ACRES

.0000 MIN%

.000000000000 TYPE

SITUS INFORMATION:

CAMILLE

CT

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY
2016	TRAVIS COUNTY
	LAGO VISTA ISD
	TRAVIS CENTRAL HEALTH
	TRAVIS COUNTY ESD #1
	CITY OF LAGO VISTA

TOTAL
ALL PAID
ALL PAID
ALL PAID
ALL PAID
ALL PAID

TOTAL SEQUENCE 0

ALL PAID

TOTAL TAX:
UNPAID FEES:
INTEREST ON FEES:
COMMISSION:
TOTAL DUE ==>

ALL PAID
* NONE *
* NONE *
* NONE *
ALL PAID

TAXES PAID FOR YEAR 2016 \$20,287.92

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/05/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By:

Juanita Morones

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2260078

ACCOUNT NUMBER: 01-7480-0118-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TEXAS HWY STE C3
WEST LAKE HILLS, TX 78746-6574

PROPERTY DESCRIPTION:

LOT 4M * LESS 0.218 ACR LAGO VISTA
TRAVIS PLAZA

ACRES .3889 MIN% .000000000000 TYPE

SITUS INFORMATION: COUNTRY CLUB DR

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	TRAVIS COUNTY	*ALL PAID*
	LAGO VISTA ISD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #1	*ALL PAID*
	CITY OF LAGO VISTA	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$501.62

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

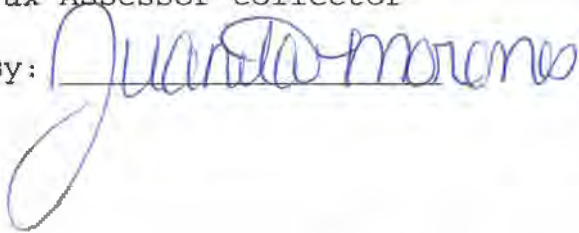
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/05/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: 

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2260080

ACCOUNT NUMBER: 01-7480-0116-0000

PROPERTY OWNER:

AQE DEVELOPMENT LLC
1301 S CAPITAL OF TEXAS HWY STE C3
WEST LAKE HILLS, TX 78746-6574

PROPERTY DESCRIPTION:

LOT 3M LESS NW 75 X 85' LAGO VISTA
TRAVIS PLAZA

ACRES

.4390 MIN%

.000000000000 TYPE

SITUS INFORMATION: 5919 LAGO VISTA WAY

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	TRAVIS COUNTY	*ALL PAID*
	LAGO VISTA ISD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #1	*ALL PAID*
	CITY OF LAGO VISTA	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$501.62

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

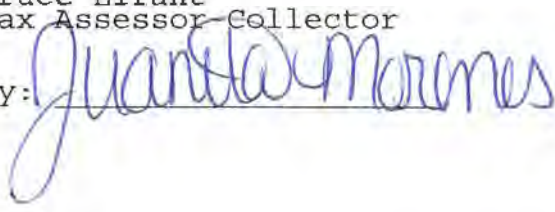
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/05/2017

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: 

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 2
PDD Development Plan / Draft Ordinance

ORDINANCE NO. 18-01-04-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 27.90 ACRES KNOWN AS LOT 6, 7, AND 8 OF THE CANYON OAKS SUBDIVISION, LOT 3M OF LAGO VISTA PLAZA SAVE AND EXCEPT 75 BY 85 FEET OF SAID LOT, AND LOT 4M OF LAGO VISTA PLAZA FROM ITS CURRENT PLANNED DEVELOPMENT DISTRICT (“PDD”) TO A SEPARATE PLANNED DEVELOPMENT DISTRICT (“PDD”) TO BE KNOWN AS THE SUNSET HARBOR PDD; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, AQE Development LLC acting by and through William T. Reid, IV, President, the owner of approximately 27.90 acres of property currently known as Lot 6, 7, and 8 of the Canyon Oaks Subdivision, Lot 3M of Lago Vista Plaza save and except 75 by 85 feet of said Lot, and Lot 4M of Lago Vista Plaza as more particularly described on the attached Exhibit “A” (described hereinafter as the “Property”), have requested that the Property be rezoned from its current Planned Development District (“PDD”) to a separate Planned Development District (“PDD”) zoning to be known as the Sunset Harbor PDD;

WHEREAS, as the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the conceptual plan for the Property is set forth in this Sunset Harbor PDD Zoning Ordinance (the “Ordinance”) and on Exhibit “B” attached hereto (the “Land Use Plan”), which separates the Property into separate parcels as further described in Section 5 below;

WHEREAS, after giving ten (10) days written notice to the owners of land within 200 feet of the Property, the Planning and Zoning Commission and the City Council held a public hearing on the proposed rezoning on the Property included in this Ordinance;

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, both the Planning and Zoning Commission and the City Council at separate public hearings, have reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

WHEREAS, the City, by and through its legislative discretion has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning;

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and,

WHEREAS, the City desires to control the development standards for the Property and protect third party property owners in the City, and to ensure the benefits of planned development and enhanced tax based that are achieved through rezoning the Property.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of Section 10.20 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Amendment of Zoning Ordinance. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by changing the zoning district for the Property being the 27.90 acre tract of land described on **Exhibit “A”** attached to this Ordinance, from the current PDD zoning district to a new PDD zoning district. The Property is hereby rezoned as the Sunset Harbor PDD with the uses of individual lots as set forth in this Ordinance.

Section 4. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 5. Identification of Parcels within the PDD. The Property consists of the following parcels of land which are also depicted in **Exhibit “B”** attached hereto and incorporated herein for all purposes:

1. Parcel A, the “Multi-Family Parcel”, includes Lot 1C and Lot 2C;
2. Parcel B, the “Residential Parcel”, includes Lots 01-37; and,
3. Parcel C, the “Waterfront Recreation Parcel”, includes Lot SHC and the waterfront portion of residential Lots 07-28.

Section 6. Zoning Requirements. The following use and site development requirements established herein shall apply to the Parcels identified in Section 5:

1. **Zoning for the Multi-Family Parcel – Parcel A**
 - A. Use and development of Parcel A shall comply with the zoning requirements and development standards for Multi-Family Residential District (R-4), except as hereinafter modified.
 - B. Condominiums are allowed in addition to all permitted uses in the R-4 district.
2. **Zoning for the Residential Parcel – Parcel B**

- A. Use and development of single-family residential units shall comply with the zoning requirements and development standards for Single-Family Residential District (R-1T), except as hereinafter modified.
 - B. There shall be no more than 45 total residential units contained in Parcel B.
 - C. The minimum living area for any single residential unit shall be 2,000 square feet.
 - D. Setbacks for all structures shall be ten (10) feet at the front and sides as measured from the lot property line.
 - E. The maximum building height for residential structures on the Property shall be thirty-five (35) feet as measured from the highest point at which each residential structure intersects natural grade to: (i) the highest point of the coping of a flat roof, (ii) to the deck line of the mansard roof, or (iii) to the height of the highest gable of a pitched or hipped roof within the parcel.
 - F. Lots indicated on the Land Use Plan for Parcel B may be realigned or combined with an administrative approval as long as the number of lots remains equal or lower than the number of lots indicated on this Ordinance.
 - G. A public utility easement shall be ten (10) feet at the front and five (5) feet at the sides of each lot.
 - H. Residential units shall be constructed in a multi-level or split level design to fully utilize the topographical elements and minimize excavation of the natural slope.
3. Zoning for the Waterfront Recreation Parcel – Parcel C
- A. No more than 50 boat slips shall be allowed within Parcel C and no commercial or retail activity is allowed in Parcel C.
 - B. Lot SHC:
 - i. Use and development of the Waterfront Recreation Parcel shall comply with the zoning requirements and development standards for Commercial, Marina (C-3) district except as hereinafter modified.
 - ii. Boat dock facilities designed for use by property owners within Parcel B without lakefront access shall be owned and maintained by the Property Owners' Association (the "POA") and shall be limited to use only by the members and their guests.
 - C. Individual residential docks associated with Lots 07-28:
 - i. Boat dock facilities associated with waterfront access shall be constructed and maintained at the option of the waterfront property owner.

- ii. No more than three slips will be allowed per individual boat dock.
 - iii. Each boat dock will be of the same architectural design and the roofs of each dock will be of the same color as established by the POA.
 - iv. Each boat dock will be no more than 1,500 square feet in area as required by the LCRA for residential boat dock facilities.
 - v. No additional uses other than parking, walkways, seating (e.g. picnic tables), and other conventional private boat dock appurtenances shall be permitted within the area designated for the individual boat docks.
- D. Placement of boat docks and/or their anchoring systems shall be permitted on land owned by the LCRA should LCRA consent thereto in writing.
- E. Sunset Harbor Lakefront Club (the “Club”)
 - i. The Club consists of a waterfront community terrace to be constructed and maintained by the POA for the benefit and enjoyment of the members and guests.
 - ii. Development of the Club shall be in compliance with applicable LCRA regulations.
- 4. Zoning and Development Standards for All Parcels.
 - A. Buffer Area.
 - i. As depicted on the attached Land Use Plan, a thirty (30) foot wide vegetative buffer consisting of existing vegetation shall run along the northern side of the Property and a twenty-five (25) foot wide vegetative buffer consisting of existing vegetation (“Buffer Area”) shall run along the boundaries on the eastern side of the Property.
 - ii. No roads or parking facilities may be constructed within the Buffer Area; however, placement of additional vegetation with irrigation systems is allowed.
 - B. Setbacks. Setbacks from the property lines adjoining Lago Vista Travis Plaza Lot 3M, located on Lago Vista Way and identified as the “Neighbor” on **Exhibit “B”**, which shall be ten (10) feet from the property line for the side and back yard and twenty-five (25) feet for the front yard setback.
 - C. Streets.
 - i. All streets on the Property will be private streets. Private streets shall be maintained by the POA.

- ii. Right-of-way for all streets located on the Property shall be fifty (50) feet, except for a section of right-of-way identified as Roadway D on **Exhibit “C”** which shall be forty (40) feet. All streets shall meet City of Lago Vista standards and shall include a minimum width of pavement of twenty-three (23) feet bordered on each side by six (6) inch ribbon curb.
- iii. Dead-ends shall include a “hammerhead” for use by emergency vehicles.
- iv. During final platting of the Property, the Developer shall grant the City of Lago Vista access easements for all private streets and drives.

D. Sidewalks.

- i. Sidewalks are not required, but are optional, throughout the Property.
- ii. If sidewalks are constructed at the option of the Developer, the sidewalks may run on only one side of the street or along both sides of the street, and shall meet all other City of Lago Vista standards.

E. Cut and Fill.

- i. Except for the areas indicated on the **Exhibit “D”** attached hereto and incorporated herein for all purposes, cut and/or fill slopes on the Property shall not exceed sixteen (16) feet in height without a variance. The areas indicated in **Exhibit “D”** may have cut and/or fill not to exceed eighteen (18) feet without a variance.
- ii. All cut and fill variances on the Property may be approved administratively by the City provided the cut and fill slope above eighteen (18) feet is appropriately terraced to control erosion and sedimentation.
- iii. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a professional engineer or structural reinforcement measures contained in the construction plans as designed by a structural engineer. Retaining and reinforcement shall be established using ecological solutions, such as a vegetated retaining wall.
- iv. Site grading shall comply with accepted engineering practices, the Americans with Disabilities Act (where applicable) and any other applicable federal, state or regional regulations.

F. Construction on Slopes. No development shall be permitted on slopes exceeding fifty-five percent (55%). No attached residential units will be built on slopes greater than fifty-five percent (55%).

G. Building Permit. The City will, upon finding the following conditions satisfied pursuant to City Codes, issue building permits to the Developer for development of a particular parcel if: (1) City approval of a final plat has been obtained; (2) the Developer has posted appropriate fiscal security as required and approved by the City; (3) appropriate access to the parcel is available via dedicated public right-of-way; and (4) a site development permit for the parcel has been approved by the City.

H. Water Quality.

- i. Water quality controls designed in accordance with the LCRA Highland Lakes Ordinance currently in effect in Lago Vista and the LCRA Lake Travis Nonpoint Source Pollution Control Technical Manual shall be constructed on the Property as required, reviewed and approved by the City of Lago Vista.
- ii. No development shall occur within 100 feet horizontally of the 681' contour.

I. Parking.

- i. Minimum parking requirements for all development on the Property shall meet or exceed City standards in effect at the time the Developer provides initial submittal of the site plan for City review.
- ii. The parking of watercraft, trailers, recreational vehicles and similar items shall be within the sheltered areas of the development and the parking of such items outdoors shall be prohibited.

J. Signage and Lighting.

- i. All signage shall comply with the City of Lago Vista Sign Ordinance.
- ii. All exterior lighting to be installed in the development or along the entrance to the development shall be low level, down casting lighting. Such lighting fixtures shall have dimming capabilities and will be dimmed to one-half (1/2) of normal wattage after 11:00 PM.

K. Parkland Dedication. The parkland dedication for the Property shall be satisfied by payment of a fee-in-lieu of the dedication of park land. Payment of a fee-in-lieu of the dedication of parkland shall be made in accordance with the provisions of the City's Subdivision Ordinance. Such payment shall be made prior to the approval of the final plat for the Property.

L. Entrances and Accessibility.

- i. Entrances shall be allowed off of Country Club Drive and Camille Court, with the primary entrance being from Country Club Drive. Each entrance shall be gate-controlled.

- ii. Access from Camille Court shall be emergency access only.
- M. Offsite Infrastructure Improvements. The Developer shall be responsible for the cost of all extensions and/or improvements to the City's utility systems necessary to provide service to the Property.
- N. Onsite Infrastructure Improvements. The Developer shall be responsible for the cost of all onsite infrastructure needed to serve the Property or parcel to be served.
- O. Unsellable Area.
 - i. The .197 acre area identified as "Invaded Area" and "Pump Station" under "Unsellable Area" on **Exhibit "B"** may be used for access or other purposes that are accessory uses to the residential or waterfront recreational uses allowed within the Property.
 - ii. Any access shall be for emergency use only.
- 5. Property Owners' Association. The POA shall be established during site planning and will be responsible for maintenance of streets, common areas, and community boat dock facilities. Landowners with waterfront acreage shall be responsible for maintenance of private dock facilities.
- 6. At the option of the Developer, the project contemplated herein may be developed in phases. Developer has the right, in its discretion, during the construction site plan stage to determine the appropriate number of phases and percentage of the project covered in each phase. The projected phasing plan, subject to the discretion of the Developer, includes:
 - Phase 1 — Lots 1-18 of Parcel B and all associated infrastructure
 - Phase 2 — Parcel A, remainder of Parcel B, Lot SHC of Parcel C, and all remaining infrastructure
- 7. Exhibits B, C, and D are conceptual depictions of the Sunset Harbor PDD. The layout is for informational purposes only and is subject to change. The detailed layout and configuration for the Sunset Harbor PDD shall be determined at the site plan stage for each parcel based upon applicable standards and rules set forth in this Ordinance.
- 8. The appropriate departments of the City, the Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 10.20 and 13.20 of the Zoning Code and the Comprehensive Master Plan of the City of Lago Vista.

Section 7. Amendment of Ordinances. The Zoning Code is hereby amended to add the above-described PDD. Any portion of the Zoning Code, Comprehensive Master Plan or any applicable ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code* and the City's Charter.

Section 10. 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, *Chapt. 551, Tex. Gov't. Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this _____ day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

EXHIBIT "A"
Legal Description

ALL OF LOT 6, LOT 7 AND LOT 8, RESUBDIVISION OF LOTS 6, 7, AND 8 OF CANYON OAKS, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 98, PAGE 212, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL OF LOT 4M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 3M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND DESCRIBED AS THE NORTHWEST 75 FEET BY 85 FEET OF SAID LOT 3M IN A QUITCLAIM DEED DATED DECEMBER 26, 2001 TO ANDREA MONTGOMERY ROACH OF RECORD IN DOCUMENT NO. 2002242969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

EXHIBIT “B”
Land Use Plan



Exhibit B

SUNSET HARBOR

LAGO VISTA — TRAVIS COUNTY — TEXAS

CLIENT

William T. Reid, IV

CONCEPTUAL PROJECT

LEGEND	AREA (ac)	%
Property Limit ⁽¹⁾	27.80	100
Lots	20.994	74.88
- 37 Residential sites	10.866	
Lot number		
0.00ac Usable area (including setbacks)		
(0.00ac) Total area (including non-usable areas and setbacks)		
- 2 Commercial & Apartment lots ⁽¹⁾ - one		
Lot number		
0.00ac Usable area (including setbacks)		
Lot access		
Circulations	4.85	17.38
- Main access street (61' right of way)		
- Vehicular (40' - 50' right of way)		
- Pedestrian/Carpath trail (12' wide)		
- Pedestrian/Carpath bridge		
(Detail to specific location/structure project)		
- Visitors Parking (31 spaces)		
- Emergency exit		
- Gated-controlled access		
- Auxiliary gate-controlled access		
Sunset Harbor Lakewood Club ⁽¹⁾ @ 91	3.26	
Lakewood community terrace		
Open space	0.984	3.53
- Landscape & stormwater drainage ⁽¹⁾		
- Berms ⁽¹⁾		
- Unsellable area	0.267	0.93
Neighbor entrance	0.069	
Invaded area ⁽⁴⁾	0.093	
Pump station	0.104	
Area restricted to urbanization & construction		
- CWQZ - Critical Water Quality Buffer Zone		
- 100yr - 100 Years Floodplain		
Lot Views		
- Main lake view		
- Restricted lake view		
- Without lake view		
(N) Natural area outside property limits		
Stairs		

COMPLEMENTARY INFORMATION
Contour lines @ 5ft
WTP Water Treatment Plant
20 - 30 Existing Sanitary Sewer Easement - Vegetative Buffer ⁽⁵⁾

NOTES:

- Property limit according to 2015 Blue "Sunset Harbor 2.0" received on 11/03/2017. All new buildable areas, building setbacks, infrastructure facilities, easements, CWQZ & 100 Year Floodplain by WTP SC interpretation of PCF file plan #1217 Sunset Harbor Preliminary Plat.
- Subject to official legal approval.
- Subject to relocation of the 20' wide existing electric easement.
- Subject to sensitive urban design (colored, etched, stormwater easement and sedimentation berms, and other required elements).
- Possible area to be incorporated to project.
- Existing infrastructure facility easement.

PROJECT

Ulate Desarrollo Integral de Proyectos S.C.

PLAN

LAND USE MASTER PLAN

DATE: December 2017

DIMENSIONS: Feet

SCALE

1" = 100'

SHEET O3

EXHIBIT “C”
Street Layout



Exhibit C **SUNSET HARBOR** LAGO VISTA — TRAVIS COUNTY — TEXAS CLIENT: William T. Reid, IV **CONCEPTUAL PROJECT**

- LEGEND**
- Property Limit (1)
 - Main Access
 - Gated controlled entrance
- Circulations**
- Main Access Street (61' right of way)
 - Vehicular right of way 40' @ 50' E.C.
 - Pedestrian/Carpath trail (11' wide)
 - Pedestrian/Carpath bridge (12' wide)
 - Existing Road
 - Street name
 - Neighbor Entrance
 - Road Directions
 - T-Turn
 - Visitors Parking (21 spaces)
 - Street slope percentage
 - Segments with slopes ranging from 2% to 10%
 - Auxiliary gate-controlled access
 - Lot access
 - Stairs
 - Detail 1
- COMPLEMENTARY INFORMATION**
- Contour lines @ 5ft
 - Residential Lot number
 - Commercial/Apartment Lot number
 - Sunset Harbor Lakeland Club (1)
 - Segment subject to specific architectural plans
 - Invasive Area (2)
 - Pump Station
 - Natural area outside property limits
 - 20' - 30' Existing Sanitary Sewer Easement - Vegetative Buffer (3)
 - Critical Water Quality Buffer Zone
 - 100 Years Floodplain
 - WTP Water Treatment Plant
 - 6.6 6.4 Street sections

NOTES

- Property limit according to DWG for Sunset Harbor (25' Top) received on 11/05/2017. With this boundary area, building setbacks, and other building setbacks, COWS & 100 Years Floodplain by LDR 300 interpretation of PDR 100 & 4000' Sunset Harbor Preliminary Plan.
- 25' Flood Protection of the 20' wide existing road is assumed.
- Parking area is to be incorporated into project.
- Design of water utility easements.
- Subject to specific architectural plans, design, and other required information, and other required information.



PLAN
STREET LAYOUT
 DATE: December 2017
 DIMENSIONS: Feet
 SCALE: 1" = 100'

SHEET 05

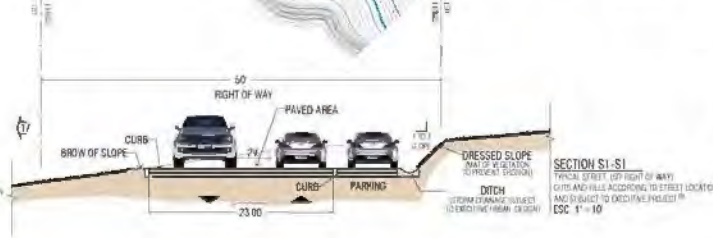
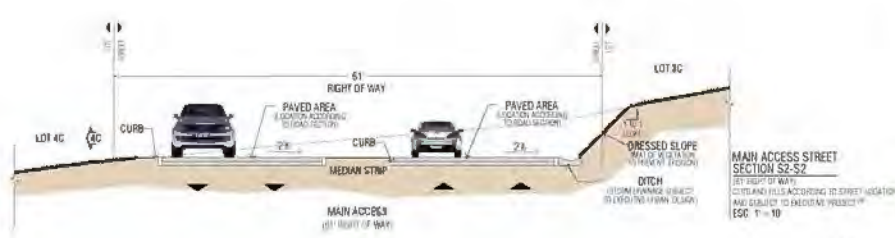


EXHIBIT “D”
Cut & Fill Scheme

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 3
Previously Approved PDD Development Plan

**CITY OF LAGO VISTA, TEXAS
ORDINANCE NO. 07-08-16-01**

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 14, ZONING AND ORDINANCE NUMBER 95-05-18-01 REZONING A PORTION OF THE PROPERTY CONTAINED IN THE CANYON OAKS SUBDIVISION AND OTHER PROPERTIES TO A PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS THE SUNSET HARBOR PLANNED DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, The Dolen Company, L.P. acting by and through Jeff Dolan, President of Dolen Lago, Inc. its general partner, and Andrea Morgan Roach, the owners of approximately 29.28 acres of property currently known as Lots 6, 7 and 8 of the Canyon Oaks Subdivision, Lot 4, Section 2 of Lago Vista Country Club Estates, Lots 3-M and 4-M of Lago Vista Plaza as more particularly described on the attached Exhibit "A" (described hereinafter as the "Property"), have requested that the Property be rezoned from its current Planned Development District, Single Family and Multi-Family Zoning to a separate Planned Development District (PDD) Zoning to be known as the Sunset Harbor PDD; and

WHEREAS, as the Property currently resides within the corporate limits of the City of Lago Vista; and;

WHEREAS, the conceptual plan for the Property is set forth in this ordinance and on Exhibit "B" attached hereto ("Site Plan"), which separates the Property into separate parcels as further described in Section 5 below;

WHEREAS, after giving ten (10) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission and City Council held a public hearing on the proposed re-zoning on the Property included in this Sunset Harbor Planned Development District zoning ordinance (the "Ordinance");

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the Planning and Zoning Commission and the City Council at a public hearing has reviewed the request and the circumstances of the Property and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property has transpired;

WHEREAS, the City, by and through its legislative discretion has adopted and may amend a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezone;

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property and protect third party property owners in the City, and to ensure the benefits of planned development and enhanced tax base that are achieved through rezoning the Property.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of Section 10.20 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended ("the Zoning Code").

Section 2. Amendment of Zoning Ordinance. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by changing the zoning district for the Property, being the 29.28 acre tract of land described on **Exhibit "A"** attached to this ordinance, from the current planned development, single family and multi-family zoning districts to a "PDD" zoning district. The Property is hereby rezoned to PDD with the uses of individual lots as set forth in this Ordinance.

Section 4. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the Zoning and Development Ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 5. Identification of Parcels within the PDD:

The Property consists of the following parcels of land which are also depicted in Exhibit "B" attached hereto and incorporated herein for all purposes:

- a. Parcel A, the "Condominium Parcel"; and
- b. Parcel B, the "Clubhouse Parcel."
- c. Parcel C, the "Boat Dock" Parcel".

Section 6. Zoning Requirements. The following use and site development requirements established herein shall apply to the Parcels identified in Section 5:

1. Zoning for the Condominiums Parcel – Parcel A

A. Use and development of Condominiums units shall comply with the zoning requirements and development standards for Multi-Family Residential District R-4, except as hereinafter modified.

B. There shall be no more than 112 total living units contained in Parcel A. These living units shall be distributed among no more than 34 buildings.

C. The total livable space in all the Condominiums buildings on Parcel A shall not exceed 180,000 sf. The minimum living area for any single condominiums unit shall be 1,200 sf.

D. In accordance with existing ordinances, the short term rental of condominium units for less than 30 days shall be prohibited.

2. Zoning for the Clubhouse and Sales Center Parcel – Parcel B

A. Use and development of the Clubhouse and Sales Center Parcel shall comply with the zoning requirements and development standards for Commercial C-1A zoning districts except as hereinafter modified.

B. Uses within Parcel B shall be limited to one restaurant, a residential business center with conference rooms and temporary office space, the project sales and Condominiums Association management offices, a health club with exercise facility (recreational room), and the primary residential swimming pool. No additional uses will be allowed within Parcel B.

C. All Lago Vista noise ordinances shall apply at all times; however, the playing of live amplified music outdoors shall be prohibited.

3. Zoning for the Individual Boat Docks Parcel – Parcel C

A. Use and development of the Individual Boat Docks Parcel shall comply with the zoning requirements and development standards for C-3 (Commercial Marina) districts except as hereinafter modified.

B. Individual boat dock facilities shall be owned only by members of the Condominiums Association and shall be limited to use only by the owners of the condominium units and their guests. There shall be no more than 50 boat slips allowed within the Parcel and no other commercial/retail activity allowed in Parcel C. No more than three slips will be allowed per individual boat dock. Each boat dock will be of the same architectural design and the roofs of each dock will be of the same color.

C. Each boat dock will be no more than 1,500 sf in area as required by the LCRA for private individual boat dock facilities.

D. Placement of boat docks and/or their anchoring systems shall be permitted on land owned by the LCRA should LCRA consent thereto in writing.

E. No additional uses other than parking, walkways, seating (e.g. picnic tables), and other conventional private boat dock appurtenances shall be permitted within the area designated for Individual Boat Docks.

4. Zoning and Development Standards for All Parcels

A. Buffer Area As depicted on the attached Site Plan, a thirty (30) foot wide vegetative buffer consisting of existing vegetation shall run along the northern (Camille Court) side of the property and a 25-foot wide vegetative buffer consisting of existing vegetation ("Buffer") shall run along the boundaries on the eastern (Lago Vista Way) side of the property. No buildings will be constructed within 50 feet of the property line on the northern (Camille Court) side of the property and No roads or parking facilities may be constructed within the Buffer Area; however, placement of additional vegetation with irrigation systems is allowed.

B. Maximum Building Height for Residential Buildings. The maximum building height for residential structures on the Property shall be twenty-five (25) feet as measured from the highest point at which each residential structure intersects natural grade to: (i) the highest point of the coping of a flat roof; or, (ii) to the deck line of a mansard roof; or, (iii) to the height of the highest gable of a pitched or hipped roof within the parcel.

C. Setbacks. Building setbacks for all structures on any parcel shall be 25 feet at the front, rear and side and shall be measured from the property line with the exception of setbacks from the property line adjoining Lago Vista Travis Plaza Lot 3-M which will shall be 10 feet from the property line for the side and back yard and 25 feet for the front yard setback.

D. Streets. All streets on the Property will be private streets with the exception of the entrance drive leading to the location of the clubhouse. Right-of-way for all public streets located on the Property shall be fifty (50) feet. All streets, public and private, shall meet City of Lago Vista standards and shall include a minimum width of pavement of 24 feet bordered on both sides by eighteen (18) inch ribbon curb for a total roadway width of 27 feet. Cul-de-sac lengths shall not exceed 1,000 feet without provision of a 110-foot diameter "turnaround bubble" for use by emergency vehicles. The maximum cul-de-sac length and block length for roads located on this Property shall be 1,500 feet. During final platting of the property, the developer shall grant the City of Lago Vista access easements for all private streets and drives.

E. Cut and Fill. Cut and/or fill slopes on the Property shall not exceed 4 feet in height without a variance. All cut and fill variances on the Property may be approved administratively by the City provided the cut and fill slope above 4 feet is appropriately terraced to control erosion and sedimentation. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a professional engineer or structural reinforcement measures contained in the construction plans as designed by a structural engineer. Site grading shall comply with accepted engineering practices, the Americans with Disabilities Act and any other applicable federal, state or regional regulations.

F. Construction on Slopes. No development shall be permitted on slopes exceeding 35% without a variance.

G. Building Permit. The City will, upon finding the following conditions satisfied pursuant to City Codes, issue building permits to the Property Owner for development of a particular parcel if: (i) City approval of a final plat has been obtained; (ii) the Property Owner has posted appropriate fiscal security as required and approved by the City, (iii) appropriate access to the parcel is available via dedicated public ROW; and (iv) a site development permit for the parcel has been approved by the City.

H. Water Quality. Water quality controls designed in accordance with the LCRA Highland Lakes Ordinance currently in effect in Lago Vista; and the LCRA Lake Travis Nonpoint Source Pollution Control Technical Manual shall be constructed on the Property as required, reviewed and approved by the City of Lago Vista. No development shall occur within 100 feet horizontally of the 681' contour.

I. Parking. Minimum parking requirements for all development on the Property shall meet or exceed City standards in effect at the time the Developer provides initial submittal of the site plan for City review. The parking of watercraft, trailers, recreational vehicles and similar items shall

be within the sheltered areas of the development and the parking of such items outdoors shall be prohibited.

J. Signage and Lighting. All signage will comply with the City of Lago Vista Sign Ordinance. All exterior lighting to be installed in the subdivision or along the entrance to subdivision shall be low level, down casting lighting. Such lighting fixtures shall have dimming capabilities and will be dimmed to one-half (1/2) of normal wattage after 11:00 PM.

K. Parkland Dedication. The parkland dedication for the Property shall be satisfied by payment of a fee-in-lieu of the dedication of park land. Payment of a fee-in-lieu of the dedication of parkland shall be made in accordance with the provisions of the City's Subdivision Ordinance. Such payment shall be made prior to the approval of the final plat for the Property.

L. Entrances and Accessibility. Entrances to the development shall be allowed off of Lago Vista Way, Country Club Drive, Seminole Drive or Canyon Oaks Drive. Under no circumstance will access to the Property be allowed by way of Camille Court or Lakeshore Drive.

M. Masonry Requirements. All exterior walls for each structure in the PDD shall be constructed of no less than seventy-five percent (75%) masonry. Masonry is defined to include stone, brick, stucco, and similar materials as approved by the City of Lago Vista.

N. Offsite Infrastructure Improvements. The Property Owner(s) shall be responsible of the cost of all extensions and/or improvements to the City's Utility systems necessary to provide service to the Property. The Property Owner(s) shall also be required to provide funding for a traffic engineering study to determine if additional traffic generated by the development will require modifications to the intersection of Dawn Drive and Lago Vista Way or to Dawn Drive. Should such study indicate that modifications are needed, the Property Owner shall cover all expenses related to the engineering, design and construction of the improvements.

O. Onsite Infrastructure Improvements. The Property Owner(s) shall be responsible for the cost of all onsite infrastructure needed to serve the Property or parcel to be served.

5. The appropriate departments of the City, the Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 10.20 and 13.20 of the Zoning Code and the Comprehensive Master Plan of the City of Lago Vista.

Section 7. Amendment of Ordinances. The Zoning Code is hereby amended to add the above-described PDD. Any portion of the Zoning Code, Comprehensive Master Plan or any applicable ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

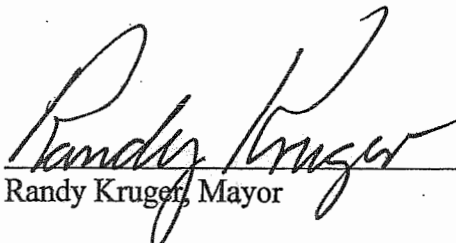
Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 10. Open Meetings. It 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, *Chapt. 551, Tex. Gov't. Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 16th day of August, 2007.


Randy Kruger, Mayor

ATTEST:


Christina Buckner, City Secretary

On a motion by Councilmember Mike Thornton, seconded by Councilmember Darrel Hunt, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"
Legal Description
29.28 Acres

LEGAL DESCRIPTION

ALL OF LOT 6, LOT 7 AND LOT 8, RESUBDIVISION OF LOTS 6, 7 AND 8 OF CANYON OAKS, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 98, PAGE 212, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL OF LOT 4M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL OF LOT 4, LAGO VISTA COUNTRY CLUB ESTATES SECTION TWO, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 40, PAGE 29, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 3M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND DESCRIBED AS THE NORTHWEST 75 FEET BY 85 FEET OF SAID LOT 3M IN A QUITCLAIM DEED DATED DECEMBER 26, 2001 TO ANDREA MONTGOMERY ROACH OF RECORD IN DOCUMENT NO. 2002242969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

FIELD NOTES DESCRIPTION

METES AND BOUNDS DESCRIPTION OF 0.146 ACRE OF LAND IN THE J. MAXEY SURVEY NO. 6, TRAVIS COUNTY, TEXAS; BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS THE NORTHWEST 75 FEET BY 85 FEET OF LOT 3M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, IN A QUITCLAIM DEED DATED DECEMBER 26, 2001 TO ANDREA MONTGOMERY ROACH OF RECORD IN DOCUMENT NO. 2002242969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.146 ACRES, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod found in the west line of Lago Vista Way at the southeast corner of Lot 2M of said Lago Vista Travis Plaza and the northeast corner of said Lot 3M;

THENCE N 74° 56' 21" W, with the north line of said Lot 3M and the south line of said Lot 2M, a distance of 84.99 feet to a calculated point for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE, crossing said Lot 3M, the following two (2) courses and distances:

1. S 15° 04' 47" W, a distance of 75.00 feet to a calculated point for the southeast corner of the tract described herein,
2. N 74° 56' 21" W, a distance of 85.00 feet to a calculated point in the west line of said Lot 3M and the east line of Lot 7, Resubdivision of Lots 6, 7 and 8 of Canyon Oaks, a subdivision according to the plat of record in Plat Book 98, Page 212, Plat Records of Travis County, Texas, for the southwest corner of the tract described herein;

THENCE N 15° 04' 47" E with the west line of said Lot 3M and the east line of said Lot 7, a distance of 75.00 to a ½-inch iron rod with plastic cap stamped "LAI" set for the northwest corner of said Lot 3M and the southwest corner of said Lot 2M, for the northwest corner of the tract described herein;

THENCE S 74° 56' 21" E, with the north line of said Lot 3M and the south line of said Lot 2M, a distance of 85.00 feet to the **POINT OF BEGINNING** and containing 0.146 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD 83, Grid.
LAI WORD FILE: FN0828(jdb)

0.146 Acres
J. Maxey Survey No.6
Travis County, Texas

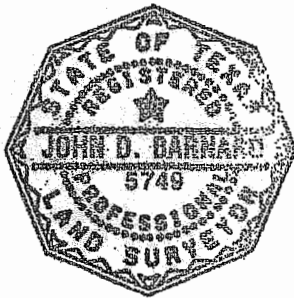
LAI Job No. T070114
FN0828(jdb)
Page 2 of 2

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of February and March 2007, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 16th day of August 2007 A.D.

Loomis Austin, Inc.
Austin, Texas 78746



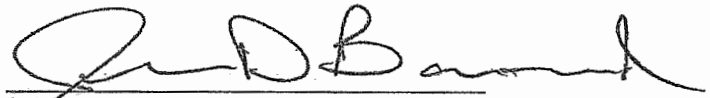
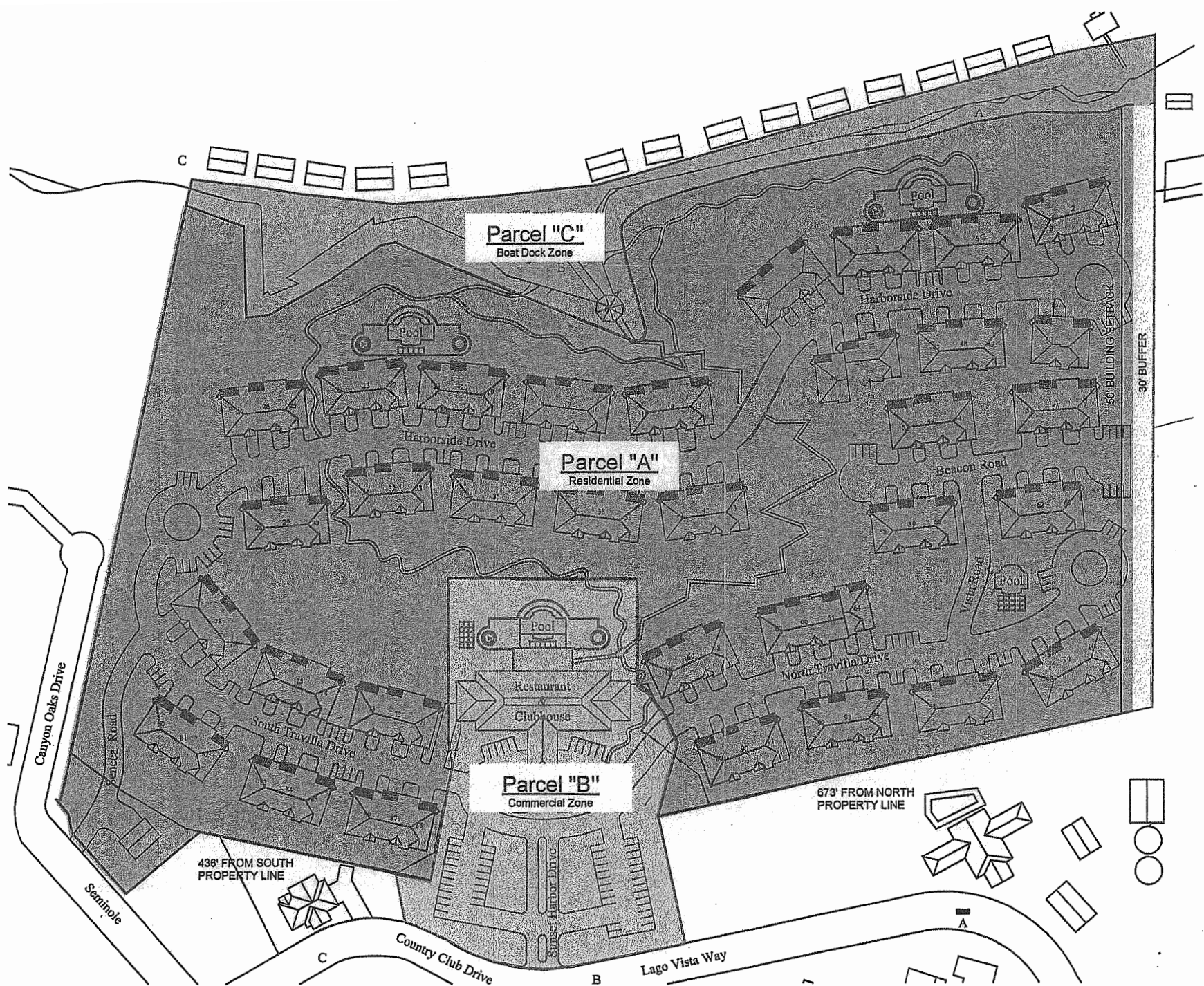

John D. Barnard
Registered Professional Land Surveyor
No. 5749 – State of Texas

EXHIBIT "B"
Conceptual Plan



Sunset Harbor

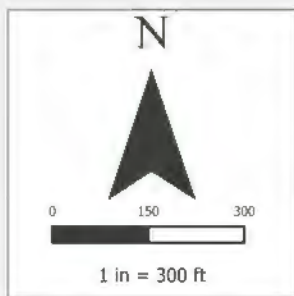
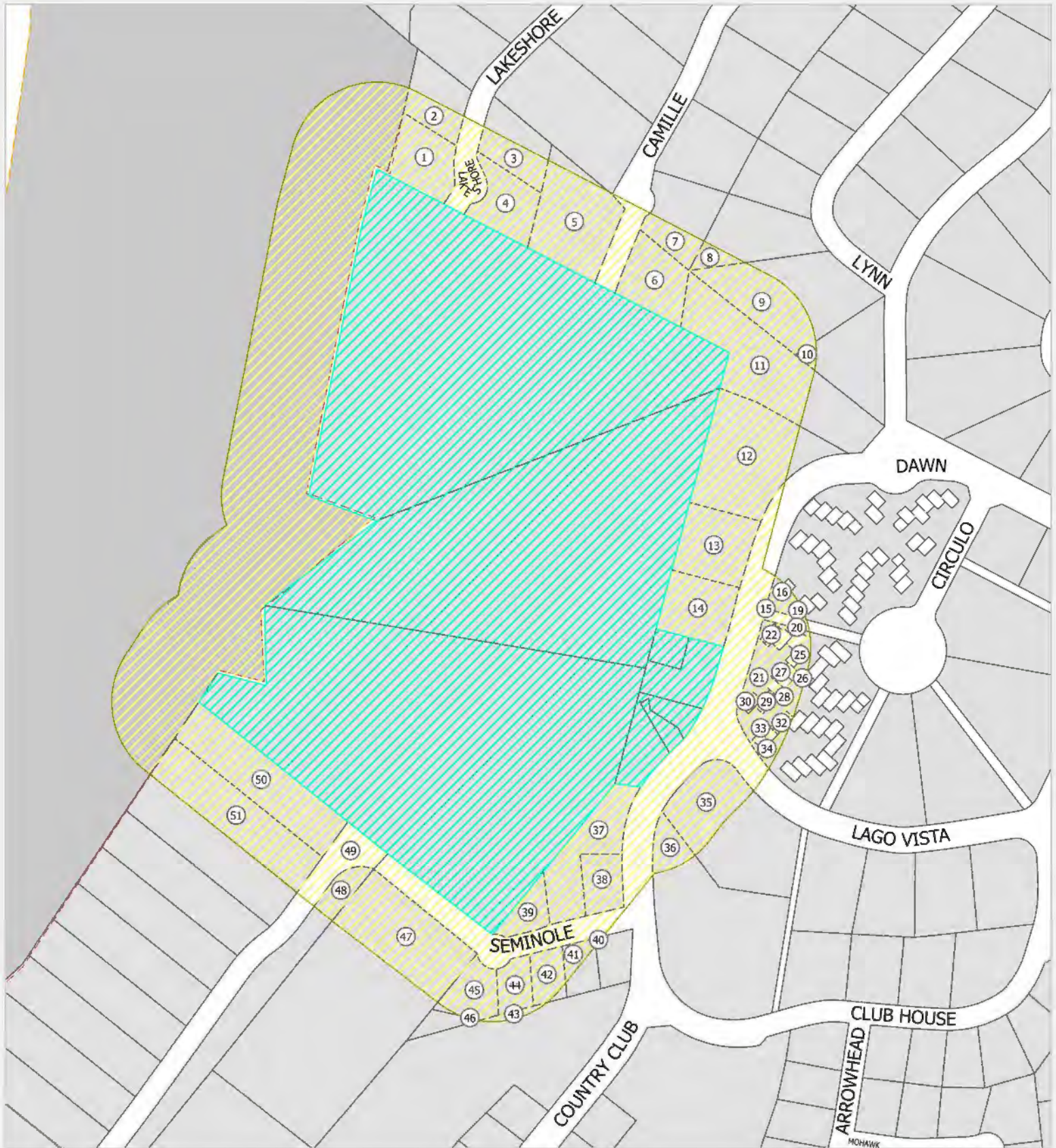
Conceptual Site Plan

7/16/07

This document dated July 17, 2007, authorized by Michael Dennis Gaertner Architect (TX #9342) is incomplete. Do not use for regulatory, approval, permit or construction.

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 4
Maps



5606 Country Club Dr			
Request Type	PDD Modification	Project	17-1160-PDD-MOD
Change Requested	Single & multi-fam development	Date	10/11/2017
Map Purpose	200ft Buffer Map	Drawn By	cmartinez

Requestor

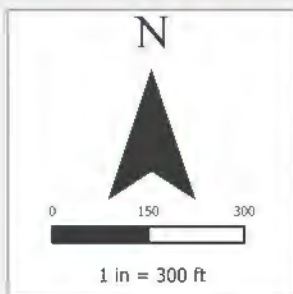
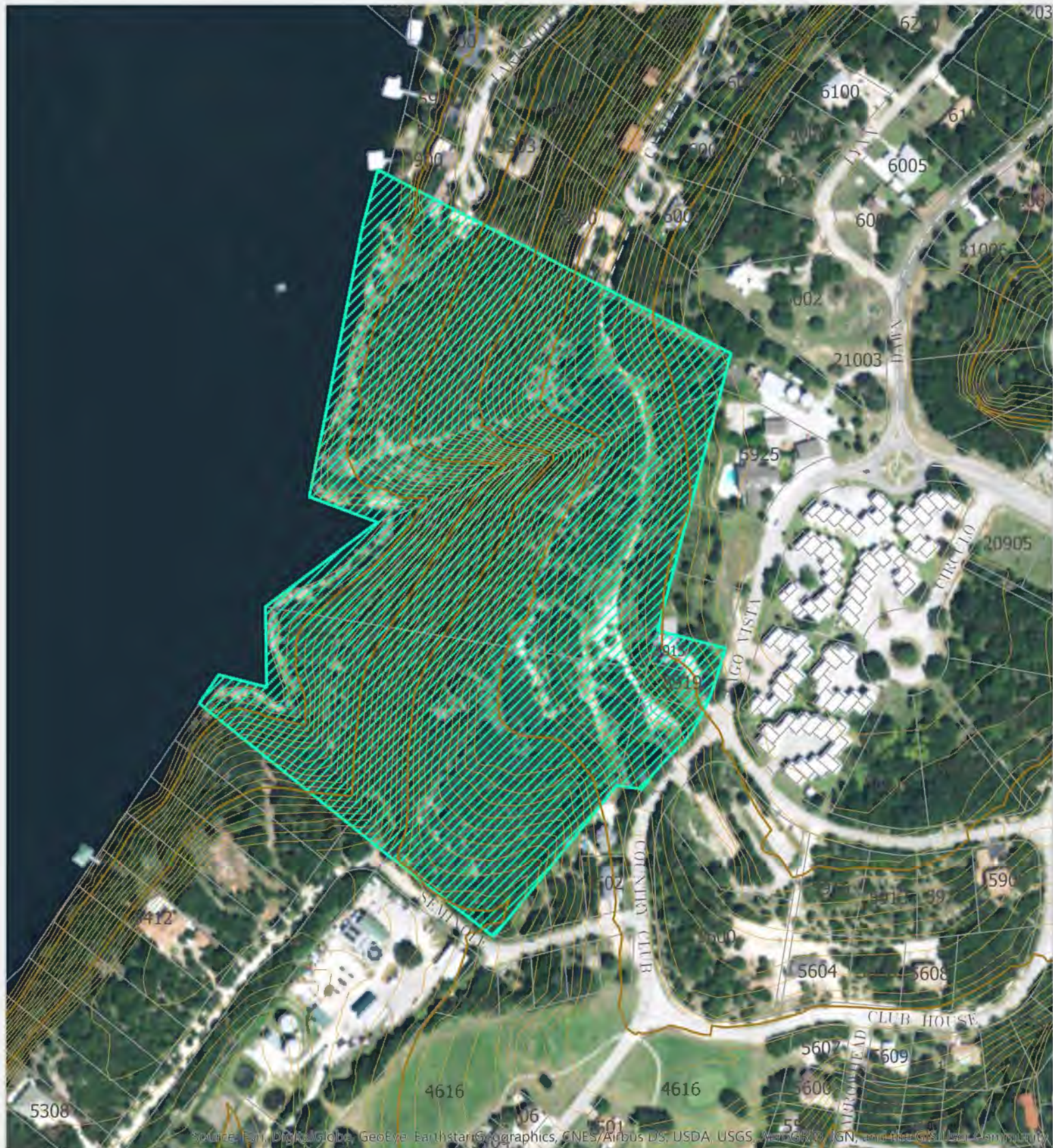
200ft Buffer

Parcels

City Limits

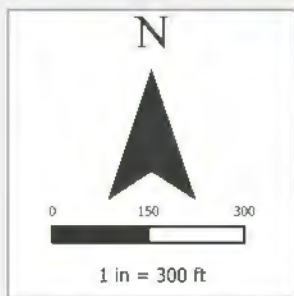
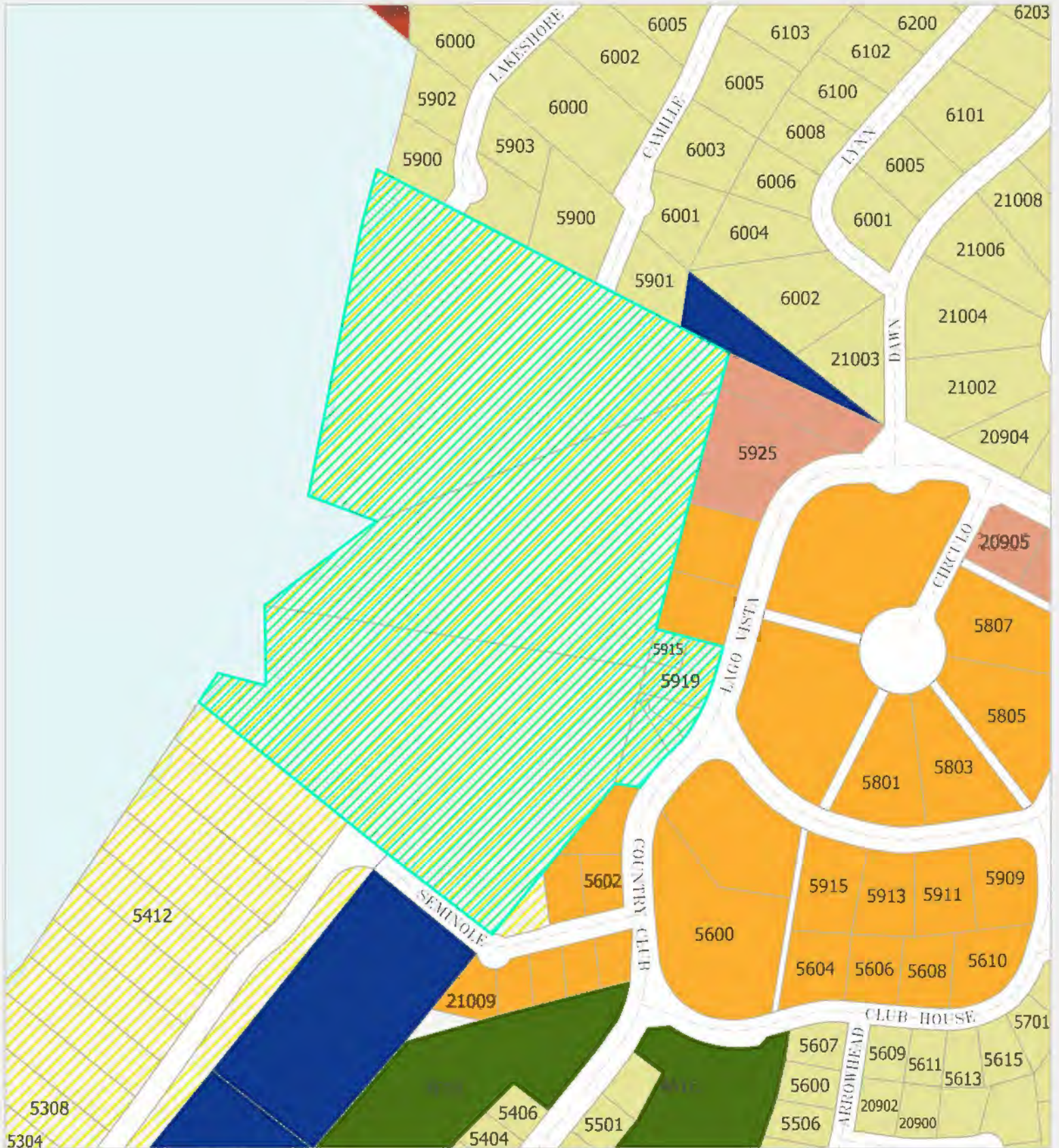
ETJ

60



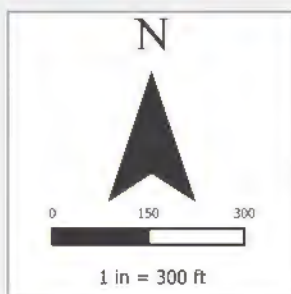
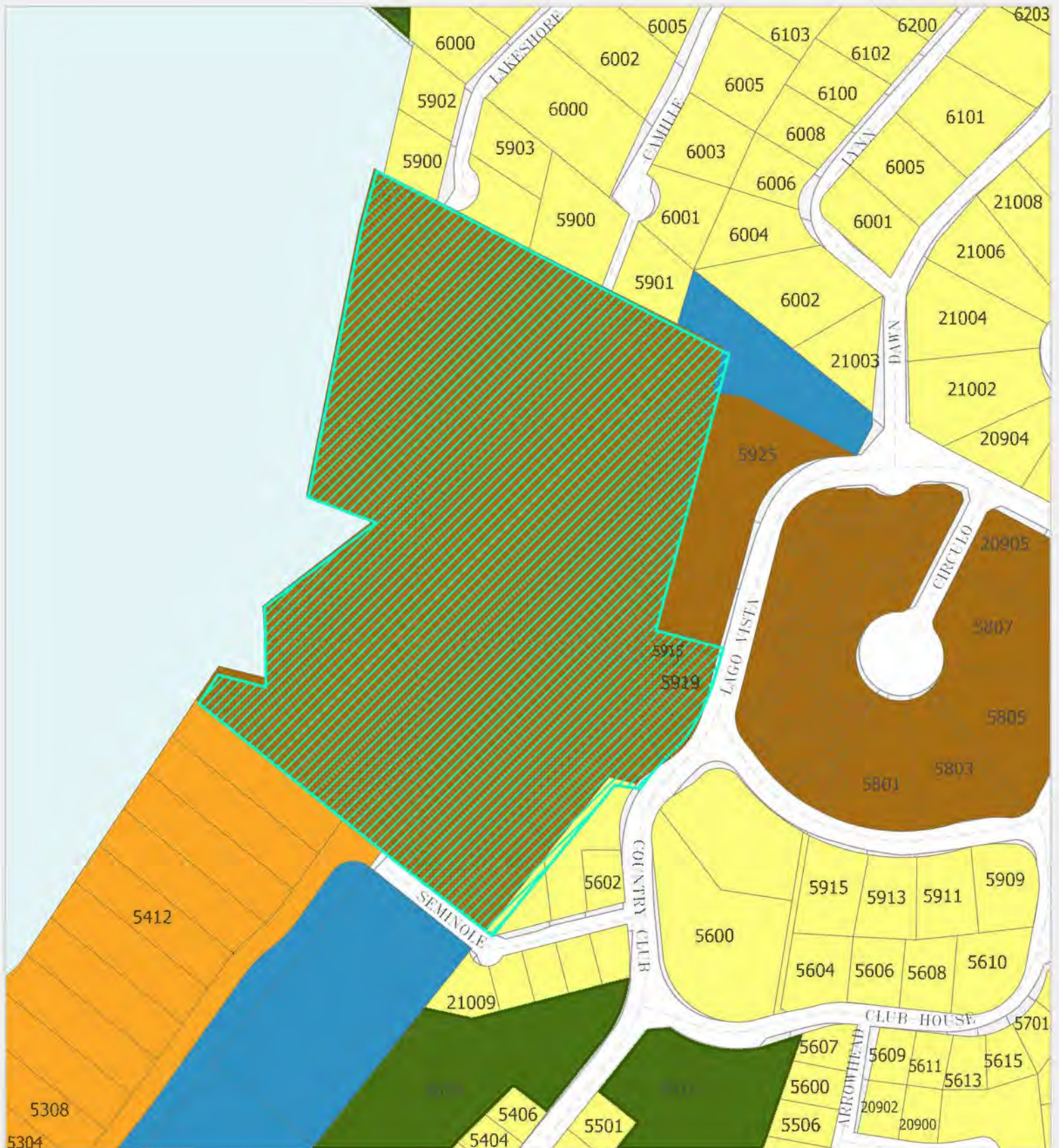
5606 Country Club Dr			
Request Type	PDD Modification	Project	17-1160-PDD-MOD
Change Requested	Single & multi-fam development	Date	10/13/2017
Map Purpose	Aerial & Contour Map	Drawn By	cmartinez

	Tax Parcels
	Water Bodies
	City Limits
	Lago Vista ETJ
	5 ft Contour
	50 ft Contour



5606 Country Club Dr			
Request Type	PDD Modification	Project	17-1160-PDD-MOD
Change Requested	Single & multi-fam development	Date	10/13/2017
Map Purpose	Zoning Map	Drawn By	cmartinez

C-1C	U-1	Tax Parcels
C-3		Water Bodies
P-1A		City Limits
G-1		Lago Vista ETJ
PDD		
R-1E		
R-4		



5606 Country Club Dr			
Request Type	PDD Modification	Project	17-1160-PDD-MOD
Change Requested	Single & multi-fam development	Date	10/13/2017
Map Purpose	Future Land Use Map	Drawn By	cmartinez

 Low Density Residential
 Medium Density Residential
 High Density Residential
 Public Semi Public
 POA Park
 Tax Parcels
 Water Bodies
 City Limits
 Lago Vista ETJ

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 5
Notice Comments (10-26-2017)



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #727362

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

MOE & MM PROPERTIES INC
2708 LOHMANS FORD RD
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

Current Zoning: Planned Development District (PDD) with 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office.

Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☒ In favor

☐ Opposed

Comments:

Signed: Uma Foshat

Printed Name: MOE FOSHAT



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #177906

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

WEISKOTT GERALD NILSSON &
SUSAN NILSSON WEISKOTT
5900 CAMILLE CT
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☐

In favor

☒

Opposed

Comments:

Not opposed to the development, but opposed to Camille being an access considering road is narrow & has a round about.

Ag with previous Sunset Harbor, Camille & Lakeshore should be closed to additional traffic

Signed:

Printed Name:

Gerald Nilsson-Weiskott



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #178050

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

HILLAND JEFFREY R & APRIL C
6202 LAKESHORE DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☐

In favor

☒

Opposed

Comments:

As a condo owner in the Overlook Villas West, I am opposed to the increased traffic, noise and the potential for short term rentals becoming a problem.

Zoning is put in place for a reason, to ensure current owners against development, that may be a detriment to their

Signed:

April C. Hilland

Printed Name:

APRIL C. HILLAND

investments & homes.



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #813010

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

MCCREARY HAROLD LEWIS &
JULIE
5604 COUNTRY CLUB DR
LAGO VISTA, TX 78645

#37 a #39

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

Current Zoning: Planned Development District (PDD) with 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office.

Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:



In favor



Opposed

Comments:

BASED ON THE INFORMATION PROVIDED, THE PROPOSED PDD
IS MUCH BETTER. I AM VERY CONCERNED ABOUT THE
EXISTING DRAINAGE FEATURE ON THE SOUTH BOUNDARY
OF THE PROPERTY. THIS MUST BE PRESERVED.
THOUSANDS OF GALLONS OF RUN OFF GO THROUGH THIS
WHEN IT RAINS. WHAT WILL THE BUILDING HEIGHTS BE?

Signed: _____

Printed Name: _____

HAROLD & JULIE MCCREARY



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #177915

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

MCCREARY HOWARD F &
CATHY
5602 COUNTRY CLUB DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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You may return this form with comments below:

- ☐ In favor
☐ Opposed

RECEIVED

OCT 23 2017

Per _____

Comments:

This proposed zoning is better than the current zoning however we are concerned about additional traffic and congestion it will bring Country Club Dr currently has many regular vehicle traffic and has considerable city vehicle traffic going to and from this facility on Demirole. This will only add to it.

Signed: Cathy McCreary Howard F McCreary

Printed Name: CATHY MCCREARY HOWARD F MCCREARY



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #177902

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

LOPEZ MIGUEL & MARIA VELASQUEZ &
MARVIN E & MARILOLI ODUM
6002 LYNN LN
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☒ In favor
☐ Opposed

Comments:

W/ NIGHT RESTRICTION WOULD BE SIMILAR
TO R-4 ZONING?

Signed: _____

Printed Name: _____

ENRIQUE LOPEZ



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #177903

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

LOPEZ MIGUEL ENRIQUE & MARIA L
MARIA LUISA VELASQUEZ
6002 LYNN LN
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☒ In favor
☐ Opposed

Comments:

Light Restriction would be similar to
R-4 zoning?

Signed:

Printed Name:

ENRIQUE LOPEZ



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #179090

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

GREENWOOD EDWARD DAMIAN
5900 LAKESHORE DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

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Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☐ In favor

☒ Opposed

Comments:

OPPOSED TO ZONING FOR WATERFRONT PARCEL, PARCEL C, AND A MARINA
LOCATED ANYWHERE NORTH OF APPROXIMATE CENTER OF DEVELOPMENT.
ALTERNATIVELY, WOULD BE IN FAVOR OF RESIDENTIAL PARCEL, PARCEL B,
ELEVEN LOTS ON WATERFRONT HAVING PROPERTY LINES EXTENDED TO
THE LAKE IN KEEPING WITH CURRENT LAGO VISTA ZONING, ONLY LAKEFRONT
PROPERTY IS ALLOWED TO HAVE A BOAT DOCK.

Signed: ED Greenwood

Printed Name: E. D. GREENWOOD

IT IS ALSO NECESSARY TO UNDERSTAND THE IMPACT OF THIS
DEVELOPMENT ON TURNER LIFT STATION AND RELATED PROBLEMS
WITH ODOR CONTROL.

To: Lago Vista Planning and Zoning Commission

Re: 5606 Country Club Drive, Lago Vista, TX 78645

From: Sharon Greenwood
5900 Lakeshore Dr
Lago Vista, TX 78645
512-788-0857

We received the attached Notice of Public Hearing on Wednesday, October 18, 2017. We are unable to attend the public hearing on Thursday October 26 and would like our response to be added to the packet of information presented to the ~~City Council~~ *Planning and Zoning Commission*. *SG*

I talked to Roy Jambor on Thursday, October 19th and he assured me that there would be no marina placed next to my property and that the Developers are not asking for permission for a marina. I directed him to look at Exhibit D of the developer's packet which clearly shows a marina placed next to my individual dock. He told me that Exhibit D was a mistake and should not be in the packet. Again, he assured that there would be no marina and only individual docks along the shoreline. Over the weekend my husband and I review the entire packet and the Conceptual Project drawings Sheets 1 and 2. We had to enlarge the page to see the fine print. Though they have drawn what looks like individual docks, the legend clearly states that it is a marina right next to my dock.

In Attachment 2, Section 6, 3. Zoning for the Waterfront Recreational Parcel – Parcel C, it clearly states that Parcel C (adjacent to my property) is planned to be a community marina containing 50 boat slips. I can only assume they have chosen the northern most point of the property for the marina so that the residents of Sunset Harbor do not have this huge eyesore in their view of the lake.

A 50-boat marina adjacent to my dock will not only ruin my view of the lake, the noise pollution will make porch-sitting unbearable as well as the gasoline on the water will make swimming by my dock impossible. We are already dealing with the smell coming from Turner Lift Station and now we will have the gasoline smell of 50 boats.

I would like to invite the members of the Planning and Zoning Commission to come to my house and stand on my porch to get a true picture of what this proposed development will look like. We will be back in town on Tuesday, October 31st and look forward to your visit.

Sharon Greenwood

Attachment 2 Section 6

- C. The minimum living area for any single residential unit shall be 2,000 square feet.
- D. Setbacks for all structures shall be ten (10) feet at the front and sides as measured from the lot property line.
- E. The maximum building height for residential structures on the Property shall be thirty-five (35) feet as measured from the highest point at which each residential structure intersects natural grade to: (i) the highest point of the coping of a flat roof, (ii) to the deck line of the mansard roof, or (iii) to the height of the highest gable of a pitched or hipped roof within the parcel.
- F. Lots indicated on the Land Use Plan for Parcel B may be realigned or combined with an administrative approval as long as the number of lots remains equal or lower than the number of lots indicated on this Ordinance.
- G. Public utility easement shall be ten (10) feet at the front and five (5) feet at sides of each lot.
- H. Residential units shall be constructed in a multi-level or split level design to fully utilize the topographical elements and minimize excavation of the natural slope.

3. Zoning for the Waterfront Recreation Parcel – Parcel C

A. Lot SHC:

- i. Use and development of the Waterfront Recreation Parcel shall comply with the zoning requirements and development standards for Commercial, Marina (C-3) district except as hereinafter modified.
- ii. Boat dock facilities designed for use by property owners within Parcel B without lakefront access shall be owned and maintained by the Property Owners' Association (the "POA") and shall be limited to use only by the members and their guests.
- iii. There shall be no more than 50 boat slips allowed within the Parcel and no other commercial or retail activity allowed in Parcel C.

B. Individual residential docks associated with Lots 07-28:

- i. Boat dock facilities associated with lakefront access shall be constructed and maintained at the option of the lakefront property owner.
- ii. No more than three slips will be allowed per individual boat dock.
- iii. Each boat dock will be of the same architectural design and the roofs of each dock will be of the same color as established by the POA.

- iv. Each boat dock will be no more than 1,500 square feet in area as required by the LCRA for residential boat dock facilities.
 - v. No additional uses other than parking, walkways, seating (e.g. picnic tables), and other conventional private boat dock appurtenances shall be permitted within the area designated for the individual boat docks.
 - C. Placement of boat docks and/or their anchoring systems shall be permitted on land owned by the LCRA should LCRA consent thereto in writing.
 - D. Sunset Harbor Lakefront Club (the "Club")
 - i. The Club consists of a lakefront community terrace to be constructed and maintained by the POA for the benefit and enjoyment of the members and guests.
 - ii. Development of the Club shall be in compliance with applicable LCRA regulations.
- 4. Zoning and Development Standards for All Parcels.
 - A. Buffer Area.
 - i. As depicted on the attached Land Use Plan, a thirty (30) foot wide vegetative buffer consisting of existing vegetation shall run along the northern side of the Property and a twenty-five (25) foot wide vegetative buffer consisting of existing vegetation ("Buffer Area") shall run along the boundaries on the eastern side of the Property.
 - ii. No roads or parking facilities may be constructed within the Buffer Area; however, placement of additional vegetation with irrigation systems is allowed.
 - B. Setbacks. Setbacks from the property lines adjoining Lago Vista Travis Plaza Lot 3-M, identified as "Outparcel" on Exhibit "B", which shall be ten (10) feet from the property line for the side and back yard and twenty-five (25) feet for the front yard setback.
 - C. Streets.
 - i. All streets on the Property will be private streets. Private streets shall be maintained by the POA.
 - ii. Right-of-way for all streets located on the Property shall be fifty (50) feet, except for a section of right-of-way identified as Roadway D on Exhibit "C" which shall be forty (40) feet. All streets shall meet City of Lago Vista standards and shall include a minimum width of pavement of twenty-three (23) feet bordered on each side by six (6) inch ribbon curb.
 - iii. Dead-ends shall include a "hammerhead" for use by emergency vehicles.
 - iv. During final platting of the Property, the Developer shall grant the City of Lago Vista access easements for all private streets and drives.

SUNSET HARBOR
LAGO VISTA — TRANS COUNTY — TEXAS

LAGO VISTA — TRAVIS COUNTY — TEXAS.

Amount Paid in

CONCEPTUAL PROJECT

[illegible]

H

-2 Commercial & Apartment Units \$ 60

(7) **Lit. service**

Private. Usually non-revolving business.

Lit. service

Circulators \$ 17 \$ 17

1. What is the main purpose of the passage?
 2. Which of the following is NOT a reason for the decline of the American dream?
 3. What does the author think is the most important factor in the decline of the American dream?
 4. What is the author's attitude towards the American dream?
 5. What is the author's main conclusion?

- Gated-controlled access
- Auxiliary gate-controlled access

Open Space

- Leverage & maximize storage

Uncollectible area

(2)	Area of forest	0.257	45.3
(1)	Ungrazed area	0.043	7.9
(3)	Forest area	0.184	33.4

Area restricted to urbanization & construction

Total - Great Urban Growth Area 2079

Total - 170 Years Planning

Total Views

: Mean Urban View

- ▶ Restricted lake view
- ▶ Watford lake view
- ④ Natural area outside property limits

Stairs

WTP Contour lines @ 5ft
Water Treatment Plant

Magazine Buys!
- all the major consumer magazines -

...the fact that the...
...the fact that the...
...the fact that the...

AND USE MASTER PLAN

and ONE INSTANT LAIN
n. May 2017
anxious feet
REL - 107



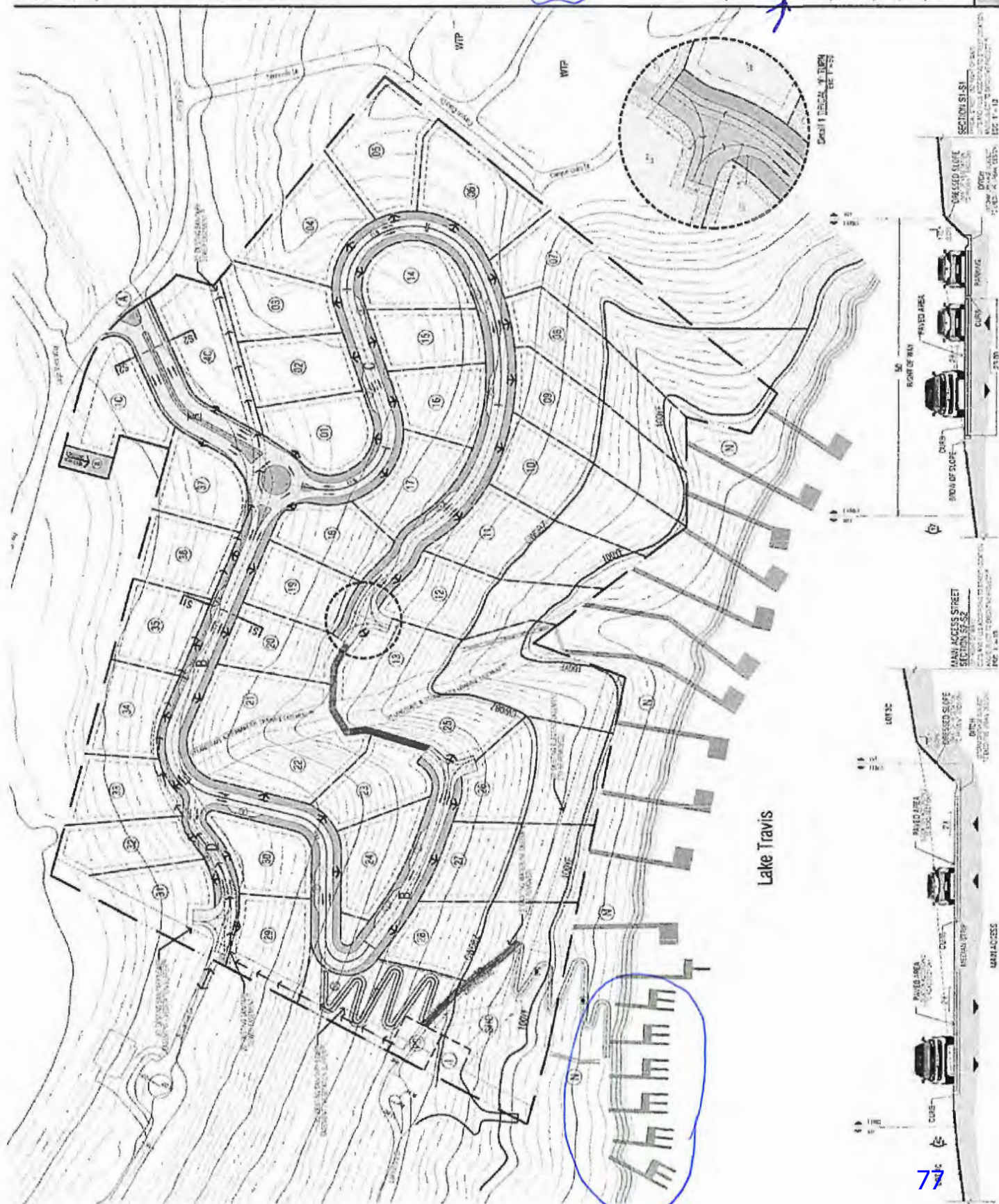
SUNSET HARBOR
LAGO VISTA — TRAVIS COUNTY — TEXAS

LAGO VISTA — TRANS COUNTY — TEXAS

William T. Red IV

CONCEPTUAL PROJECT

- [illegible]



STREET LAYOUT

DATE_May 2017

1034 7/1/2014

SHEET 02 of 02

Section 51.51

ACCESS STREET
13015 55TH AVE
MAY 55 53

3010 GOSWAMI

1874-1875

1

This is what the shoreline will look like if each of the eleven lakefront properties have a personal dock.

The proposal includes squeezing a 50-boat marina between my dock and the northernmost individual dock of Sunset Harbor.



To: Planning and Zoning Commission

From: Stanley Johanson
5916B Lago Vista Way

Date: October 22, 2017

Re: 17-1160-PDD-MOP
Sunset Harbor

RECEIVED

OCT 25 2017

Per _____

As a longtime owner (42 years) of a condominium at Overlook Villa West (Unit 17B, on Lago Vista Way), I want to give the Planning and Zoning Commission my comments regarding the proposed modification of the Sunset Harbor development plan. I will not be able to attend the public hearing on October 26, as I will be speaking at a conference at Notre Dame University.

I believe the revisions in the Sunset Harbor development plan are good—going from a PDD with 112 condos plus a restaurant to a residential development. However, I want to express my great concern as to the proposed entry to the development from Country Club Drive. This was in the plan considered by the Commission several years ago, as it is as bad now as it was then. Put simply, one word describes the current roadway on both sides of the intersection of Lago Vista Way and Country Club Drive: ***Dangerous***. The proposed access route to Sunset Harbor would make it even more dangerous.

As you all well know, driving on Lago Vista Way from the north, one encounters a very steep and almost blind downslope, with no ability to be aware of what lies beyond the top of the hill until one gets to the top. The same concern arises driving from the south on Country Club Drive: A very steep hill with no knowledge of what lies ahead until one reaches the crest of the hill. The deer population in the area adds to the concern.

In the 40-plus years we have owned our condo, we of course have seen an increase in traffic going in both directions (natural growth). However, we also have seen a disconcerting increase in young drivers (and also irresponsible adult drivers) driving right at or exceeding the 30-mph speed limit, seemingly oblivious to what lies beyond the crest of the hill. The idea of having a red light (I would assume) at the proposed intersection just a few yards from the top of the hill, not visible until one reaches the hill crest, would be very dangerous. This would be true even if there were a yellow warning signal on the north side of the hillcrest. I am concerned that just such a yellow warning flasher would not be enough. Not having a red light at the access road would be, it seems to me, an invitation to disaster(s). In retrospect, and going back into history, one has to wonder whether the Lago Vista Road/Country Club Drive roads should have been allowed to be built in this (steep) way in the first place. But while it is too late to do anything about that, there should be a real concern about doing anything that would aggravate the situation.

For many years, I have taught first-year Property Law at the University of Texas School of Law, and in three weeks my students will be covering development laws in general and zoning laws in particular. The first zoning case my students will read will be *Village of Euclid v. Ambler Realty* (S. Ct. 1926), the seminal case in which the United States Supreme Court upheld the constitutionality of zoning laws as a valid exercise of the police power. And a central and dominant factor in support of the general concept of zoning laws was and is *safety*.

I have read the report of transportation engineer Michael Rivera, which estimates that the development will increase the amount of traffic on the roads by 117 cars per day. However, that report does not address the safety issue that I have outlined—of those 117 cars turning into and driving out from Country Club Drive right in the middle of a steep grade.

I do hope that the Commission has received (or will receive) input and a candid assessment of this traffic situation from the Lago Vista Police Department. I can think of no group in our community with more information, and greater concern, about traffic risks and hazards than the officers of our police force. Perhaps they don't share the depth of my concerns over ingress and egress to the Sunset Harbor development; but if they do share those concerns the Commission should proceed with caution.

I strongly recommend that the Commission give attention to finding and approving other means of ingress and egress to the Sunset Harbor development, including Lynn Lane and Camille Court and perhaps other routes as well. Finding and developing such routes may be more expensive to the developers and less convenient to the Sunset Harbor residents, but these concerns pale in comparison to the safety issue.

Sincerely,


Stanley Johanson

To: Lago Vista Zoning Commission
Re: Recommendations on Changes to Sunset Harbor PDD
Date: October 26, 2017

Dear Honorable Members of the Lago Vista Zoning Commission

We have reviewed the proposed changes to the Sunset Harbor PDD and have the following concerns about increased traffic through Camille Court.

1) Poor physical condition of Camille Court

This street is narrow and in disrepair. In some sections the western edge of the pavement is disintegrating and crumbling down the embankment. Dirt has replaced the pavement in those areas and large 6-10 foot plants are growing in the edge of the street. There is a low point in front of 6005 Camille Court that was created to direct rain run-off over the street and down the western embankment. That section has begun to settle and has sunk further. The exposed PVC pipe is broken.

The street is so narrow that large vehicles such as SUV's, FedEx, UPS trucks, etc. must slow down to 5 mph to pass each other safely. Vehicles of landscapers, handymen, and personal visitors often cannot fit in our driveways and must park on this narrow street which makes passage even more problematic and at times even impassable. Rivera Engineering estimates that 37 new homes will generate 117 vehicle trips per day. If only 30% of this load is added to Camille Court that will be 35 vehicle trips a day and 12,775 additional trips a year. The fragile infrastructure of this street cannot bear that additional load. Simple repaving will not solve the sinking area near 6005 Camille. The developer or current Lago Vista taxpayers would have to pay for re-engineering the inadequate run-off feature plus build curbs along the western edge to stop on-going pavement disintegration. Widening the street would be a logistical and financial nightmare.

2) Public Safety Issue: Egress

A locked gate at the end of Camille Court is a serious public safety issue in case of evacuation due to wildfires or access to Dawn Drive is blocked by fallen power lines or trees. The current PDD contains a compromise to allow only emergency vehicle access to Camille Court. The new Site Development Plan would change this to full access by residents of the new development through a locked gate. In other words, they could evacuate through their gate but residents of Camille Court would be stranded.

There is a flimsy chain link gate currently in place, but a sturdy F-150 truck could ram it open if required in a dire emergency. Therefore, current residents have been somewhat satisfied that they could evacuate if absolutely necessary. It would be extremely difficult and impossible for anyone with impaired mobility to flee on foot with a backpack and animal carriers. The southeastern slope up toward Lynn Lane is treacherous and the western side is a sheer drop-off filled with cactus, fallen trees and large rocks. Some homes are on the western side but often have features that block evacuation through their properties. Therefore, the only alternative if egress to Dawn Drive is blocked would be to drive out through the southwestern end of Camille Court.

Proposed Compromise: The residents of Camille Court are against an immovable fence or barrier that prohibits all vehicular traffic from Camille Court into the PDD. An electronic gate is acceptable if the City of Lago Vista officially ensures that residents of Camille Court retain emergency egress through that gate. Egress might be guaranteed by issuance of access cards, gate codes, readable windshield decals similar to the Texas Toll Tag or other devices that allow quick evacuation. The POA can issue and control distribution of the access tool. However, egress must be guaranteed by the City of Lago Vista in a legally binding ordinance that the new POA is required to honor. This will prevent legal battles over egress with POA Board of Directors in the future.

3) Public Safety Issue: Pedestrians

Residents from surrounding streets enjoy walking on Camille Court with their families and animals. It is a quiet and somewhat safe environment as long as drivers go 10 mph. (Some do and others go faster.) There are no sidewalks so pedestrians and pets are forced to walk in the street. There is a blind curve east of 6400 Camille Court where pedestrians and drivers cannot see each other. Many times drivers have rounded that curve only to have a surprise face-to-face encounter with joggers or families walking their dogs. The western sun also creates a large visual blind spot where animals and pedestrians are virtually invisible.

Additional traffic load will create another public safety issue to drivers, pedestrians, and pets. We believe that there is a fiduciary responsibility on the part of the City of Lago Vista and the City Council to ensure that public safety is not compromised by new developments coming into our communities.

4) Construction and Service Vehicles

Construction vehicles are a threat both to public safety and the frail infrastructure. Due to the poor infrastructure, narrow width, and safety hazards, it is imperative that construction and service vehicles be prohibited from using Camille Court to gain access to the new development at all stages from land preparation to construction of individual houses. The development's main entrance on Lago Vista Way should be deemed the entrance for all such traffic. These same vehicles should be prohibited from using Lynn Lane as a "short-cut" to the development. (Current residents have to forewarn companies that make deliveries of furniture and other large items that their large trucks may not be able to maneuver Camille Court.) Signs should be posted at the entrances of Camille Court and Lynn Lane directing all Sunset Harbor construction vehicles to use the main entrance on Lago Vista Way. That will be a new entrance which can be built to handle anticipated heavy and wide construction vehicles.

See Exhibit A for pictures of the above-mentioned issues.

In summary, we are requesting the following:

- 1) Camille Court is not a public thoroughfare for the new development.
- 2) There will be a controlled-access gate at the development's border with Camille Court that can be operated by First Responders plus residents of the new development and Camille Court during emergencies only.
- 3) No construction and service vehicles for the new development will use Camille Court and Lynn Lane at all stages from land preparation to home construction.

Thank you for your consideration of our serious concerns.

Respectfully submitted:

Charles and Carla Williams; 6001 Camille Court

Jerry and Susan Nilsson-Weiskott; 5900 Camille Court

Ed and Pam Bippus; 6000 Camille Court

Marilyn Farrell and Kevin Smith; 6005 Camille Court

Deanna Johnson; 6103 Camille Court

George and Robyn Pond; 6105 Camille Court

Shirley Karn; 6300 Camille Court

Jeanne Reynaud and Jean Stroup; 6301 Camille Court

David and Elaine Henderson; 6302 Camille Court

Michael and Penny Brown; 6400 Carmille Court

Andrew Farkas and Karen Lantz, 6406 Camille Court

Michael and Teresa Epps; 2103 Dawn Drive

Linda Bottoms; 6400 Lynn Lane

Exhibit A

Pictures of Road Conditions on Camille Court, Lago Vista, Texas

Taken October 2017

Page 1 of 4 (Left to Right): Poor Infrastructure

Exposed PVC pipe installed to aid water run-off; it is broken due to vehicle traffic.

View of rain water run-off feature designed as a depressed area in the road

Patched area in the run-off feature. Is there another run-off pipe below road?

Run-off feature has begun to sink at the driveway at 6005 Camille

Page 2 of 4: Poor Road Quality

Picture of nature "reclaiming" Camille Court. Sage, agarita, oleander growing in reclaimed edge of street.

Another picture of pavement that is crumbling and being reclaimed by nature.

Overgrowth at edge of road (western edge) requires vehicles to move to other side of street to avoid damage to cars.

Page 3 of 4: Public Safety Issue: Blind Curve

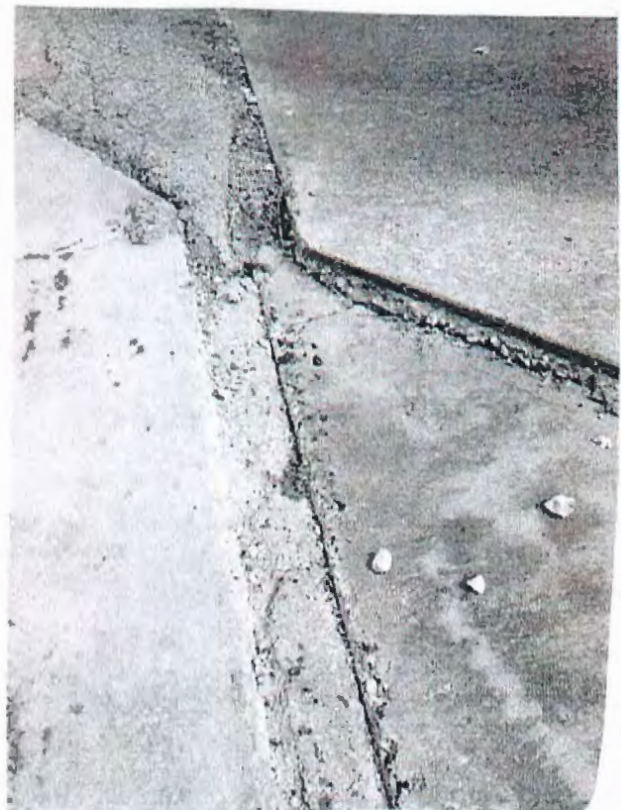
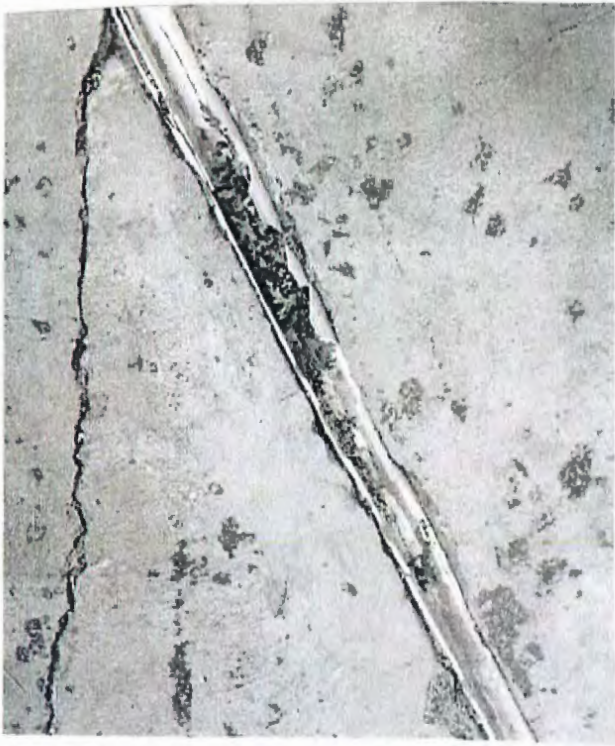
Blind curve on Dawn Drive prevents drivers in both directions from seeing each other. (Four hours after this picture was taken a collision was barely avoided with a commercial van. The van's driver was servicing a home on Camille and must not have been aware of the blind spot. He was driving in the middle of the street as most people do to avoid getting scraped by trees and overgrowth.) A secondary blind spot hazard is created daily by the setting sun.

Page 4 of 4: Public Safety Issue: Evacuation and 911 Response Hazards

Top: Power lines go across Dawn Drive, Camille Court, and Lynn Lane. If those lines fall during high winds, tornado, or wildfire, residents would be stranded and emergency vehicles could not respond to 911 calls.

Bottom: Power lines cross street at 6400 Camille Court. Residents living to the south of that address could be stranded by fallen power lines.

Not shown: There are many trees along Camille Court that could prevent evacuation to Dawn Drive or First Responders from reaching residents in need.





2 of 4
10/24



3 of 4

10/25/2017, 5:36 PM

10/25/2017, 5:36 PM



4 of 4
1 of 1

Comment on the Proposed Club House and Terrace in Sunset Harbor

The initial zoning request for Sunset Harbor several years ago included a public restaurant with an outdoor music venue. Residents were strongly against allowing a loud music venue next to a quiet established residential neighborhood. The compromise was a restaurant close to Lago Vista Way with limitations on noise volume and hours of operation. It was not a happy compromise for either party, but due to the lengthy and expensive debates everyone eventually agreed to it.

The new Development Plan calls for a clubhouse and outside terrace for their own POA members. Nearby residents want to advocate for noise volume constraints and hours of music operation for this PDD also. It is assumed that residents of the new POA would want the same standards, but it is important to get this issue settled now rather than have potential legal issues in the future.

It is our understanding from Roy Jambor, Development Services Director for Lago Vista, that the following points will be honored after the new PDD is approved:

- 1) A public restaurant will not be allowed within the new PDD.
- 2) The Club House cannot be turned into a public restaurant.
- 3) Should the new POA decide to add features not mentioned in the revised Sunset Harbor PDD, (such as a public restaurant or a loud outdoor public music venue) those revisions would require returning to the Zoning Commission for approval.

We would like the Zoning Commission to review our interpretation of these understandings and assure us that revisions to the new PDD will require Commission oversight and approval.

Thank you very much.

George and Robyn Pond on behalf of
Lago Vista Citizens for Responsible Government and Growth, Inc.



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #179091

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

SHAMSIE RASHID D JR & STEPHANIE G
3604 AQUAMARINE DR
ROUND ROCK, TX 78681

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

Current Zoning: Planned Development District (PDD) with 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office.

Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

- ☐ In favor
☒ Opposed

Comments:

1. Not consistent with the City's master plan. Please don't let the developer's ambitions compromise the City's vision.
2. 45 single family lots on this topography would be much too small. The size of the lakefront lots are too narrow to safely anchor docks.
3. This zoning request changes the waterfront area to include 11 personal docks, and a 26 slip marina (see the fine print). It shifts community access and squeezes

Signed: Rashid Shamsie

Printed Name: Rashid D. Shamsie Jr.

a marina in the corner of the property. There is no parking for the marina and no emergency access,



City of Lago Vista

Development Services

5803 Thunderbird St. , P.O. Box 4727
Lago Vista, TX 78645
(512) 267-5259 (Office) (512) 267-5265 (Fax)

Notice of Public Hearing

Tax ID #179092

Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

ZEILER CHARLES E & BRENDA K
5903 LAKESHORE DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

Current Zoning: Planned Development District (PDD) with 112 condominiums, a restaurant, a residential business center and a property owner's association clubhouse and management office.

Proposed Zoning: PDD with no more than 45 single family residential lots and 2, approximately one-half acre multifamily lots developed in accordance with current R-4 standards.

You may return this form with comments below:

☐ In favor

☒ Opposed

Comments:

• Location (proposed) of the 50 slip marina will obstruct our view of the lake, will create significant noise pollution, and will likely create general pollution from trash, gasoline spills, and oil spills.
• The additional sewage load on the Turner lift station will exacerbate an already unacceptable problem with noxious smell emanating from the station. At a minimum the release of noxious odors should be permanently corrected.

Signed: _____

Printed Name: _____

Charles E. Zeiler
Charles E. Zeiler

17-1160-PDD-MOD
5606 Country Club Drive

Attachment 6
Notice Comments (11-20-2017)



Notice of Public Hearing

Project #: 17-1160-PDD-MOD

Project Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

Planning & Zoning Commission November 20, 2017 at 7:00 P.M. in Council Chambers,

Hearing Date: City Hall, 5803 Thunderbird St., Lago Vista, TX 78645

City Council Hearing Date: December 2, 2017

200' Notification Mailing ID #: 3

ZEILER CHARLES E & BRENDA K
5903 LAKESHORE DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

For additional information, please contact below:

E-mail: development@lago-vista.org

Phone Number: 512-267-5259

When contacting please include the above highlighted project #

You may return this form with comments below, please print.

☐ In Favor; ☒ Opposed

Comments:

Opposed, unless the 50 slip marina is moved to the southern boundary of the planned development, and the Turner Lift Station noxious odor release problem is permanently fixed. Any more sewage load to the Turner Lift station needs evaluation.

Signed:

Charles Zeiler

Printed Name:

Charles Zeiler

This form may be returned as stated below:

E-mail: development@lago-vista.org

Fax: 512-267-5265

Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645

In Person at Front Development Services Dept., Lago Vista City Hall

Counter: 5803 Thunderbird St.



Notice of Public Hearing

Project #: 17-1160-PDD-MOD

Project Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

Planning & Zoning Commission November 20, 2017 at 7:00 P.M. in Council Chambers,

Hearing Date: City Hall, 5803 Thunderbird St., Lago Vista, TX 78645

City Council Hearing Date: December 2, 2017

200' Notification Mailing ID #: 1

**GREENWOOD EDWARD DAMIAN
5900 LAKESHORE DR
LAGO VISTA, TX 78645**

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

For additional information, please contact below:

E-mail: development@lago-vista.org

Phone Number: 512-267-5259

When contacting please include the above highlighted project #

You may return this form with comments below, please print.

☒ In Favor; ☐ Opposed

Comments:

Number of boat slips in Parcel C need to be limited to 50 as in previously approved PPD (Section 6.3.) Current proposed PDD (Section 3.4) states up to 50 boat slips for Lot SHC plus up to 3 boat slips for residential docks for lots 07-28.

Signed: E D Greenwood

Printed Name: E. D. GREENWOOD

This form may be returned as stated below:

E-mail: development@lago-vista.org

Fax: 512-267-5265

Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 17-1160-PDD-MOD

Project Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

Planning & Zoning Commission November 20, 2017 at 7:00 P.M. in Council Chambers,
Hearing Date: City Hall, 5803 Thunderbird St., Lago Vista, TX 78645

City Council Hearing Date: December 2, 2017

200' Notification Mailing ID #: 38

MCCREARY HOWARD F & CATHY
5602 COUNTRY CLUB DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

For additional information, please contact below:

E-mail: development@lago-vista.org

Phone Number: 512-267-5259

When contacting please include the above highlighted project #

You may return this form with comments below, please print.

☒ In Favor; ☐ Opposed

Comments:

Signed:

Howard F & Cathy McCreary

Printed Name:

HOWARD F & Cathy McCreary

This form may be returned as stated below:

E-mail: development@lago-vista.org

Fax: 512-267-5265

Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 17-1160-PDD-MOD

Project Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

Planning & Zoning Commission November 20, 2017 at 7:00 P.M. in Council Chambers,
Hearing Date: City Hall, 5803 Thunderbird St., Lago Vista, TX 78645

City Council Hearing Date: December 2, 2017

200' Notification Mailing ID #: 37 & 39

MCCREARY HAROLD LEWIS & JULIE
5604 COUNTRY CLUB DR
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

For additional information, please contact below:

E-mail: development@lago-vista.org

Phone Number: 512-267-5259

When contacting please include the above highlighted project #

You may return this form with comments below, please print.

☒ In Favor; ☐ Opposed

Comments:

35' building height is too much.
Please preserve the Drainage along the Southeast
boundary

Signed:

Printed Name:

HAROLD & JULIE MCCREARY

This form may be returned as stated below:

E-mail: development@lago-vista.org

Fax: 512-267-5265

Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 17-1160-PDD-MOD

Project Property Location: 5606 Country Club Drive, Lago Vista, TX 78645

Planning & Zoning Commission November 20, 2017 at 7:00 P.M. in Council Chambers,
Hearing Date: City Hall, 5803 Thunderbird St., Lago Vista, TX 78645

City Council Hearing Date: December 2, 2017

200' Notification Mailing ID #: 27

CUNNINGHAM LAURA
5916 LAGO VISTA WAY B-15
LAGO VISTA, TX 78645

The Planning & Zoning Commission will make a recommendation and City Council will make a consideration of a zoning change request for a Planned Development District for Sunset Harbor within Chapter 14, Section 10, to allow both single and multifamily development at 5606 Country Club Drive (Canyon Oaks, Lots 6-8 and Lago Vista Travis Plaza, Lots 3M and 4M).

For additional information, please contact below:

E-mail: development@lago-vista.org

Phone Number: 512-267-5259

When contacting please include the above highlighted project #

You may return this form with comments below, please print.

☒ In Favor; ☐ Opposed

Comments:

Signed:

Printed Name:

This form may be returned as stated below:

E-mail: development@lago-vista.org

Fax: 512-267-5265

Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: January 4, 2018

From: Roy Jambor, AICP / PA

Subject: Ordinance No. 18-01-04-02; 17-1168-R-REZ; a zoning change request from R-4 Multifamily Residential to R-1D Single Family Residential within Chapter 14, Section 13, Article 13.20 located at 20201, 20203, 20205, 20209, 20211 and 20213 Continental Dr. (Highland Lake Estates, Section 16, Lots 1A-6A).

Request: Public Hearing

Legal Document: Ordinance

Legal Review: ☐

EXECUTIVE SUMMARY:

The property consists of six existing lots in the R-4 district that were reconfigured from four lots in an amended plat recorded in October of 2016. At the public hearing before the Planning & Zoning Commission, the applicant's representative stated that the current zoning change request would help prevent unfavorable single family residential appraisals.

In addition to these six lots, there are three additional undeveloped waterfront lots to the east that are in the R-4 district. Across a water inlet to the west, there are 12 undeveloped lots in the R-4 district (on Hancock Avenue). However, we have a current application for a pair of duplexes on one of those lots with building permits expected to be issued in the near future. These properties as shown as high density residential on both the current and future land use maps. The vast majority of the remaining surrounding property is within the R-1C district. The exception involves relatively small portions of the Highland Lakes Golf Course property owned by the City of Lago Vista that is within the G-1 (Golf Course & Supporting Facilities) district.

Assuming that the applicant desires to develop the property for single family residences, the primary distinction between the existing R-4 district and the proposed R-1D district is that approval will increase the cumulative required side yards from 10 to 15 feet. It will also reduce the allowed (by right) building height from 25 feet to 18 feet (measured from one foot above the one hundred year flood plain that includes all of this property).

The primary distinction between the proposed R-1D district and the surrounding property that is currently within the R-1C Single Family Residential District is that the minimum living area is reduced from 1,700 square feet to 1,200 square feet. The maximum building height (by right) is also increased from 15 feet to 18 feet. The failure to match the more common single family district pattern (particularly as it relates to unit size) was the basis for the lone dissent from the recommendation for approval by the Planning & Zoning Commission. Although the size of these lots was recently reduced by the applicant (and not yet reflected in our GIS data or maps), they remain larger than many of the surrounding R-1C lots. While a change to the R-1C district instead might reduce the chance of residential units smaller than 1,700 square feet, a denial does not.

Impact if Approved:

Both multi-family and two-family residential units would be removed as permitted uses. Considering single family residential units only (permitted in the current zoning district), the cumulative required side yard would be increased by five feet, and the permitted height decreased by seven feet. The required minimum size of a single family residence would remain unchanged (1,200 square feet, not including the required minimum 400 square foot garage).

Impact if Denied:

The six lots would remain in the R-4 Zoning district which allows townhouses, duplexes and multi-family units in addition to single family residences. Compared to the request (considering single family residences only), the cumulative side yards would remain 5 feet less and the allowed height seven feet greater. However, applicant feels that potential single family residents would potentially receive unfavorable appraisals or lending limits in the less restrictive zoning district.

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

Indicate Funding Source:

N/A

Suggested Motion/Recommendation/Action

Motion to	Enact Ordinance	N/A	-	N/A	-	N/A
Motion to	Deny Ordinance	N/A	-	N/A	-	N/A
Motion to	Table Ordinance	N/A	-	N/A	-	N/A

Known as:

This property is part of Section Sixteen of the subdivision known as Highland Lakes Estates. The Planning & Zoning Commission recommended that the ordinance be enacted by three of the four members in attendance. The fourth member recommended that the ordinance be denied because the proposed new zoning district (R-1D) is not as restrictive as the more common nearby district (R-1C) regarding dwelling size and height. Unfortunately a denial leaves the property in the R-4 district which is even less restrictive than the proposed change (to the R-1D district).

Agenda Item Approved by City Manager

17-1168-R-REZ

20201, 20203, 20205, 20209, 20211 & 20213 Continental Drive

Attachment 1

Application

CITY OF LAGO VISTA
BUILDING AND DEVELOPMENT SERVICES

5803 THUNDERBIRD LAGO VISTA, TEXAS 78645
OFFICE 512-267-5259 FAX 512-267-5265

ZONING CHANGE REQUEST APPLICATION
(PLEASE PRINT)

Name of Owner(s): Red Cardinal LLC

Owner's Address: 11675 Jollyville Rd #102 Austin, Tx 78759

Contact Person: GREG BILLINGS

Email Address: GREGGLAKEPTR @ AOL.COM

Contact Phone Numbers: (512) 963-1130 (512) 267-4616
(DAYTIME) (CELL) (FAX)

COMPLETE LEGAL DESCRIPTION OF PROPERTY (PLEASE PRINT)

Subdivision: Resub of Lots 16069, 16070, 16071, 16072
Lots 1A, 2A, 3A, 4A, 5A, 6A Section: 16 Lot No: ←

Property Address: 20213, 20209, 20211, 20205, 20203, 20201

Volume and Page where deed is filed: TRAVIS COUNTY DOC # 2006222564

NATURE OF REQUEST (PLEASE PRINT)

Requests a Zoning Change from the current zoning designation of R-4

To R-1D for the purpose of single family residential

In my absence I hereby designate the following person to act in my behalf as my designated agent. (PLEASE PRINT).

Name of Agent: GREG BILLINGS

Address: 18670 Highway 1431 JONESTOWN, TX 78645

Phone Numbers: (512) 963-1130 (512) 267-4616
(DAYTIME) (CELL) (FAX)

Signature of Applicant:  Date: 8-14-17

GREG BILLINGS AS AGENT FOR ROBERT BRUINSMA
OWNER of RED CARDINAL, LLC.

17-1168-R-REZ

20201, 20203, 20205, 20209, 20211 & 20213 Continental Drive

Attachment 2

Site Plan

THE RESUBDIVISION OF LOTS 16069, 16070, 16071
AND 16072, HIGHLAND LAKES
ESTATES SECTION SIXTEEN

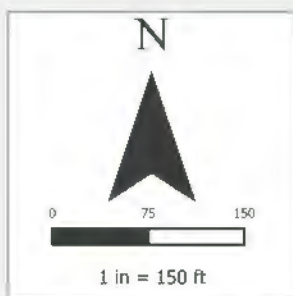


17-1168-R-REZ

20201, 20203, 20205, 20209, 20211 & 20213 Continental Drive

Attachment 3

Maps



Continental Dr			
Request Type	Zoning Change Request	Project	17-1168-R-REZ
Change Requested	From R-4 to R-1D	Date	11/6/2017
Map Purpose	Aerial & Topo	Drawn By	cmartinez

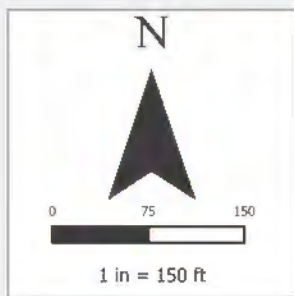
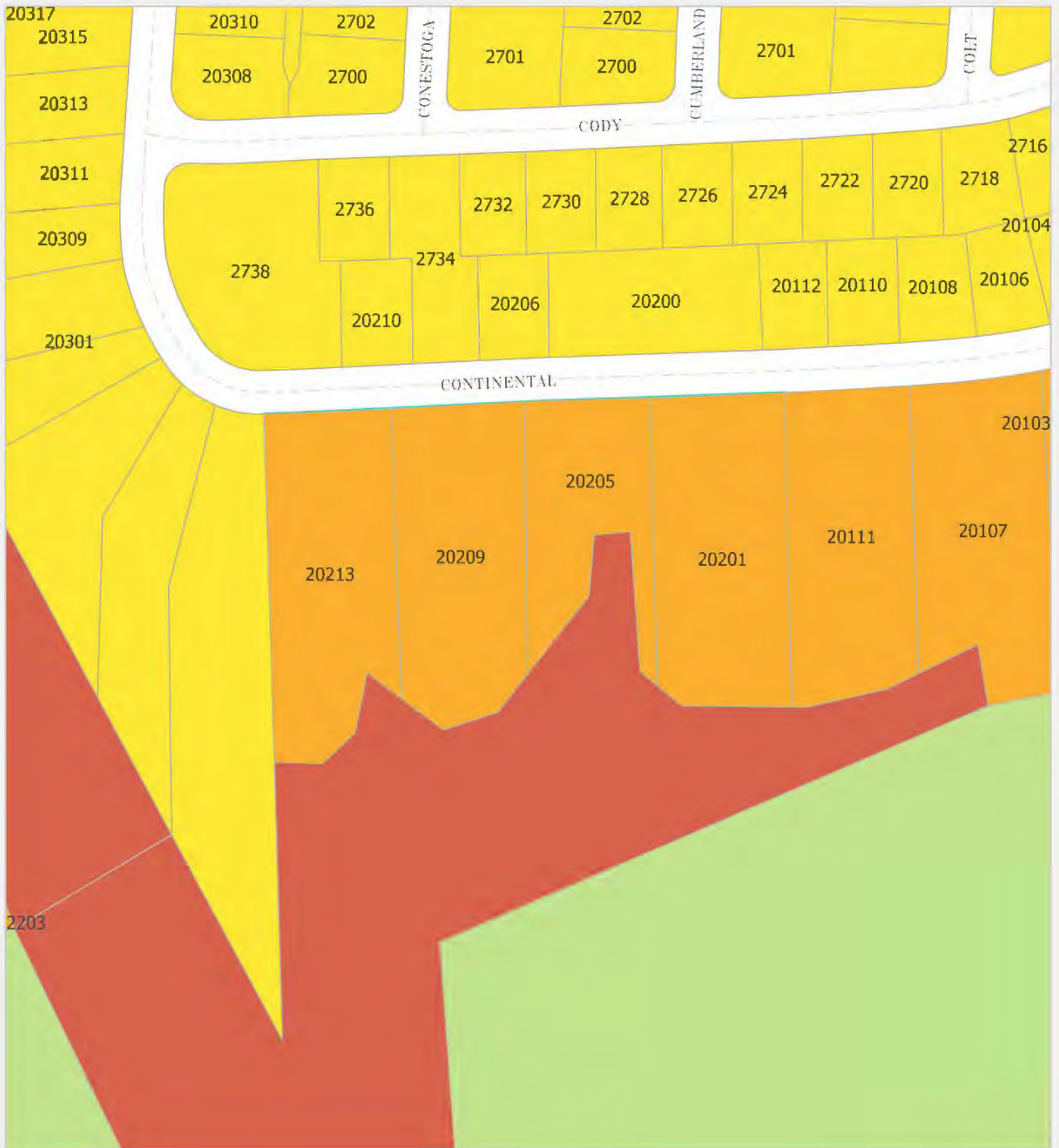
Requestor

Tax Parcels

City Limits

Contours

107



Continental Dr			
Request Type	Zoning Change Request	Project	17-1168-R-REZ
Change Requested	From R-4 to R-1D	Date	11/6/2017
Map Purpose	Zoning Map	Drawn By	cmartinez

City Limits

Requestor

Tax Parcels

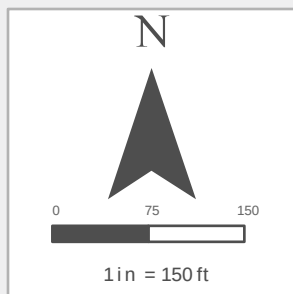
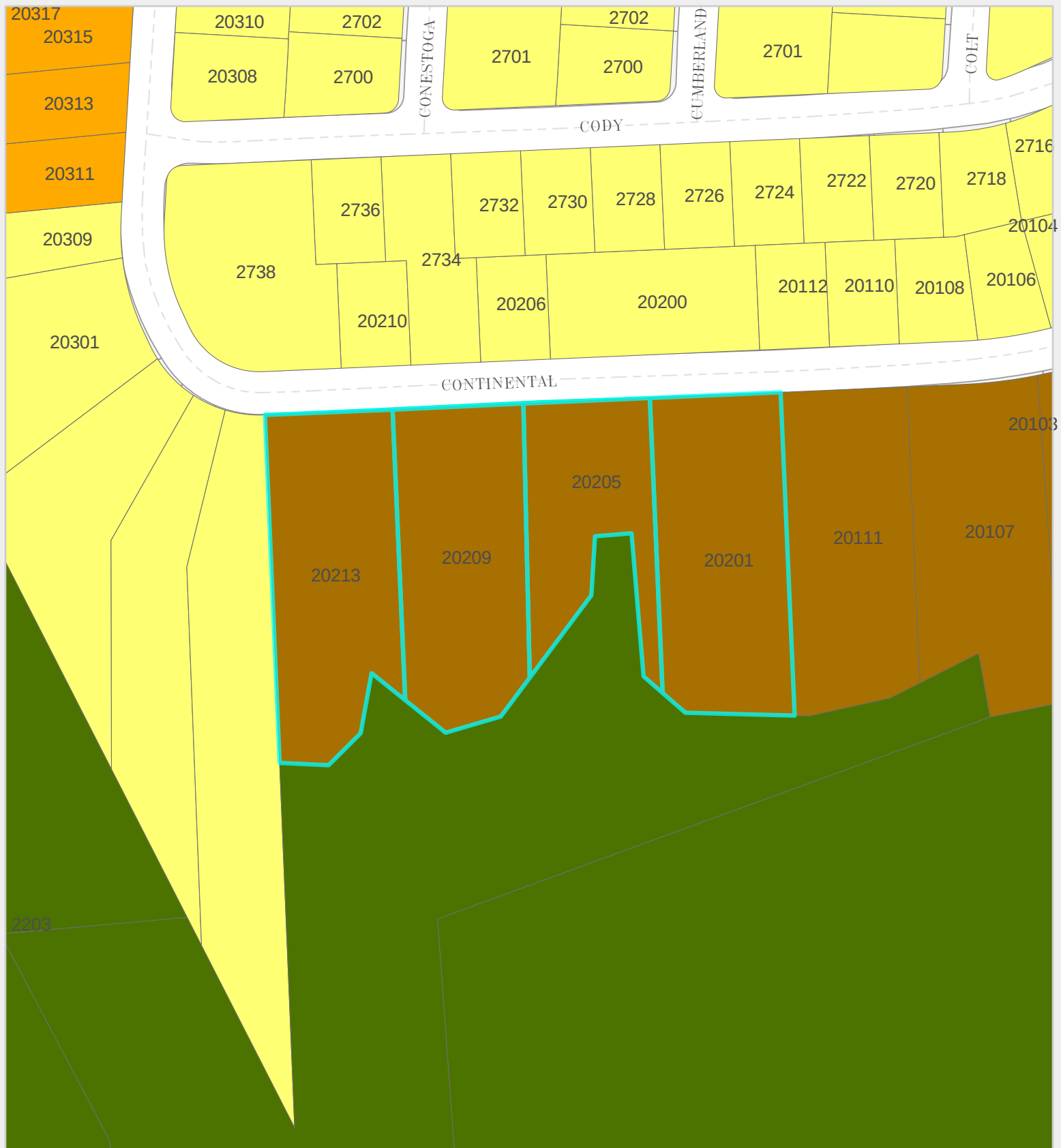
Zoning Classification

C-3

P-1A

R-1C

R-4



Continental Dr			
Request Type	Zoning Change Request	Project	17-1168-R-REZ
Change Requested	From R-4 to R-1D	Date	11/6/2017
Map Purpose	Zoning Map	Drawn By	c martinez

Qty Li mits

Request or

Tax Parcels

Future Land Use Types

Low Density Residential

Med um Density Residential

Hgh Density Residential

POA Park

109

17-1168-R-REZ

20201, 20203, 20205, 20209, 20211 & 20213 Continental Drive

Attachment 4

Notice Comments (none received)

17-1168-R-REZ

20201, 20203, 20205, 20209, 20211 & 20213 Continental Drive

Attachment 5

Draft Ordinance

ORDINANCE NO. 18-01-04-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING HIGHLAND LAKES ESTATES, SECTION 16, LOTS 1A-6A (20201, 20203, 20305, 20209, 20211 AND 20213, CONTINENTAL DRIVE) FROM THE R-4 MULTIFAMILY RESIDENTIAL DISTRICT TO THE R-1D SINGLE FAMILY RESIDENTIAL DISTRICT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the landowner of Lots 1A-6A of Highland Lake Estates, Section 16 (“Lots”) has filed an application requesting the City of Lago Vista (“City”) to consider rezoning such Lots from R4 to R-1D; and

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearing(s), the Planning and Zoning Commission and City Council each held a public hearing on the proposed re-zoning; and

WHEREAS, the Planning and Zoning Commission (the “Commission”) at its public hearing on the rezoning of such Lots, reviewed the request and the circumstances of the area being rezoned and finds that a substantial change in circumstances of the area being rezoned has transpired sufficient to warrant a change in the zoning; and

WHEREAS, the Commission recommends rezoning such Lots from R4 to R-1D; and

WHEREAS, the City, by and through its legislative discretion has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning being considered herein is consistent with the comprehensive plan; and

WHEREAS, the City Council at its public hearing on the rezoning, reviewed the request and the circumstances of the area and it concurs with the recommendation of the Commission; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance.

Section 2. Amendment of Zoning Ordinance and Zoning Map. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended

by rezoning Highland Lakes Estates, Section 16, Lots 1A-6A, from R-4 to R1-D.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 5. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Tex. Loc. Gov't. Code* and the City's Charter.

Section 6. Open Meeting. 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, *Chapt. 551, Tex. Gov't Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this _____ day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 4 January 2018

From: Joshua W. Ray, City Manager

Subject: Discussion and consideration of Resolution No. 18-1728; A Resolution Establishing an Economic Development Policy as pursuant to Chapter 380 of the Texas Local Government Code.

Request: Business Item

Legal Document: Resolution

Legal Review:



EXECUTIVE SUMMARY:

Texas Local Government Code 380.001 allows for local governments to develop a comprehensive economic development policy and program for economic development activities within the City.

The City has had discussions in the past about developing this ordinance and policy but has yet to enact such.

In order for the City to enter into any such legal agreements, the City is required to enact an Ordinance establishing our comprehensive economic development program and to approve the resolution for action.

The purpose of 380 Agreements is to enhance our economic development efforts to attract and retain high quality development and jobs.

380 Agreements allow the City to provide different incentives in an effort to make our City better, ensuring that we are protecting the public interest in the process.

Each subsequent agreement that is established will require City Council approval before it can become effective (refer to section D.4).

The attached documents were prepared by the City Attorney. Therefore, they have been reviewed by legal.

Impact if Approved:

The City will effectively develop a 380 program to use for economic development purposes.

Impact if Denied:

The City will need to develop an alternative approach for economic development.

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**

Joshua W. Ray

 Digitally signed by Joshua W. Ray
Date: 2017.12.14 12:20:20 -06'00'

RESOLUTION NO. 18-1728

**RESOLUTION ESTABLISHING ECONOMIC DEVELOPMENT POLICY AS
PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE**

WHEREAS, the City Council of the City of Lago Vista (“City”) seeks to adopt a comprehensive set of policies and procedures to enhance its economic development efforts pursuant to Chapter 380, Texas Government Code; and

WHEREAS, the City is committed to promoting high quality development within the City boundaries and in the extraterritorial jurisdiction (“ETJ”) of the City; and

WHEREAS, the City is committed to improving the quality of life of its citizens and community as generally described in the City Comprehensive Plan, as it may be amended from time to time; and

WHEREAS, the City has previously developed economic development programs and incentives designed to encourage high quality business and commercial interests to locate, remain and expand in the City; and

WHEREAS, the City seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing these Chapter 380 Economic Development Program Policies and Procedures; and

WHEREAS, any agreement between the City and an applicant pursuant to these policies and procedures shall insure that the public interest is protected and that a public benefit is received in exchange for any public funds, assets or services invested by the City to stimulate economic development in the City;

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

A. Purpose and General Information

These policies and procedures are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City’s economic base and economic diversity, and expand job opportunities. The goal and public purpose of a program established pursuant to these policies and procedures is to promote state or local economic development and to stimulate commercial activity in the municipality.

In furtherance of these objectives, the City will, on a case-by-case basis, give consideration upon request to providing economic incentives to applicants in accordance with these policies and procedures, as authorized by Chapter 380 of the Texas Local Government Code, as may be amended from time to time. These policies and procedures are not intended to obligate the City to provide economic incentives to any applicant. The decision whether to approve or deny

economic incentives for any applicant shall be at the discretion of the City; no program or agreement is effective unless and until it is approved by the City.

Nothing in these policies and procedures, the application process, or the negotiation process creates any property, contract or other legal right in any person to require the City to consider or grant incentives. Nothing in these policies and procedures, the application process or the negotiation process creates any vested right in any person.

A failure on the part of the City to strictly comply with these policies and procedures shall not be the basis for invalidating a program or agreement approved by the City. These policies and procedures are intended as guidelines for negotiation purposes.

Chapter 380 of the Texas Local Government Code does not define the term “program.” The City defines the term “program” to include any project that receives incentives, singularly or in some combination, pursuant to Chapter 380 of the Texas Local Government Code, as embodied in an agreement between the City and applicant. The term “program” includes these policies and procedures.

B. Minimum Program Requirements

To be considered for incentives as a Chapter 380 Economic Development Program under these policies and procedures, a project must meet the following minimum requirements:

- (1) Either the project
 - (a) will result in an increased taxable value for the City in real property taxes and/or increased sales and use tax (excluding inventory and supplies);
 - (b) is determined by the City Council to bring benefit to the City in that it will make a unique contribution to the development efforts in the City, due to its magnitude, significance to the community or aesthetic quality; or
 - (c) will result in increased jobs in the City.
- (2) Incentives established under a program will be provided only to the extent that the public benefit or amount of revenue realized by the City and attributable to a program is commensurate with the value of any incentives granted in the agreement.

C. Additional Considerations

Additional factors to be considered by the City Council in determining whether to approve an agreement for incentives for a Chapter 380 Economic Development Program may include:

- (1) the amount of sales and use tax generated;
- (2) the number, and types of jobs to be created or retained and the quality of benefits afforded to employees of the business;

- (3) enhancement of public roads and/or other public infrastructure desired by the City;
- (4) substantial compliance with current ordinances when otherwise possibly exempt;
- (5) voluntary agreement to annex the project or substantial portions thereof;
- (6) applicant waives any rights it may have to develop under prior development agreement or grandfathered ordinances;
- (7) the financial capacity of the applicant to undertake and complete the proposed program;
- (8) other incentive programs for which the applicant has applied, qualified for or received;
- (9) the market conditions and growth potential for the business activity; and
- (10) any other factors the City finds helpful and relevant to accomplishing the City's economic development objectives as stated herein or as stated in other City resolutions, policies, rules, regulations or ordinances.

D. Application Process

- (1) A written application for consideration as a program shall be submitted to the City Manager. An applicant shall be required to provide additional information, beyond what is provided in the application, to show compliance with minimum program requirements. If the City Manager determines the application meets the minimum program requirements, the application shall be presented to the City Council.
- (2) The City may appoint a negotiation team consisting of the City Manager and one or two members of the City Council to negotiate a proposed agreement with the applicant. During the course of negotiation, the City Manager shall keep the City Council informed as to the progress of negotiations.
- (3) The City may consider the proposed agreement and may take action on the proposal as it deems appropriate. The City is in no way bound by the terms negotiated by the team and included in the proposed agreement. No item negotiated by the team may bind the City without the full City Council voting to approve the Agreement.

E. Agreement Terms and Conditions

An agreement established for a program may include any or all of the following:

- (1) a list of the kind of improvements or development that the program will include and a related timetable;
- (2) conditions to assure the program meets or exceeds the City 's requirements pertaining to property values and revenues, which in no event shall be less than the minimum program requirements established herein;
- (3) a complete description of the location of the proposed program;
- (4) a description of the kind and amount of property values, sales and use taxes, revenues, incomes or other public benefits the program will provide and a related timetable;
- (5) a provision establishing the term or duration of the agreement;
- (6) a provision identifying the method for calculating and the source of funding for any incentives provided by the City in the agreement, as well as the legal authorization for the expenditure or action;
- (7) a provision establishing a method for measuring whether the applicant and any related parties have met their obligations under the agreement;
- (8) a provision providing for access to and inspection of applicant's property, business or financial records by City employees or agents in order to determine compliance with the agreement;
- (9) a provision for cancellation of the agreement and/or nonpayment of incentives if the program is determined to be in noncompliance with the agreement;
- (10) a provision for early payment of the agreement once complete compliance has been established;
- (11) a provision for recapturing City incentives including, but not limited to, grants, rebates and loans, if the applicant does not comply with the terms of the agreement;
- (12) a provision that applicant will comply with all ordinances in effect at the time of the agreement, unless otherwise provided in the agreement, as allowed by law and/or City ordinance;
- (13) a provision that the program will substantially adhere to the goals and objectives of the City 's Comprehensive Plan;
- (14) any other provision the City deems appropriate; and
- (15)** annexation, if the program is outside the corporate limits of the City .

F. Miscellaneous Requirements

- (1) Before any incentive, in the form of a grant or loan, is provided to an applicant, the City shall provide for the same in the original City budget or pursue a budget amendment. Such budget action does not have to occur prior to executing an agreement but must occur before an incentive is actually provided to an applicant.
- (2) Before any incentive is offered at a reduced or no-cost basis, the City shall review any bond documents, debt instruments, grant agreements or similar instruments that may have been executed with regard to those incentives to analyze whether such incentive is permitted.

- (3) Incentives, in the form of a grant or loan, may be withheld until the first anniversary of the date of the opening of the business or development, or require a bond or letter of credit to guarantee completion of any public improvements, or require some other performance obligation that will guarantee that payment by the City is tied to performance by the applicant.
- (4) The City may require the applicant to provide copies of financial records upon which any incentive is based and/or allow the City to audit such financial records.

Passed and Approved this the ____ day of _____, 2011.

CITY OF LAGO VISTA, TEXAS

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: 4 January 2018

From: Joshua W. Ray, City Manager

Subject: Discussion and consideration of Ordinance No. 18-01-04-03; An Ordinance of the City of Lago Vista, Texas, establishing a Comprehensive Economic Development Policy and Program for Economic Development activities for the City as authorized by Section 380.001, Texas Local Government Code; providing for an effective date; proper notice and meeting; severability and repealer

Request: Business Item

Legal Document: Ordinance

Legal Review:



EXECUTIVE SUMMARY:

Texas Local Government Code 380.001 allows for local governments to develop a comprehensive economic development policy and program for economic development activities within the City.

The City has had discussions in the past about developing this ordinance and policy but has yet to enact such.

In order for the City to enter into any such legal agreements, the City is required to enact an Ordinance establishing our comprehensive economic development program.

The purpose of 380 Agreements is to enhance our economic development efforts to attract and retain high quality development and jobs.

380 Agreements allow the City to provide different incentives in an effort to make our City better, ensuring that we are protecting the public interest in the process.

Each subsequent agreement that is established will require City Council approval before it can become effective (refer to section D.4).

The attached documents were prepared by the City Attorney. Therefore, they have been reviewed by legal.

Impact if Approved:

The City will effectively develop a 380 program to use for economic development purposes.

Impact if Denied:

The City will need to develop an alternative approach for economic development.

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**

Joshua W. Ray

 Digitally signed by Joshua W. Ray
Date: 2017.12.14 12:20:20 -06'00'

ORDINANCE NO. 18-01-04-03

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY AND PROGRAM FOR ECONOMIC DEVELOPMENT ACTIVITIES FOR THE CITY AS AUTHORIZED BY SECTION 380.001, TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; SEVERABILITY AND REPEALER.

WHEREAS, the City Council of the City of Lago Vista ("Council") seeks to adopt a comprehensive set of policies and procedures to enhance its economic development efforts pursuant to Chapter 380, Texas Government Code; and

WHEREAS, the City of Lago Vista ("City") is committed to promoting high quality development within the City boundaries and in the extraterritorial jurisdiction ("ETJ") of the City; and

WHEREAS, the City is committed to improving the quality of life of its citizens and community as generally described in the City Comprehensive Plan, as it may be amended from time to time; and

WHEREAS, the City has previously developed economic development programs and incentives designed to encourage high quality business and commercial interests to locate, remain and expand in the City; and

WHEREAS, the City seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing these Chapter 380 Economic Development Program Policies and Procedures; and

WHEREAS, any agreement between the City and an applicant pursuant to these policies and procedures shall insure that the public interest is protected and that a public benefit is received in exchange for any public funds, assets or services invested by the City to stimulate economic development in the City;

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

A. Purpose and General Information

These policies and procedures are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City's economic base and economic diversity, and expand job opportunities. The goal and public purpose of a program established pursuant to these policies and procedures is to promote

state or local economic development and to stimulate commercial activity in the municipality.

In furtherance of these objectives, the City will, on a case-by-case basis, give consideration upon request to providing economic incentives to applicants in accordance with these policies and procedures, as authorized by Chapter 380 of the Texas Government Code, as may be amended from time to time. These policies and procedures are not intended to obligate the City to provide economic incentives to any applicant. The decision whether to approve or deny economic incentives for any applicant shall be at the discretion of the Council; no program or agreement is effective unless and until it is approved by the Council.

Nothing in these policies and procedures, the application process, or the negotiation process creates any property, contract or other legal right in any person to have the Council consider or grant incentives. Nothing in these policies and procedures, the application process or the negotiation process creates any vested right in any person.

A failure on the part of the City to strictly comply with these policies and procedures shall not be the basis for invalidating a program or agreement approved by the Council. These policies and procedures are intended as guidelines for negotiation purposes.

Chapter 380 of the Texas Local Government Code does not define the term “program.” The City defines the term “program” to include any project that receives incentives, singularly or in some combination, pursuant to Chapter 380 of the Texas Local Government Code, as embodied in an agreement between the City and applicant. The term “program” includes these policies and procedures.

B. Minimum Program Requirements

To be considered for incentives as a Chapter 380 Economic Development Program under these policies and procedures, a project must meet the following minimum requirements:

- (1) Either the project
 - (a) will result in an increased taxable value for the City in real property taxes and/or increased sales and use tax (excluding inventory and supplies);
 - (b) is determined by the City Council to bring benefit to the City in that it will make a unique contribution to the development efforts in the City, due to its magnitude, significance to the community or aesthetic quality; or
 - (c) will result in increased jobs in the City.

- (2) Incentives established under a program will be provided only to the extent that the public benefit or amount of revenue realized by the City and attributable to a program is commensurate with the value of any incentives granted in the agreement.

C. Additional Considerations

Additional factors to be considered by the City Council in determining whether to approve an agreement for incentives for a Chapter 380 Economic Development Program may include:

- (1) the amount of sales and use tax generated;
- (2) the number and types of jobs to be created or retained;
- (3) enhancement of public roads and/or other public infrastructure desired by the City;
- (4) substantial compliance with current ordinances when otherwise possibly exempt;
- (5) voluntary agreement to annex the project or substantial portions thereof;
- (6) applicant waives any rights it may have to develop under prior development agreement or grandfathered ordinances;
- (7) the financial capacity of the applicant to undertake and complete the proposed program;
- (8) other incentive programs for which the applicant has applied, qualified for or received;
- (9) the market conditions and growth potential for the business activity; and
- (10) any other factors the Council finds helpful and relevant to accomplishing the City's economic development objectives as stated herein or as stated in other City resolutions, policies, rules, regulations or ordinances.

D. Application Process

- (1) A written application for consideration as a program shall be submitted to the City Manager. An applicant shall be required to provide additional information, beyond what is provided in the

application, to show compliance with minimum program requirements. If the City Manager determines the application meets the minimum program requirements, the application shall be presented to the City Council.

- (2) The Council may appoint a negotiation team consisting of the City Manager and two members of the City Council to negotiate a proposed agreement with the applicant. During the course of negotiation, the City Manager shall keep the Council informed as to the progress of negotiations.
- (3) The Council may consider the proposed agreement and may take action on the proposal as it deems appropriate. The Council is in no way bound by the terms negotiated by the team and included in the proposed agreement. No item negotiated by the team may bind the City.
- (4) Any agreement negotiated by the City Manager and the two Council members shall not be effective unless it is approved by the City Council.

E. Agreement Terms and Conditions

An agreement established for a program may include any or all of the following:

- (1) a list of the kind of improvements or development that the program will include and a related timetable;
- (2) conditions to assure the program meets or exceeds the City's requirements pertaining to property values and revenues, which in no event shall be less than the minimum program requirements established herein;
- (3) a complete description of the location of the proposed program;
- (4) a description of the kind and amount of property values, sales and use taxes, revenues, incomes or other public benefits the program will provide and a related timetable;
- (5) a provision establishing the term or duration of the agreement;
- (6) a provision identifying the method for calculating and the source of funding for any incentives provided by the City in the agreement, as well as the legal authorization for the expenditure or action;
- (7) a provision establishing a method for measuring whether the applicant and any related parties have met their obligations under the agreement;
- (8) a provision providing for access to and inspection of applicant's property, business or financial records by City employees or agents in order to determine compliance with the agreement;

- (9) a provision for cancellation of the agreement and/or nonpayment of incentives if the program is determined to be in noncompliance with the agreement;
- (10) a provision for early payment of the agreement once complete compliance has been established;
- (11) a provision for recapturing City incentives including, but not limited to, grants, rebates and loans, if the applicant does not comply with the terms of the agreement;
- (12) a provision that applicant will comply with all ordinances in effect at the time of the agreement, unless otherwise provided in the agreement, as allowed by law and/or City ordinance;
- (13) a provision that the program will substantially adhere to the goals and objectives of the City's Comprehensive Plan;
- (14) any other provision the Council deems appropriate; and
- (15) annexation, if the program is outside the corporate limits of the City.

F. Miscellaneous Requirements

- (1) Before any incentive, in the form of a grant or loan, is provided to an applicant, the Council shall provide for the same in the original City budget or pursue a budget amendment. Such budget action does not have to occur prior to executing an agreement but must occur before an incentive is actually provided to an applicant.
- (2) Before any incentive is offered at a reduced or no-cost basis, the City shall review any bond documents, debt instruments, grant agreements or similar instruments that may have been executed with regard to those incentives to analyze whether such incentive is permitted.
- (3) Incentives, in the form of a grant or loan, may be withheld until the first anniversary of the date of the opening of the business or development or in lieu thereof, a bond may be required to guarantee completion of any public improvements.
- (4) The City may require the applicant to provide copies of financial records upon which any incentive is based and/or allow the City to audit such financial records.

G. Recitals

The Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as part of this Ordinance.

H. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

I. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was 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 as required by Chapter 52 of the Texas Local Government Code.

J. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

K. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Lago Vista, Texas this 4th day of January, 2018.

Ed Tidwell, Mayor
City of Lago Vista, Texas

ATTEST:

Sandra Barton, City Secretary
City of Lago Vista, Texas

(SEAL)

APPROVED AS TO FORM:

Barbara Boulware-Wells, City Attorney
City of Lago Vista, Texas

CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM POLICIES & PROCEDURES

I. PURPOSE & POLICY

The City of Lago Vista is committed to the promotion of high quality development in all parts of the City, and to an ongoing improvement in the quality of life for its citizens. The City of Lago Vista desires to encourage superior business, commercial, and manufacturing concerns to locate, remain, and expand in the City of Lago Vista. Now the City of Lago Vista seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing these Chapter 380 Economic Development Program Policies and Procedures.

These Policies and Procedures are established in an effort to develop and expand the local economy by:

- (a) promoting and encouraging development and redevelopment projects that enhance the City's economic base; or
- (b) diversify and expand job opportunities; or
- (c) by promoting and encouraging projects that create additional revenue for the city without substantially increasing the demand on City services or infrastructure.

The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City's fiscal ability to provide municipal services for the safety, comfort, and enjoyment of Lago Vista residents.

In furtherance of these objectives, the City of Lago Vista will, on a **case-by-case** basis, give consideration to providing economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time.

Nothing in this document is intended to imply or suggest that the City of Lago Vista is under any obligation to provide economic incentives to any applicant. All applicants shall be considered on a **case-by-case** basis. The decision to approve or deny economic incentives shall be at the discretion of an Advisory Committee and City Council. Each applicant granted economic incentives as a Chapter 380 Economic Development Program ("Program") under these Policies and Procedures must enter into an agreement with the City of Lago Vista containing all terms required by these Policies and Procedures and by state law to protect the public interest of receiving a public benefit in exchange for public funds, assets, and services invested to stimulate economic development in Lago Vista.

II. PROGRAM REQUIREMENTS

A. To be considered eligible to receive incentives as a Chapter 380 Economic Development Program, a project must at least meet the following minimum requirements:

- (1) Either the project:
 - (a) will result in a minimum increased revenue for another existing locally owned City business(es) of \$250,000 in the City limits or City ETJ; **or**
 - (b) will result in a minimum increased taxable value for the City of \$250,000 in real and

business property tax (excluding inventory and supplies) per City fiscal year in the City limits or City ETJ; **or**

(c) will result in a minimum increased taxable value for the City of \$200,000 per City fiscal year in sales tax in the City limits or City ETJ; **or**

(d) will result in a minimum of 50 additional local full-time jobs; **or**

(e) is specifically determined by resolution of the Lago Vista City Council to bring benefit to the City consistent with the General Statement of Purpose and Policy as stated in Section I above; **and**

(2) In addition, the project:

(a) is qualified as a Target Industry. A “Target Industry” is a business, structure, or other project deemed critical to the City’s current, anticipated, or ongoing growth and development needs. The City may redefine “needs” from time to time as the City’s circumstances warrant; **or**

(b) will make a unique or unequaled contribution to development or redevelopment efforts in the City of Lago Vista, due to its (i) financial magnitude (e.g., wage scale, total dollars invested),

(ii) significance to the community (e.g., includes a charitable innovation, provides an underrepresented service, attracts tourists),

(iii) aesthetic quality (e.g., ability to operate within City Ordinances, renovates or remodels a historic building(s), design complementary to adjacent or area structures), or

(iv) benefit to the environment (e.g., minimal impervious cover, water conservation); **or**

(c) will enhance the City’s fiscal ability to provide municipal services for the safety, comfort, and enjoyment of Lago Vista residents; or

(d) will enhance the City’s public infrastructure by including the construction of infrastructure that may or may not be contiguous to the project, and may or may not be related to the project (e.g., sidewalks, lamp posts, water/sewer, roads, parking, drainage).

B. All applicants shall be considered on a **case-by-case** basis. However, an eligible project that meets more than one requirement from II.A.(1) and/or II.A.(2) will be preferred over projects that meet only the minimum of one requirement from II.A.(1) and II.A.(2).

C. A project shall not be eligible for incentives if a building permit has been issued for the project prior to making application in accordance with these Policies and Procedures.

D. Incentives will be provided only to the extent that the revenue realized by the City and attributable to a project exceeds a minimum amount established by the Agreement. The public benefit or amount of revenue realized by the City and attributable to the project must be commensurate with value of any incentives granted under this Program.

III. ADDITIONAL CONSIDERATIONS

A. Additional factors to be considered by the City Council in determining whether to authorize an Agreement for incentives as a Chapter 380 Economic Development Program are:

(1) the number and types of jobs to be created or retained;

(2) the financial capacity of the applicant to undertake and complete the proposed project;

(3) other incentive programs for which the applicant has applied or is qualified;

(4) the market conditions and growth potential for the business activity; and

B. Any other factors the City Council finds helpful and relevant to accomplishing the City's economic development objectives.

IV. APPLICATION PROCESS

A. An application for consideration as a Program shall be made on forms supplied by the City. An applicant may be required to provide additional information to show compliance with minimum Program requirements. If City staff determines minimum Program requirements have been met, City staff shall prepare and present a proposed Agreement with the applicant to the City Council.

B. The City Council may consider the proposed Agreement and may take action on the proposal as it deems appropriate. Nothing in these Policies and Procedures and nothing in the application form and process shall create any property, contract, or other legal right for any person to have the City Council consider or grant incentives.

V. AGREEMENT TERMS

A. An Agreement established for a Program must include:

- (1) a timetable and list of the kind of improvements or development that the Program will include, and conditions to assure that the Program meets or exceeds the City's requirements pertaining to property values and revenues, which in no event shall be less than the minimum Program requirements established in Section II above;
- (2) a complete description of the location of the proposed Program or projects included in the Program;
- (3) a timetable and list of the kind and amount of property values, revenues, incomes or other public benefits that the proposed Program will provide;
- (4) a provision establishing the duration the Agreement;
- (5) a provision identifying the method for calculating and source of funding for any grant, loan, refund, in-kind, or other incentive either up front or over time provided in the Agreement;
- (6) a provision identifying whether any grant, loan, or other incentive provided in the Agreement will be utilized for construction costs or for other specified business expenses;
- (7) a provision providing benchmarks or other tangible means for measuring whether the applicant and other responsible parties have met their obligations under the Agreement;
- (8) a provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by municipal employees in order to determine compliance with the Agreement;
- (9) a provision for cancellation of the Agreement and/or nonpayment of incentives if the Program is determined to not be in compliance with the Agreement;
- (10) a provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and obligations under the terms of the Agreement;
- (11) a provision that allows assignment of the Agreement with prior written approval of the City Council, or without the prior written approval of the City Council provided that:
 - (a) all rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee; **and**

- (b) the assignment is made subject and subordinate to the Agreement and the Chapter 380 Economic Development Program Policies and Procedures; **and**
- (c) the assignment document is in a form and contains content acceptable to the City Attorney's Office;
- (12) provisions relating to administration, delinquent taxes, reporting requirements, and indemnification;
- (13) a provision that the Agreement may be amended by the parties to the Agreement by using the same procedure for approval as is required for entering into the Agreement; and
- (14) a provision providing for auditing of the Program, including public access to nonprivileged or confidential documents; and
- (15) such other provisions as the City Council shall deem appropriate



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: January 4, 2018

From: Gary Graham, Public Works Director

Subject: Discussion and consideration of Ordinance No. 18-01-04-04; An Ordinance of the City Council of the City of Lago Vista, Texas, amending Chapter 13, Utilities, Article 13.1000, Utility Billing of the City's Code of Ordinances to add Section 13.1050, Reclaimed Water; also amending Appendix A, Section 6.200, to add Reclaimed Water Rates; providing a savings clause; providing a severability clause; providing a penalty provision and providing open meetings and an effective date.

Request: Business Item **Legal Document:** Ordinance **Legal Review:** ☒

EXECUTIVE SUMMARY:

The City of Lago Vista is currently the only user of reclaimed water produced by the Lago Vista wastewater treatment facility. The attached ordinance will allow the City to sell reclaimed water to individuals or businesses as the need arises using existing infrastructure. This is a simple ordinance and will need to be expanded should reclaimed water for irrigation of individual residences be considered.

Impact if Approved:

Sale of Reclaimed Water for use by those other than the City of Lago Vista will be possible.

Impact if Denied:

The City will continue to be the only user of Lago Vista reclaimed water.

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

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

ORDINANCE NO. 18-01-04-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 13, UTILITIES, ARTICLE 13.1000, UTILITY BILLING OF THE CITY'S CODE OF ORDINANCES TO ADD SECTION 13.1050, RECLAIMED WATER; ALSO AMENDING APPENDIX A, SECTION 6.200, TO ADD RECLAIMED WATER RATES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY PROVISION AND PROVIDING OPEN MEETINGS AND AN EFFECTIVE DATE.

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

WHEREAS, the City, by and through the Texas Commission on Environment Quality, has been permitted for treatment and use of Type II Reclaimed Wastewater Effluent ("Reclaimed Water"); and

WHEREAS, the City Council has worked with City staff on the use and disposal of such Reclaimed Water and desires allow the possible sale of such Reclaimed Water under certain circumstances; and

WHEREAS, the City Council desires to effectuate such provisions and adopt the priority of usage and possible sale provisions, together with rates for such possible sale, within an ordinance and provisions related thereto.

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

SECTION 1. Findings. All the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated herein into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment Of Article 13.1000, Utility Billing, Section 13.1050, Reclaimed Water, and Amendment of Appendix A, Section 6.200, Utility Rates and Fees, Lago Vista Code Of Ordinances. The City Council of the City of Lago Vista, Texas, does hereby add Section 13.1050, Reclaimed Water and amend Appendix A, Sec. 6.200, Utility Rates and Fees, Lago Vista Code of Ordinances as set forth below:

ARTICLE 13.1000 UTILITY BILLING

Sec. 13.1050. Reclaimed Water; Bulk Sale; Priority; Receptacles; Rates.

(a) The City currently has been issued by the Texas Commission on Environmental Quality (TCEQ) a Type II Reclaimed Wastewater Effluent Permit for treatment and use of wastewater within the City of Lago Vista. The City may sell Type II Reclaimed Wastewater Effluent ("Reclaimed Water") to any person or entity within or without the City Limits of the City of Lago Vista, provided that the provision of the same is not to be considered an essential or guaranteed service of the City's Water Utility Service. The City Manager or designee, in that person's sole discretion, shall determine

whether such water is available for bulk sale and the amount of such water which is available for sale at any time.

(b) Priority of use: City of Lago Vista uses shall always have priority over Bulk Reclaimed Water customers. After such priority uses, and any other public uses deemed advisable by the City Manager, the City Manager shall equitably determine allocations, if any, as well as when equitable cutbacks are necessary to preserve such Reclaimed Water for the City. Any allocations or cutbacks to a customer determined by the City Manager shall be final.

(c) Reclaimed water customers shall be responsible for providing receptacles, approved by the City Manager for such service. The same shall be utilized in accordance with the City's specifications, and the same shall be subject to inspection prior to connection to the City's system or delivery of reclaimed water. The City is not responsible for determining the condition of receptacles or the presence of contaminants in the same.

(d) All Reclaimed water customers of the City are responsible for testing the water received by them to determine if it is suitable for their own purposes at all times. By use of the reclaimed water, all customers understand that the quality of the water and its contents may continually change. The City is and shall not liable for any damages, loss of life or any other thing as a consequence of the provision of reclaimed water.

(e) No reclaimed or effluent water may be returned or added to the City's system without approval of the Manager.

(f) Rates: Each Bulk Reclaimed Water customer shall pay for Bulk Reclaimed Water at the rates set forth in the fee schedule found in Appendix A to this Code. All Bulk Reclaimed Water customers shall be charged for such Reclaimed Water service for each month. Failure to pay such rates in a timely manner shall be treated the same as other unpaid City utility bills as set forth in Section 13.1015 of this Code of Ordinances. Additionally, the City may refuse to sell additional Bulk Reclaimed Water to any customer with an unpaid bill.

(g) This reclaimed water service requires no continuing contract with the City, and does not affect any reclaimed or bulk water sales provided by the City in connection with other contracts approved by the City Council.

SECTION 3. Rates. Appendix A, Sec. 6.200, Utility Rates and Fees, Lago Vista Code of Ordinances is hereby amended to add Subsection (d), Reclaimed Water Rates, to read as set forth in the attachment hereto entitled "Sec. 6.200 Utility Rates and Fees," with subsequent subsections being renumbered, all as attached to and incorporated in this ordinance as though fully transcribed herein for all purposes.

SECTION 4. Amendment of Conflicting Ordinances. The above-referenced sections of the Code are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

SECTION 5. Savings Clause. 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 6. 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 8. 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*, and the City's Charter.

SECTION 9. 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*.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THIS THE ____ DAY OF JANUARY, 2018.

CITY OF LAGO VISTA

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

EXHIBIT A

Appendix A, Sec. 6.200, Utility Rates and Fees

Sec. 6.200 Utility Rates and Fees

(a) Residential and commercial water service:

(1) Monthly fee per LUE during stage 1 of water conservation: \$5.00.

(2) Residential (base rate plus volumetric rate (actual usage) by customer class).
Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$0.00.

(ii) 2,001–5,000 gallons: \$5.04 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.29 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.29 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$10.79 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$13.79 per 1,000 gallons.

(vii) 50,001–above: \$17.29 per 1,000 gallons.

(3) Commercial (base rate plus volumetric rate (actual usage) by customer class).
Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$3.95 per 1,000 gallons.

(ii) 2,001–5,000 gallons: \$4.95 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.20 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.20 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$10.70 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$13.70 per 1,000 gallons.

(vii) 50,001–above: \$17.20 per 1,000 gallons.

(4) Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$4.65 per 1,000 gallons.

(ii) 2,001–5,000 gallons: \$5.65 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.90 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.90 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$11.90 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$14.90 per 1,000 gallons.

(vii) 50,001–above: \$17.90 per 1,000 gallons.

(5) Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Flat volumetric rate: \$4.17 per 1,000 gallons.

(b) Temporary water turn on for inspections and cleaning (up to 3,000 gallons): \$55.00.

(c) Wastewater (sewer) service (base rate plus volumetric rate). Effective: New rate effective with bills due May 15, 2018:

(1) Residential (volumetric rate will be determined by “winter averaging” a residential customer’s water usage for the months of November 2017; January and February 2018):

(A) Base rate: \$17.22.

(B) Volumetric rate: \$10.75 per 1,000 gallons.

(2) Commercial/industrial (volumetric rate will be determined based on water usage):

(A) Base rate: \$17.22.

(B) Volumetric rate: \$10.75 per 1,000 gallons.

(3) Sewer only or limited history, citywide average takes into account all water usage for the months of November, January and February. New rate effective with bills due May 15, 2018. Rates are the citywide average.

(4) Time of use sewer rate for nonprofit organizations:

(A) 1 to 2 days facility use per week: \$32.33.

(B) 3,000+ gallons: \$3.80 per 1,000 gallons.

(C) 3 to 4 days facility use per week: \$39.30.

(D) 3,000+ gallons: \$3.80 per 1,000 gallons.

(E) 5 to 7 days facility use per week: \$46.25.

(F) 3,000+ gallons: \$3.80 per 1,000 gallons.

(5) Rainwater system only customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services for the months of November, January and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate and then will be updated on May 15, 2018.

(d) Reclaimed Water Rates

(1) Type II Reclaimed Water rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.

(e) Sanitation service:

(1) Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.

- (2) Additional trash and/or recycling carts: \$9.24 each plus tax.
- (f) Deposits:
 - (1) Security deposit: \$130.00.
 - (2) Residential water and sewer deposit (without trash): \$100.00.
 - (3) Commercial water deposit: \$300.00.
 - (4) Sanitation deposit: \$30.00.
- (g) Late payment penalty: \$15.00.
- (h) Disconnection and reconnection fee: \$55.00.
- (i) Disconnection/reconnection for nonpayment: \$55.00.
- (j) RPZ inspection fee: \$50.00.
- (k) Damage or injury to waterworks system: \$50.00.



AGENDA ITEM

City of Lago Vista

To: Mayor and City Council

Council Meeting: January 4, 2018

From: Barbara Boulware-Wells, City Attorney and Gary Graham, Public Works Director

Subject: Consider Ordinance No. 18-01-04-05; An Ordinance of the City of Lago Vista, Texas, amending Chapter One, General Provisions, Article 1.1900, golf courses of the City's Code of Ordinances relating to golf course use, enforcement, and vehicle restrictions at golf courses; creating offenses, posting of signs, and establishing penalties; providing an effective date, open meetings clause; and providing for related matters.

Request: Business Item

Legal Document: Ordinance

Legal Review:



EXECUTIVE SUMMARY:

The City has sustained damage on its golf courses, especially on the Highland Lakes Golf Course since its closure. The courses, even if not used, are an amenity and are property of the City and as such should be protected from vandalism and damage due to misuse and intentional disregard of the proper use.

This Ordinance is intended to provide for allowed uses, prohibited uses and the criminalization of such actions as a misdemeanor and the penalties allowed for such violations. It also allows the City to place at various locations signage that will give notice to the public of some of the prohibited uses and that damages will constitute a violation and may result in charges.

Williams _____; Sullivan _____; Davila _____; Mayor Pro Tem Bland _____;

Mayor _____; Smith _____; Weatherly _____

Impact if Approved:

Specific actions of the public will be clearly prohibited uses of the City's golf course property; it also gives authority to the PD to enforce such violations and allows signage to be placed at various locations

Impact if Denied:

While the City may be able to enforce and cite damages to City property, signage will not be authorized which will give clear notice of prohibited uses on the City's golf course property and some members of the public will not have such clear knowledge that their actions may result in criminal citations.

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

Indicate Funding Source:

Funding will be required for the signs.

Suggested Motion/Recommendation/Action

Motion to

Motion to

Motion to

Known as:

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER ONE, GENERAL PROVISIONS, ARTICLE 1.1900, GOLF COURSES OF THE CITY'S CODE OF ORDINANCES RELATING TO GOLF COURSE USE, ENFORCEMENT, AND VEHICLE RESTRICTIONS AT GOLF COURSES; CREATING OFFENSES, POSTING OF SIGNS, AND ESTABLISHING PENALTIES; PROVIDING AN EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

Agenda Item Approved by City Manager

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 18-01-04-05

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER ONE, GENERAL PROVISIONS, ARTICLE 1.1900, GOLF COURSES OF THE CITY'S CODE OF ORDINANCES RELATING TO GOLF COURSE USE, ENFORCEMENT, AND VEHICLE RESTRICTIONS AT GOLF COURSES; CREATING OFFENSES, POSTING OF SIGNS, AND ESTABLISHING PENALTIES; PROVIDING AN EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the preservation of the municipal golf course facilities is an important factor in contributing to the quality of life in the community; and

WHEREAS, the City Council wishes to minimize any destruction of municipal golf course facilities, whether during active hours or after and whether such course is open for golfing use or not; and

WHEREAS, the establishment of authorized use provisions represents a practical and prudent method in which to ensure the preservation of the municipal golf course facilities

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Addition to Chapter 1, General Provisions, Article 1.1900, Golf Courses. New Sections 1.1901 (Use of Golf Course Facilities During Certain Hours Prohibited), 1.1902 (Authorized Vehicles), 1.1903 (Prohibited Uses), and 1.1904 (Penalties), are hereby added as follows:

* * * * *

ARTICLE 1.1900 GOLF COURSES

Division 1. Generally

Sec. 1.1901 Use of Golf Course Facilities During Certain Hours Prohibited

The operating hours of the Lago Vista Golf Course and the Highland Lakes Golf Course are generally 7:00am to 7:30pm., unless a special event is being held. A person may not be present on or at the golf course facilities outside of operating hours. It is an affirmative defense to this section if, at the time of the alleged violation, the person was present at the golf course facilities

in accordance with his/her official duties as an employee of the City of Lago Vista or during an official special event held after normal operating hours.

Sec. 1.1902 Authorized Vehicles

Use of the golf course is limited to the following vehicles: (1) golf carts; and (2) non-motorized bicycles. The authorized vehicles may only be operated on the provided cart paths, and may not be taken off the paths and used on any grass, gravel, or other non-paved surface.

Sec. 1.1903 Prohibited Uses

The following vehicles may not be used on the golf course facilities, either on the provided cart paths or anywhere else: (1) un-authorized motorized vehicles; (2) skate boards; (3) long boards; (4) roller blades; and (5) roller skates. This is a non-exclusive list, and includes any motorized or non-motorized vehicles that are not specifically authorized by Section 1.1902. Signs shall be posted at various locations as shown on Exhibit "A," attached hereto and incorporated herein but lack of signage shall not be a defense to prosecution.

Sec. 1.1904 Penalties

A person commits an offense if the person violates any provision of Sections 1.1901-1.1903 of this article. An offense under this section is considered a Class C misdemeanor, and, upon conviction in the municipal court of the City of Lago Vista, Texas, shall be subject to a fine in accordance with the general penalty provision set forth in Section 1.109 of this Code.

Secs 1.1905-1.1930 Reserved

* * * * *

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 5. Effective Date. This ordinance shall take effect immediately from and after 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, *Chapt. 551, Tex. Gov't Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

**UNAUTHORIZED SKATEBOARDS,
BICYCLES, ROLLER SKATES, AND
MOTORIZED VEHICLES ARE
PROHIBITED ON HIGHLAND LAKES
GOLF COURSE GROUNDS**

VIOLATORS ARE SUBJECT TO PROSECUTION

City of Lago Vista Ordinance No. _____

AUTHORIZED VEHICLES ONLY

NO

- ROLLER BLADING
- ROLLER SKATING
- SKATE BOARDING
- MOTORIZED VEHICLES

VIOLATORS ARE SUBJECT TO PROSECUTION

City of Lago Vista Ordinance No. _____

PROHIBITED ON CART PATHS

- **UNAUTHORIZED MOTOR VEHICLES**
- **MOTORCYCLES/MOPEDS**
- **MOTORIZED BICYCLES**
- **SKATEBOARDS**
- **SCOOTERS**
- **ROLLER SKATES**

VIOLATORS ARE SUBJECT TO PROSECUTION

City of Lago Vista Ordinance No. _____

Highland Lakes Closed After Dark Signs

Legend





AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 4 January 2018

From: Mayor Edward Tidwell

Subject: Discussion and consideration of Resolution No. 18-1736; A Resolution by the City Council of the City of Lago Vista, Texas authorizing the filing of a grant application with the Capital Area Council of Governments (CAPCOG) for a Regional Solid Waste Grant Program Grant and authorizing certain individuals to act on behalf of the City.

Request: Business Item

Legal Document: Resolution

Legal Review: ☐

EXECUTIVE SUMMARY:

Orientation/Situation: Our Mission Statement - Provide and maintain a healthy, safe, vibrant community, ensuring quality of life.

Mission: From our Strategic Plan • Have an attractive community, with a clean appearance. Bring a sense of pride and worth to an area of our community.

Execution: Action 1. Apply and obtain Solid Waste Grant from CAPCOG. Action 2. Conduct Bi-annual Household Hazardous Waste disposal using the CAPCOG regional BOPATE trailer (Batteries, Oil, Paint, Antifreeze, Tires, and Electronics) located in Burnet County. Community Collection Events targeting areas of blight within our community.

Admin and Logistics: Mayor applies for grant. City Manager, Mayor, and Financial Director ensures compliance. Private contractors provide equipment. Volunteers provide service.

Command and Control: Mayor, Council Members, planning committee, and volunteer representatives.

*Note - Application due 12/29/17. Resolution due 1/11/18.

Impact if Approved:

Application continues through screening process at CAPCOG/TCEQ.

Impact if Denied:

Application pulled from consideration.

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

Indicate Funding Source:

CAPCOG Solid Waste Grant and In-kind donations.

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

City Council Resolution supporting CAPCOG Solid Waste Grant Application.

Agenda Item Approved by City Manager

CITY OF LAGO VISTA

RESOLUTION NO. 18-1736

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR A REGIONAL SOLID WASTE GRANT PROGRAM GRANT AND AUTHORIZING CERTAIN INDIVIDUALS TO ACT ON BEHALF OF THE CITY.

WHEREAS, CAPCOG is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's adopted regional solid waste management plan; and

WHEREAS, City of Lago Vista, in the State of Texas is qualified to apply for grant funds under the Request for Applications;

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

1. **THAT**, Ed Tidwell as Mayor of the City of Lago Vista, Texas and Joshua Ray as City Manager of the City of Lago Vista, are both hereby authorized to request grant funding under CAPCOG Request for Applications of the Regional Solid Waste Grants Program and act on behalf of City of Lago Vista, Texas in all matters related to the grant application and any subsequent grant contract and grant project that may result; and
2. **THAT**, if the project is funded, City of Lago Vista, Texas will comply with the grant requirements of the CAPCOG, Texas Commission on Environmental Quality and the State of Texas; and
3. **THAT** the grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant; and
4. **THAT** all activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this the ____ day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

Form 1. Application Information and Signature Page

City of Lago Vista	\$26698.29
Applicant	Funding Amount Requested
5803 Thunderbird Dr.	Primary
Address	Project Priority (primary, secondary, etc.)
Lago Vista, Texas 78645	512-267-1155
City, State Zip	Phone
Josh Ray	12/29/2017
Contact Person	Date Submitted

Project Category

- ☒ Household Hazardous Waste (HHW) Management
- ☐ Environmental Local Enforcement
- ☐ Litter and Illegal Dumping Clean-Up and Community Collection Events
- ☐ Source Reduction and Recycling
- ☐ Citizens' Collection Station
- ☐ Educational and Training Programs
- ☐ Other Solid Waste Management Projects, Including Scrap Tire Projects

Signature

By the following signature, the Applicant certifies that it has reviewed the certifications, assurances, and deliverables included in this application, that all certifications are true and correct, that assurances have been reviewed and understood, and that all required deliverables are included with this application.

	City Manager
Signature	Title
Josh Ray	12/29/2017
Typed/Printed Name	Date

Form 2. Authorized Representatives

The Applicant hereby designates the individual(s) named below as the person or persons authorized to receive direction from the Council of Governments (COG), to manage the work being performed, and to act on behalf of the Applicant for the purposes shown:

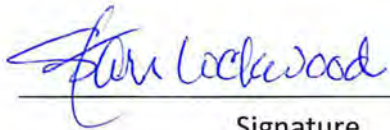
Authorized Project Representative

The following person is authorized to receive direction, manage work performed, sign required reports, and otherwise act on behalf of the Applicant.

	Mayor
Signature	Title
Edward Tidwell	12/29/2017
Typed/Printed Name	Date

Authorized Financial Representative

In addition to the authorized project representative, the following person is authorized to act on behalf of the Applicant in all financial and fiscal matters, including signing financial reports and requests for reimbursement.

	Financial Director
Signature	Title
Starr Lockwood	12/29/2017
Typed/Printed Name	Date

RESOLUTION WILL BE ON JANUARY 4, 2018 AGENDA

CITY OF LAGO VISTA

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR A REGIONAL SOLID WASTE GRANT PROGRAM GRANT AND AUTHORIZING CERTAIN INDIVIDUALS TO ACT ON BEHALF OF THE CITY.

WHEREAS, CAPCOG is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's regional solid waste management plan; and

WHEREAS, City of Lago Vista, in the State of Texas is qualified to apply for grant funds under the Request for Applications;

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

- 1. THAT,** Ed Tidwell as Mayor of the City of Lago Vista, Texas and Joshua Ray as City Manager of the City of Lago Vista, Texas, are hereby authorized to request grant funding under CAPCOG Request for Applications for the Regional Solid Waste Grants Program and act on behalf of City of Lago Vista, Texas, all matters related to the grant application and any subsequent grant contract and project that may result; and
- 2. THAT,** if the project is funded, City of Lago Vista, Texas will comply with the grant requirements of the CAPCOG Texas Commission on Environmental Quality and the State of Texas; and
- 3. THAT** the grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant; and
- 4. THAT** all activities will comply with and support the adopted regional and local solid waste management plan adopted for the geographical area in which the activities are performed.

AS SO RESOLVED.

PASSED AND APPROVED this the ____ day of January, 2018.

Ed Tidwell, Mayor

RESOLUTION WILL BE ON JANUARY 4, 2018 AGENDA

ATTEST:

Sandra Barton, City Secretary

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

EXAMPLE

Form 5. Explanation Regarding Private Industry Notification

Applicable to Applicants under the following grant categories:

- Source Reduction and Recycling
- Citizens' Collection Stations and "Small" Registered Transfer Stations
- A demonstration project under the Educational and Training Projects category
- Other

| N/A

Form 5a. List of Private Service Providers Notified

Private Service Providers Contacted	Name and Position	Telephone Number	Date Notified
N/A			

Form 5b. Summaries of Discussions with Private Industry

N/A

Form 6. Project Description

The project consists of Household Hazardous Waste mitigation with a Community Collection Event aimed at cleaning up litter, illegally dumped/stored materials including tires and BOPATE, and to reduce the risk of contaminants reaching nearby Lake Travis due to run-off. This is a new project that is intended to continue into an annual event and be mobile depending on the identified areas of concern.

Phase one of the project begins with a community education program that brings together the property owners, our code enforcement officer, city management, Keep Lago Vista Beautiful volunteers, and elected officials. It is designed to educate the citizens on our ordinances, environmental laws, and the goals of the project. The process would include informational Block Parties organized to be able to present information to as many people as possible at one time. Copies of the pertinent ordinances would be made available for citizens to take and refer to at future times. This phase would address the following goals for the Regional Solid Waste Management Plan: Goal #2: Promote public education on integrated solid waste management. Objective #2A: Establish educational programs specific to other goals (BOPATE, illegal dumping, and recycling). Goal #3: Promote community clean up events to provide citizens with an alternative to illegal dumping. Objective #3B: Educate communities on the availability of funds to provide the service and coordinate events. Goal #6: Explore alternatives to dealing with the disposal of special wastes. Objective #6C Provide public education on electronics recycling and work with other entities on maintaining a database of reliable electronic recycling industries. Goal #8: Promote reduction in the disposal amount of yard waste and encourage recycling. Objective #8B: Provide material on the “Don’t Bag It” program for yard waste and backyard composting. Objective #8C: Provide educational materials on the beneficial use of green waste.

Phase two would be the decision making process to set the date and time for the event and the timeframe for follow on events. In phase two we bring on board our private entities such as our solid waste collection provider and additional resources like the BOPATE trailer from Burnet County or coordinating with LCRA on services they provide under their Regional Mobil Waste program so that we can accept as many different types of solid waste/HHW as possible. It also includes the notification portion of the event. We notify the residents and property owners of the event and outlines what they need to do to participate. It includes information on what Household Hazardous Waste and solid waste materials we will be accepting. This phase would address the following goals for the RSWMP. Goal #3: Promote community clean up events to provide citizens with an alternative to illegal dumping. Objective #3A: Coordinate public/private partnerships to share the cost burden and promote sponsorship. Objective #3C: Coordinate services to communities that do not have bulky item pick-up, curbside municipal solid waste services, or that has illegal dumping issues. Goal #6: Explore alternatives to dealing with the disposal of special wastes. Objective #6B: Determine effective and efficient management of used tires and oil. Goal #8: Promote reduction in the disposal amount of yard waste and encourage recycling. Objective #8A: Coordinate programs for the diversion of yard trimmings and brush, and their use of the compost or mulch.

Phase three is the actual event itself. This phase includes the property owners, our Code Enforcement Officer, city management, Keep Lago Vista Beautiful volunteers, elected officials, our solid waste management contractor, our public works department employees, our Public Information Officer, as well as other employees and volunteers where needed. Our public works department and our solid waste contractor sets out the dumpsters and the BOPATE trailer in the designated areas. City employees and volunteers run the BOPATE collection site and are posted at various dumpster locations to supervise the collection process. All other parties are on hand to assist the property owners with compliance, physical assistance if needed, and to answer any questions. This phase would address the following goals for the RSWMP. Goal #6: Explore alternatives to dealing with the disposal of special wastes. Objective #6A: Reduce the amount of construction and demolition (C&D) waste and encourage recycling.

Phase four is the after action report phase. During this phase we audit the event as to the level of success, how we can improve, and begin planning for the next target area. This will provide us with valuable information gathered as we move forward into Phase 1 of the next event. This phase would address the following goals for the RSWMP. Goal #1: Encourage a Household Hazardous Waste (HHW) collection and diversion program. Objective #1C: Promote more cost efficient collection programs other than annual one-day events. Goal #4 Continue and enhance current illegal dumping enforcement programs. Objective #4B: Support all programs that aim to curtail illegal dumping. Goal #6: Explore alternatives to dealing with the disposal of special wastes. Objective #6B: Determine effective and efficient management of used tires and oil. Goal #8: Promote reduction in the disposal amount of yard waste and encourage recycling. Objectives #8A, 8B, and 8C (follow on from above actions). Goal#9: Determine whether access to and the availability of legal disposal options in the CAPCOG region are adequate. Objective #9A: Determine if new or expanded facilities are needed within the region.

This event begins as a Household Hazardous Waste collection and Community Collection Event but lays the groundwork moving forward to address or expand the solid waste services we have within our community. What we all need to consider is: what is the Region going to look like and need in the next decade? There is a 39 mile stretch between Cedar Park and Marble Falls where we have nothing but a closed recycling transfer station. We have no landfills and only a few private HHW facilities. We have a large rural area with active and potential future illegal dumping and it is very near our water resources. If the City of Lago Vista continues on its current pace we will experience near 100% growth over the next decade. We need to be proactive in addressing the solid waste needs of this area and this will bring greater awareness to the area.

Form 6a. Project Timeline and Milestone Summary

Upon notification of funding the planning committee will produce a more firm timeline.

Within 1st month after notice to proceed:

Identify the materials needed to conduct the public education portion of the program. Put together information packages that allow for easy dissemination of the information. There are five or six objectives that need to be met in order to educate the citizens on everything we hope to accomplish. This involves getting input from all departments and organization that would be involved. Milestone completion date of 28 February 2018 and 2019.

Within 2nd month after notice to proceed:

Coordinate with the private businesses and outside agencies that would be supporting the event. Work with Burnet County to reserve the BOPATE trailer. Work with our solid waste services provider to coordinate equipment and resources need to facilitate the bulk items portion of the clean-up. Identify and coordinate the city equipment required to support the event. Milestone completion date of 31 March 2018 and 2019.

Within 3rd month after notice to proceed:

Begin community education portion of the event. Conduct block walks and hold neighborhood block parties in the targeted area to speak with property owners and residents. Roast Hot Dogs to bring neighborhood together. Engage volunteers and residents to become involved in the event. Handout materials produced to advertise the event and educate the community on the goal of the event.

Within 4th month after notice to proceed:

Continue with the community education portion of the event. Conduct block walks and hold neighborhood block parties in the targeted area to speak with property owners and residents. Engage volunteers and residents to become involved in the event. Handout materials produced to advertise the event and educate the community on the goal of the event. Work hand in hand with property owners and residents to prepare trash and materials for cleanup event. Milestone completion date of 31 May 2018 and 2019.

Within 5th month after notice to proceed:

Hold the event. Bring in all employees, volunteers, supporting private/public agencies, and equipment. Event would cover two days over the course of the weekend. Close the event and clean up after the event. Remove all containers and equipment from the neighborhood. Allow neighborhood to recover from the event. Milestone completion date of 30 June 2018 and 2019.

Within 6th month after notice to proceed:

Conduct After Action Report. Bring in all parties involved and audit the process. Gather results and feedback. Canvass the neighborhood and gather feedback from residents. Milestone completion date of 31 July 2018 and 2019.

Within 7th month after notice to proceed:

In 2018, identify the next area of concern and apply lessons learned. Determine the success of the program if not funded for the 2019 calendar year. Consider future events and options going forward. In 2019, determine the success of the program, consider future events and options going forward. Event completion date will either be August 2018 or August 2019.

Within 8th month after notice to proceed:

Continue to get feedback from the community and evaluate the event and future events. Work with CAPCOG to consider regional needs and services to reduce costs to City and expand services to the areas outside our City.

Within 9th month after notice to proceed:

Continue to get feedback from the community and evaluate the event and future events. Work with CAPCOG to consider regional needs and services to reduce costs to City and expand services to the areas outside our City.

Form 6b. Project Cost

Total project cost, including in-kind and match:	\$26698.29
Total in-kind contribution to total project cost:	\$9443.29
Total proposed financial match (not in-kind) for total project cost:	\$0
Total in-kind plus financial match:	\$9443.29
Total % proposed to be covered by in-kind plus match:	35%
Minimum amount of grant funding willing to accept offered for same scope:	\$17255
Minimum amount of grant funding willing to accept offered for reduced scope:	\$8717

In-Kind funds:

- Volunteer Labor – 12 persons x 4 hours x \$12 (x 2 years) = \$1152
- Public Works Supervisor – 1 person x 16 hours x \$40.746 (x 2 years) = \$1303.87
- Public Works Employees – 6 persons x 16 hours x \$22.595 (x 2 years) = \$4338.30
- Code Enforcement Officer – 1 person x 16 hours x \$29.073 (x 2 years) = \$930.34
- Environmental Law Police Officer – 1 person x 16 hours x \$29.712 (x 2 years) = \$950.78
- Mayor and Council Member – 7 persons x 16 hours x \$0 (x 2 years) = \$0
- Keep Lago Vista Beautiful Volunteers – 4 persons x 16 hours x \$12 (x 2 years) = \$768

Project is for two years of funding and includes the estimate for the number of rollofts of 10 per year, travel back and forth to Burnet County to pick up the BOPATE trailer, printed educational materials used to educate the residents on our City ordinances and Environmental Laws, and hotdogs w/ a drink for block parties during education phase. In kind labor consists of only the required city personnel to ensure compliance and safety and volunteers from our Keep Lago Vista Beautiful organization and members of the community.

Form 6c: Priority Project Types in the CAPCOG RSWMP

Which of the following project types best describes this project?

- ☐ A permanent Household Hazardous Waste (HHW) facility or reuse center (25 pts)
- ☐ Equipment specifically used for the collection and transportation of HHW materials (25 pts)
- ☒ HHW collection event(s) (20 pts)
- ☐ Programs that deal with scrap tires (20 pts)
- ☐ Litter and illegal dumping cleanup (15 pts)
- ☐ Community collection event(s) (15 pts)
- ☐ Illegal dumping and local enforcement programs (10 pts)
- ☐ Recycling services, programs, and market development (5 pts)
- ☐ Other (0 pts)

Form 6d: Use of Funding for New or Expanded Programs

Which of the following best describes whether your project serves as “seed” money to start new programs or expand existing programs?

- ☒ Serves as seed money for a new program (5 pts)
- ☐ Expands a current program (3 pts)
- ☐ Maintains an on-going program (0 pts)

The City has areas that have been identified as areas of blight. The residents and property owners of these areas do not have the means to haul off items that are not picked up by our solid waste provider. The yards and areas under their mobile homes have become collecting grounds for appliances, furniture, tires, and household hazardous waste materials. These areas are with a few hundred feet of Lake Travis and certain HHW materials could pose a threat to the water and wildlife nearby. The City does not currently have a program in place that properly educates the residents on our ordinances and environmental law nor does it have a program in place that doesn't require the citizens to bear the cost of hauling off bulk trash on their own. The City needs a program that more efficiently addresses the needs of the residents in these target areas and invokes a sense of pride in their neighborhood.

Form 6e: Regionally-Coordinated or Multi-Jurisdictional Project

Is the project regionally coordinated or multi-jurisdictional?

☒ Yes (5 pts)

☐ No (0 pts)

We reached out to all area representatives including: Travis County Commissioner Gerald Daugherty, Texas Representative Paul Workman, US Representative Roger Williams, LCRA's David Williams, and Steve Shannon with Waste Connections for support. The letters of support are attached as exhibits.



December 22, 2017

Betty Voights, Executive Director
Capital Area Council of Governments
6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

Re: City of Lago Vista Solid Waste Grant Proposal

Dear Ms. Voights:

The City of Lago Vista is seeking a grant to finance a pilot program for a community clean-up event that the City is proposing for this very environmentally sensitive area of Travis County. They are hoping to raise awareness of their citizens regarding problems associated with illegal dumping and the improper storage and disposal of hazardous materials. This event will benefit the community, improve the health of our constituents and protect our natural resources and Lake Travis.

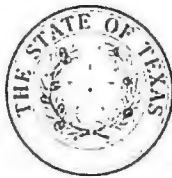
As Commissioner of Travis County Precinct 3, the citizens of Lago Vista are my constituents and I have a good working relationship with the City, the Council, and City Management. I am confident they will execute the parameters of the requirements of this grant and it will prove to be beneficial to the community. I am writing to request that CAPCOG favorably review this proposal and you recommend the acceptance of this Solid Waste Grant application by the City of Lago Vista. The goal of this proposed Community Collection Event is consistent with the goals of CAPCOG, TCEQ, and Travis County. It is my opinion that the Community Collection event that is proposed will benefit and educate the community providing immediate and long lasting effects.

Betty, as always, thank you for the good work of CAPCOG on this program and all you and your organization does for our community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald Daugherty", with a large, sweeping flourish above the name.

Gerald Daugherty



PAUL D. WORKMAN
STATE REPRESENTATIVE
District 47

December 21, 2017

Betty Voights
Executive Director
Capital Area Council of Governments
6800 Burleson Road
Building 310, Suite 165
Austin, TX 78744

RE: City of Lago Vista Solid Waste Grant Application

Dear Ms. Voights:

I am writing to request CAPCOG's favorable recommendation of the Solid Waste Grant application by the City of Lago Vista. I believe that the Community Collection event that the City is proposing will benefit the community and its residents, as well as improve the health and safety of the area and its natural resources.

The City's proposed program will serve as a pilot run for annual community clean up events and raise awareness of the issues of illegal dumping and storage of hazardous materials and its potential harms to Lake Travis. I believe that this program has the potential to address long term planning needs of solid and hazardous waste disposal in the Lago Vista.

Because this proposal is consistent with the goals of CAPCOG and TCEQ I request your favorable consideration of the City of Lago Vista's Solid Waste Grant application. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul D. Workman", with a long horizontal flourish extending to the right.

Paul D. Workman



December 27, 2017

Ed Tidwell
Mayor
City of Lago Vista
5803 Thunderbird Drive
Lago Vista, Texas 78645

RE: Letter of Support – CAPCOG Community Cleanup Grant

Mayor Tidwell:

Waste Connections is pleased and proud to be the exclusive provider of residential solid waste and recycling collection services in the City of Lago Vista. We have served Lago Vista for many years and are thankful for the recent five year extension of our contract that was approved recently by the City.

We are aware that, in spite of annual curbside collections of bulky wastes, some areas of the City have an accumulation of debris and bulky waste that, for many safety and aesthetic reasons, should be removed to a licensed disposal or recycling facility.

Our company will support the City of Lago Vista in this cleanup endeavor and offers to provide the services at some discount, to be determined, that will address the delivery, removal, disposal and recycling of the waste that is collected. We look forward to working with you and the City to provide this service as economically as is feasible for all the parties involved.

Please let us know when we can participate in the final planning of this community and environmental improvement event. We are standing ready to assist the City of Lago Vista and its citizens.

I will be pleased to discuss our support with anyone that needs information in regard to it.

Respectfully,

Steve Shannon
Waste Connections
Austin, Texas
Cell: 830-225-0735

XC:
Chris Thomas
John Harris



Form 6f: Public-Private Partnership

Does the project involve a public-private partnership?

☒ Yes (5 pts)

☐ No (0 pts)

We are partnering up with Waste Connections to provide the Solid Waste Services. They will be providing the necessary dumpsters and guidance in planning the event so that we will have the proper types of containers for the various types of waster we plan to encounter and will be able to accept at this event. We are also going to coordinate with the County of Bastrop to utilize the BOPATE trailer thus collaborating with another public entity within the CapCOG region.

Form 6g: Funding in Prior Biennium

Is the project an activity that was funded exclusively by the applicant in between September 1, 2016 – August 31, 2017, without grant funding?

- ☒ No (5 pts)
☐ Yes (0 pts)

New project.

Did the applicant receive any solid waste grant funding from CAPCOG as part of its FY 2016-2017 grant program?

- ☒ No (5 pts)
☐ Yes (0 pts)

We have never applied for a SW grant from CAPCOG

Form 6h: FY 2018 Budget Consideration

Is any funding for this project already included in the organization's FY 2018 budget?

☒ No

☐ Yes

If "Yes," complete the following two questions:

1. What percentage of the total project cost was already budgeted? % _____

Note – percentage must be less than 100% in order to be considered for funding.

2. Explain how grant funding awarded for this project would expand this activity, rather than supplant it.

N/A

Form 7. Grant Budget Summary

NOTE: Form 7 through 7h are in the associated Excel Workbook entitled FY 2018-2019 SW Grant Budget Forms. Please be sure to attach Form 7 with your proposed grant budget prior to submittal.

See attached Excel Workbook.

Form 7a: Project Cost Summary (same information as identified in form 6b-Project Cost)

	\$	%
Total project cost	\$26,698.29	
Total in-kind contribution to total project cost	\$9,443.29	35.37%
Total proposed financial match (not in-kind) for total project cost	\$0.00	0.00%
Total in-kind plus financial match	\$9,443.29	35.37%
Minimum amount of grant funding willing to accept offered for same scope	\$ 17,255.00	64.63%
Minimum amount of grant funding willing to accept offered for reduced scope	\$ 8,717.00	32.65%

Form 7b: Detailed Personnel/Salaries Expenses

For each employee to be funded wholly or in part by this grant, complete one of the lines in the table below. Please refer to the definitions provided in the instructions in completing this sheet. If funds are awarded, changes to grant-funded positions must be approved in advance by the COG.

Position Title	Function	FTE	Status	Monthly Salary	Total Cost
		0		0	\$0.00
N/A					
Total (Must equal Line 1 of the Overall Budget Summary)					\$0.00

Form 7c: Detailed Travel Expenses

This budget form provides a more detailed breakdown of the total expenses for travel indicated on Line 3 of the Overall Budget Summary.

Please describe the types of routine in-region travel expenses expected and purpose for the travel.

Routine In-Region Travel	Purpose of Travel	Estimated Cost

All out-of-state travel expenses and other non-routine travel, such as out-of-region travel to special training or events must be pre-approved by the COG. Complete the following information for all requested non-routine travel, including any out-of-state travel. If those details are not presently known, the COG will need to approve those travel costs before the travel occurs.

Non-Routine Travel Expenses

Date(s)	Purpose & Destination	Person(s)	Estimated Cost
June 2018 & 2019	Pickup BOPATE trailer - Burnet Co.	Mayor and Public Works Employee	\$200
June 2018 & 2019	Return BOPATE trailer - Burnet Co.	Mayor and Public Works Employee	\$200
			\$
Total Travel Expenses (Must equal Line 3 of the Overall Budget Summary)			400

Form 7d: Detailed Supply Expenses

This budget form provides a more detailed breakdown of the total expenses for supplies indicated on Line 4 of the Overall Budget Summary.

Please list the general types of supplies you expect to purchase with grant funding.

General Types of Supplies	Estimated Cost
General office/desk supplies - Printed Materials	
Other supplies (explain below):	
TOTAL (Must equal Line 4 of the Overall Budget Summary)	\$0.00

Form 7e: Detailed Equipment Expenses

All equipment purchases must be pre-approved by the COG. If the specific details of an equipment purchase are known, show that equipment on the list below. If the specific details of the equipment costs are not known at this time, list the general details on this form. The specific details of the equipment will then need to be provided to and approved by the COG before the costs are incurred.

Equipment (\$5,000 or more per unit) (Show description, type, model, etc.)	Unit Cost	No. Units	Total Cost
Roll-off dumpster rental	\$750.00	20	\$15,000.00
Weber 22 in. Original Kettle Charcoal Grill in Black	\$99.00	1	\$99.00
			\$0.00
			\$0.00
Total (Must equal Line 5 of the Overall Budget Summary)			\$15,099.00

Form 7f: Detailed Construction Expenses

All construction projects must be pre-approved by the COG. If the specific details of the construction costs are not known at this time, list the general details on this form. The specific details of the construction will then need to be provided to and approved by the COG before the costs are incurred. For any subcontracted activities, the request for approval will need to include evidence that the contract price is reasonable and necessary (see instructions).

Types of Construction	Subcontracted (Yes/No)	Estimated Cost
N/A		
Total (Must equal Line 6 of the Overall Budget Summary)		\$0.00

Form 7g: Detailed Contractual Expenses

All contractual expenses must be pre-approved by the COG. If the specific details of the contractual costs are not known at this time, list the general details on this form. The more specific details of the contractual costs will then need to be provided to and approved by the COG before the costs are incurred. The request for approval will need to include evidence that the contract price is reasonable and necessary (see instructions). In addition, the subcontract scope of work must be approved by the COG before work begins.

Purpose	Contractor(s)	Contract Amount
N/A		
Total (Must equal Line 7 of the Overall Budget Summary)		\$0.00

Form 7h: Detailed Other Expenses

This budget form provides a more detailed breakdown of the total other expenses indicated on Line 8 of the Overall Budget Summary.
Please note that the final totals are at the bottom of the next page.

Basic Other Expenses

Please identify the basic "Other" category expenses you expect to incur appropriate to the project.

Basic Other Expenses	Estimated Cost
Books and reference materials	
Postage, telephone, FAX, utilities	
Printing/reproduction	\$1,000.00
Advertising/public notices	
Registration fees for training (if approved)	
Repair and maintenance	
Basic office furnishings	
Space and equipment rentals	
Signage	\$1,000.00

Additional Other Expenses

The specific details of additional "Other" category expenses, not included on the list of basic Other expenses, must be pre-approved by the COG. If the specific details of the additional Other expenses are not known at this time, list the general details on this form. The more specific details will then need to be provided to and approved by the COG before the costs are incurred.

Additional Other Expenses	Unit Cost	No. of Units	Total Cost
Computer hardware not listed under the Equipment category (itemize each expense below including description, type, model, etc.):	\$0.00	1	\$0.00
Computer software (itemize each expense below including description, type, model, etc.):	\$0.00	1	\$0.00
Additional Other expenses (itemize each expense below including description, type, model, etc.):	\$756.00	1	\$756.00
Total Other Expenses (Must equal Line 8 of the Overall Budget Summary)			\$2,756.00

Weiners	\$1.00	100	\$ 100.00
Hot Dog Buns	\$1.00	125	\$ 125.00
Condiments - Mustard	\$2.00	8	\$ 16.00
Condiments - Ketchup	\$2.50	8	\$ 20.00
Sodas	\$5.00	83	\$ 415.00
Charcoal	\$20.00	4	\$ 80.00
			\$ 756.00



Regional Solid Waste Grant Program

Regional Funding Plan Format
(Attachment 2 of the Contract)

Prepared by

**Texas Commission on Environmental
Quality Office of Waste -
Waste Permits Division**

Format for Completing the Regional Funding Plan

The instructions outlined below should be followed when completing the Regional Funding Plan. The COG may adjust this format as needed, so long as the required information is included.

I. General Information

CAPITAL AREA COUNCIL OF GOVERNMENTS - #12

FY 18/19

Date of Funding Plan Approval by the COG Governing Body:

10/11/2017

Total Biennium Budget:

\$ 633,336.00

Program Budget Allocation: *Refer to the COG funding allocation for each fiscal year. This information is intended as an estimate only, for planning and discussion purposes. The grant application will need to include the final proposed budget to be incorporated into the grant contract.*

List Budget Detail for the First State Fiscal Year

FY 18

Regional Coordination Program Budget	\$ 227,785.00	71.9%
Implementation Projects/COG Managed Project Budget	\$ 88,883.00	28.1%
	\$ 316,668.00	100.0%

List Budget Detail for the Second State Fiscal Year

FY 19

Regional Coordination Program Budget	\$ 227,785.00	71.9%
Implementation Projects/COG Managed Project Budget	\$ 88,883.00	28.1%
	\$ 316,668.00	100.0%

II. Project Priorities

Regional Solid Waste Management Plan Priorities

List in priority order if applicable, the goals, objectives, and strategies from Volume I of the RSWMP for which the grant funds will be used to help implement during the current fiscal year and beyond (*you may use a different format for submitting this information, as long as the information is provided as part of the funding plan package*).

Regional Solid Waste Management Plan Goals:

- Goal #1: Encourage a Household Hazardous Waste (HHW) collection and diversion program.
- Goal #2: Promote public education on integrated solid waste management.
- Goal #3: Promote community clean up events to provide citizens with an alternative to illegal dumping.
- Goal #4: Continue and enhance current illegal dumping enforcement programs.
- Goal #5: Encourage effective and efficient management and operation of recycling services.
- Goal #6: Explore alternatives to dealing with the disposal of special wastes.
- Goal #7: Encourage the proper management and disposal of municipal solid waste.
- Goal #8: Promote reduction in the disposal amount of yard waste and encourage recycling.
- Goal #9: Determine whether access to and the availability of legal disposal options in the CAPCOG region are adequate.
- Goal #10: Promote administrative structures to ensure some measure of local control in the siting, expansion, and operation of MSW facilities.
- Goal #11: Promote incentives for recycling activities and increased recycling participation rates across the region.
- Goal #12: Reduce the amount of municipal solid waste generated and disposed of within the region.
- Goal #13: Increase the CAPCOG region recycling rate.
- Goal #14: Provide permanent household hazardous waste collection facilities throughout the region.
- Goal #15: Use the Plan Conformance/Facility Application Review process and the provisions of §363.066, Health & Safety Code, to address land use compatibility and other local issues in order to avoid if possible, or minimize if avoidance is not possible, adverse impacts from municipal solid waste (MSW) facilities on human health and the environment.

Project Priorities

Based on the priorities from the RSWMP, identify the categories (and subcategories, if applicable) of projects for which funds will be allocated. Identify the RSWMP Volume I goals and objectives, and the Volume II strategies that each category is intended to implement (*you may use a different format for submitting this information, as long as the information is provided as part of the funding plan package*).

Refer to the list of eligible projects and the supplemental funding standards and restrictions in the grant contract and Administrative Procedures.

CAPCOG will prioritize projects that support the goals identified in Volume I of CAPCOG's Regional Solid Waste Management Plan, as described in Section II, Project Priorities, above.

The following project categories will be eligible for funding:

- Household Hazardous Waste Management (HHW) (Goal #1, 6, 14)
- Environmental Local Enforcement (Goal #4)
- Litter and Illegal Dumping Clean-Up and Community Collection Events (Goal #3, 7, 9)
- Source Reduction and Recycling (Goal #5, 6, 8, 10, 11, 13)
- Citizens' Collection Station (Goal #7, 9)
- Educational and Training Programs (Goal # 2, 3, 6, 8)
- Other to include scrap tires (Goal varies depending on scope of project)

Allocation and Priorities

List any priorities assigned by the COG to the project categories. Describe the planned use of any funding allocations to specific categories, category funding limits, grant award funding caps, or similar special standards. Describe the reasons for any of the proposed special standards.

The following list indicates the priority projects identified in Volume II of CAPCOG's Regional Solid Waste Management Plan, in order.

1. Permanent HHW facilities and/or reuse centers
2. Programs and/or initiatives that deal with scrap tires
3. Litter and illegal dumping cleanup and community collection events
4. Illegal dumping and local enforcement programs
5. Recycling services, programs, and market development

The following additional criteria will be applied to FY 2018-2019 implementation projects:

- For FY 2018-2019, equipment used specifically for the collection and transportation of HHW materials can be considered as eligible expenses under the "permanent HHW facilities and/or reuse centers" priority project category.
- Matching funds or in-kind services are not required to be eligible for grant funding, but local commitment is strongly considered when determining the entities' commitment to the program.
- Projects that involve establishing a new program or permanently expanding the region's solid waste management capacity shall be prioritized above projects that involve on-going operations.
- Projects that are regionally coordinated and/or multi-jurisdictional will be prioritized over projects that only serve a single jurisdiction.
- Projects that involve public-private partnership will be prioritized over projects that only involve the public sector
- Proposals for which the full cost of the project is already included in an applicant's FY 2018 budget will not be eligible for consideration.
- Proposals for which a portion of the project cost is already included in the applicant's FY 2018 budget will only be eligible for the portion of the project cost that is not covered by the applicant's existing budget.

III. Project Selection Process

Briefly describe the process that will be used by the COG and the SWAC to solicit applications and to select projects for funding. Explain the ranking criteria that will be used for the competitive project review and ranking process *(you may use a different format for submitting this information, as long as the information is provided as part of the funding plan package).*

Use the following spaces to describe the project selection process and insert or expand the rows as needed.

Requests for Applications (RFA's) will be provided to all eligible grant recipients either via email or hard copy mailing, and will be available on the CAPCOG web site. Applicants will have 45 days to complete the application and submit all necessary forms. The Solid Waste Advisory Committee (SWAC) will screen all applications received. Applicants will then have the opportunity to do a brief presentation to the committee on the intentions and benefits of the proposed project. The SWAC will review, score and rank all applications based on the following scoring criteria:

- Is the project one of the top 5 regional priorities? (25 points, to be assigned by CAPCOG staff based objectively on whether the project falls into one of the priorities)
 - o Permanent HHW facilities and/or reuse centers = 25 points
 - o HHW collection events and programs and/or initiatives that deal with scrap tires = 20 points
 - o Litter and illegal dumping cleanup and community collection events = 15 points
 - o Illegal dumping and local enforcement programs = 10 points
 - o Recycling services, programs, and market development = 5 points
 - o Any other project type = 0 points
- Does the project meet any other objective criteria as a priority in the Regional Solid Waste Management Plan? (25 points, to be assigned by CAPCOG staff based objectively on whether the project meets the criteria)
 - o Does the project serve as "seed" money to start new programs or expand an existing program? (Max = 5 points)
 - Serves as seed money for new program = 5 points
 - Expands an existing program = 3 points
 - Neither = 0 points
 - o Is the project regionally coordinated or multi-jurisdictional? (5 points)
 - Yes = 5 points
 - No = 0 points
 - o Does the project involve a public-private partnership? (5 points)
 - Yes = 5 points
 - No = 0 points
 - o Is the project an activity that was funded exclusively by the applicant in FY 2016 or FY 2017 without grant funding? (5 points)
 - No = 5 points
 - Yes = 0 points
 - o Did the applicant receive any solid waste grant funding from CAPCOG in FY 2016 or 2017? (5 points)
 - No = 5 points
 - Yes = 0 points
- To what degree would the project support the goals of the Regional Solid Waste Management Plan if funded? (25 points, to be assigned by the SWAC based on the following questions)
 - o To what extent does the project address a clear regional solid waste management need?
 - o How likely is it that the project will help sustain constructive regional solid waste management activities long-term?
 - o How cost-effective is the project?
- What is the probability of success if funded? (25 points, to be assigned by the SWAC based on the following questions)
 - o How well-planned and organized is the proposal?
 - o How technically feasible is the project?
 - o What is the extent of local commitment to project?
 - o How scalable is the project?

Applicants must score a minimum of 25 points out of the possible 50 points for questions 1 and 2 and a minimum of 25 points out of the possible 50 points for questions 3 and 4 to be eligible for funding.

A SWAC member should abstain from scoring a grant proposal if they have a conflict of interest as defined in the SWAC bylaws. The highest and lowest score received for each project will be dropped as an additional measure to ensure fairness.

Partial funding may be applied to a proposal if the Committee members find it to be worthwhile and viable but containing expenses that are not critical to the proposal's successful implementation. Partial funding may also be awarded to proposals based on ranking and funding availability.

If there are any unspent funds from completed implementation projects or if CAPCOG is able to achieve any programmatic savings for Regional Coordination Program during the biennium, CAPCOG will develop a plan with the input of the SWAC to spend any remaining funds by the end of the biennium to maximize the environmental benefits of the funding.

IV. Private Industry Considerations

Briefly describe the process by which private industry concerns will be considered during the project selection process. *Note: Public meetings held to discuss the Funding Plan should include discussions on the private industry requirements and the process that will be used to comply with those requirements (you may use a different format for submitting this information, as long as the information is provided as part of the funding plan package).*

Use the following spaces to describe the private industry process and insert or expand the rows as needed.

The following process will be followed during the grant selection and scoring process in order to alleviate private industry concerns with grant-funded projects:

During the RFP Process

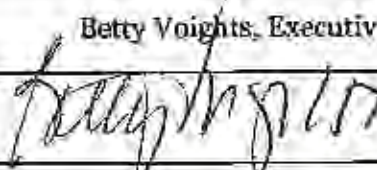
- Inform all known private solid waste service providers of the availability of grant funds, the timeframe allowed for eligible applicants submitting applications to CAPCOG, and of the date of the scoring meeting at which those applications are to be reviewed and ranked by the CAPCOG Solid Waste Advisory Committee.
- CAPCOG will require that grant applicants contact any known private service providers in their area who might offer similar services to the proposed project if their project falls under the specified categories. The grant applicant must provide documentation showing that efforts had been made to notify the private industry. A copy of the correspondence must be attached to the application. If contacts are made verbally, applicants are required to identify the person that they have spoken to by name, and to provide contact information for that individual. Applicants are also encouraged to provide written documentation, such as an email from the private service provider, confirming that a conversation has taken place.

Once Applications are Received

- CAPCOG staff will review applications to verify that they meet all requirements, including information regarding the private industry notification.
- A list of all applications will be compiled outlining who the grant applicant is, what the application is for, and a brief summary of the overall project. All known private solid waste service providers will be notified during the RFP process that this list and copies of all grant applications will be provided for viewing at the CAPCOG offices for at least 12 days before the date of the scoring meeting. Known private solid waste service providers will be notified that they may request copies of applications with which they have concerns. CAPCOG will provide a guidance document to the private industries outlining the proper steps to take if there is an opposition to an application.

Protested Applications

- If a private industry service provider has a concern with an application, they are strongly encouraged to contact the applicant directly at the earliest possible opportunity and attempt to resolve their concerns. If the concern is not resolved, the private industry provider is encouraged to document the attempts made to resolve the concern(s) and submit that documentation to CAPCOG along with any other submitted protest documents, by at least five business days prior to the scoring meeting.
- If the private industry opposes the application because they would like the opportunity to provide the service, they will be asked to submit a letter of intent stating that they would provide the said service within the year and include a service plan detailing the scope of work. The letter must be received prior to the scoring date. A representative of the private industry will be requested to attend the scoring meeting and any subsequent meetings where their concerns will be considered.
- If CAPCOG staff finds the service plan to be feasible and efficient, the applicant will be notified and the application will be put on hold for a maximum of one year. During the year, if CAPCOG staff determines that the said service will not be provided, the project will be eligible to compete in the next grant cycle.
- If the SWAC finds the complaint has merit, then the application will be revoked. The private service provider will then be asked to submit a letter of intent and will need to implement the said service within the year. If service is not being provided by the end of the year, the project is subject for grant funding by reapplying the following grant cycle.
- If the private industry opposes the application for any other reason than that they would like to provide the service, they will have the opportunity to express their concerns either by submitting written comments at least two business days prior to the scoring meeting. If a public industry provider submits comments, they will be notified of the date and time when the projects will be reviewed by our Solid Waste Advisory Committee, and will be given the opportunity to discuss their concerns with the Committee. Private industry representatives are strongly encouraged to provide as much time as possible for the applicant to review and respond to their concerns prior to the scoring meeting. The Solid Waste Advisory Committee will then take any action deemed appropriate.

Texas Commission on Environmental Quality Regional Solid Waste Grants Program	
Regional Funding Plan Certification	
CAPITAL AREA COUNCIL OF GOVERNMENTS - #12	
FY 18/19	
The Regional Funding Plan was presented to the public at public meeting(s) and had the opportunity to comment. All comments received from the public, both written and oral, have been considered and a summary of those comments are attached to this final Funding Plan.	
Date of Funding Plan Approval by the COG Governing Body:	10/11/2017
Public Meeting Date (s):	9/15/2017, 9/29/2017
Typed/Printed Name and Title of Authorized Certifying Official:	Betty Voights, Executive Director
Signature of Authorized Certifying Official:	
Date Submitted/Signed:	10/12/2017
Attachments (Required):	
Regional Funding Plan	Yes
Public Meeting Summary	Yes
Copy of Direct Mail Notice	Yes

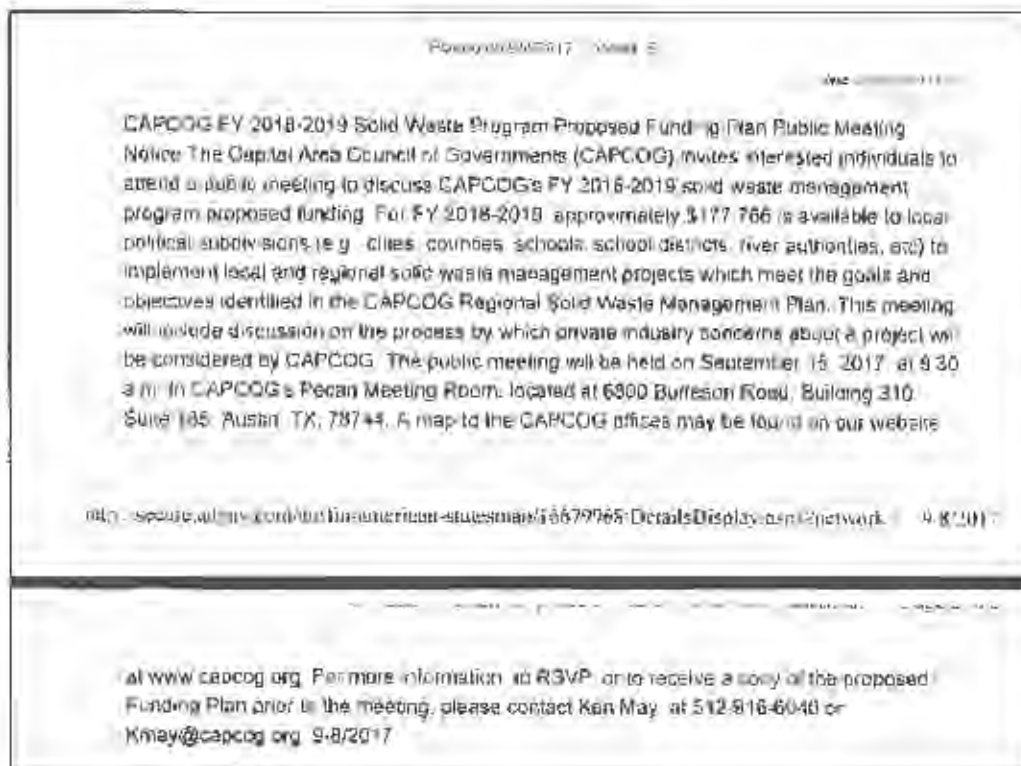
CAPCOG FY 2018-2019 Funding Plan

Public Meetings Summary

Pursuant to the requirements in the Administrative Procedures for the Capital Area Council of Governments' (CAPCOG's) Fiscal Year (FY) 2018-2019 Regional Solid Waste Grant Program, CAPCOG held two public meetings within the region on the proposed funding plan. One public meeting was on Friday, September 15, 2017, at the Solid Waste Advisory Committee (SWAC) meeting. An additional meeting was held on Friday, September 29, 2017, at CAPCOG's offices. These public meetings provided the public with an opportunity to provide CAPCOG with oral and written comments on the proposed grant categories and funding plan for the region.

The first public meeting on Friday, September 15, 2017, was announced through a newspaper notice run on Friday, September 8, 2017, in the Austin-American Statesman, which is considered the sole newspaper "of general circulation within the region." According to the Statesman's website, it has an average daily circulation of more than 130,000, and 592,460 weekly print readers.¹ The paper is listed as #5 among the top 10 Texas Daily newspapers by circulation by Agility PR Solutions.² A copy of the notice that ran in the Statesman is included below.

Figure 1. Austin-American Statesman Notice of First Public Meeting



¹ <http://www.statesmanmedia.com/print-advertisements/newspaper-advertising/austin-american-statesman/>

² <http://www.nakillpr.com/resources/top-media-outlets/top-10-texas-daily-newspapers-circulation/>

Figure 2 September 15, 2017, SWAC Meeting Agenda

 Solid Waste Advisory Committee Agenda Wednesday, May 11th 2022 9:00 AM 11000 N. 19th Avenue, Phoenix, AZ 85024 (602) 994-3300 www.phoenix.gov/solidwaste	1. Meeting and Governance Information / AGENDA (9:00 AM - 9:30 AM) 2. Citywide Solid Waste Meeting Briefing 3. Agenda Item 1 - Solid Waste
4. Agenda Item 2 - Solid Waste 5. Agenda Item 3 - Solid Waste 6. Agenda Item 4 - Solid Waste 7. Agenda Item 5 - Solid Waste 8. Agenda Item 6 - Solid Waste 9. Agenda Item 7 - Solid Waste 10. Agenda Item 8 - Solid Waste 11. Agenda Item 9 - Solid Waste 12. Agenda Item 10 - Solid Waste 13. Agenda Item 11 - Solid Waste 14. Agenda Item 12 - Solid Waste 15. Agenda Item 13 - Solid Waste 16. Agenda Item 14 - Solid Waste 17. Agenda Item 15 - Solid Waste 18. Agenda Item 16 - Solid Waste 19. Agenda Item 17 - Solid Waste 20. Agenda Item 18 - Solid Waste 21. Agenda Item 19 - Solid Waste 22. Agenda Item 20 - Solid Waste 23. Agenda Item 21 - Solid Waste 24. Agenda Item 22 - Solid Waste 25. Agenda Item 23 - Solid Waste 26. Agenda Item 24 - Solid Waste 27. Agenda Item 25 - Solid Waste 28. Agenda Item 26 - Solid Waste 29. Agenda Item 27 - Solid Waste 30. Agenda Item 28 - Solid Waste 31. Agenda Item 29 - Solid Waste 32. Agenda Item 30 - Solid Waste 33. Agenda Item 31 - Solid Waste 34. 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Agenda Item 92 - Solid Waste 95. Agenda Item 93 - Solid Waste 96. Agenda Item 94 - Solid Waste 97. Agenda Item 95 - Solid Waste 98. Agenda Item 96 - Solid Waste 99. Agenda Item 97 - Solid Waste 100. Agenda Item 98 - Solid Waste 101. Agenda Item 99 - Solid Waste 102. Agenda Item 100 - Solid Waste	1. Agenda Item 1 - Solid Waste 2. Agenda Item 2 - Solid Waste 3. Agenda Item 3 - Solid Waste 4. Agenda Item 4 - Solid Waste 5. Agenda Item 5 - Solid Waste 6. Agenda Item 6 - Solid Waste 7. Agenda Item 7 - Solid Waste 8. Agenda Item 8 - Solid Waste 9. Agenda Item 9 - Solid Waste 10. Agenda Item 10 - Solid Waste 11. Agenda Item 11 - Solid Waste 12. Agenda Item 12 - Solid Waste 13. Agenda Item 13 - Solid Waste 14. Agenda Item 14 - Solid Waste 15. Agenda Item 15 - Solid Waste 16. Agenda Item 16 - Solid Waste 17. Agenda Item 17 - Solid Waste 18. Agenda Item 18 - Solid Waste 19. Agenda Item 19 - Solid Waste 20. Agenda Item 20 - Solid Waste 21. Agenda Item 21 - Solid Waste 22. 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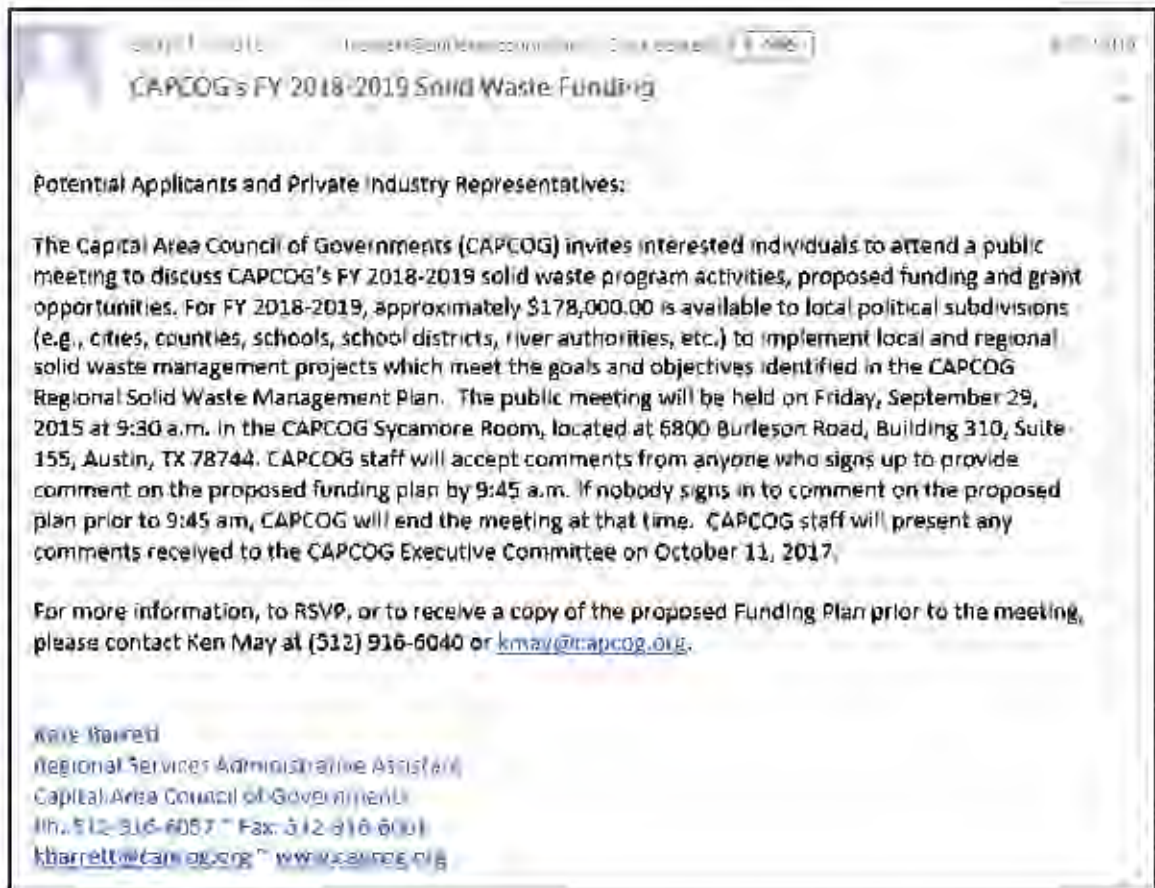
A copy of the proposed funding plan was posted on the SWAC page of CAPCOG's website on Friday, September 8, 2017. A few members of the SWAC accidentally signed in on the public comment sheet, but no members of the public signed up to speak during this public comment opportunity.

Travis Area Council of Governments 6800 Burlinson Road Building 310, Suite 155 Austin, Texas 78744 			
NAME	AGENCY	PHONE NUMBER	EMAIL
Phillip Harrison	Brewster County	512-381-1124	phillip.harrison@brewstercountytx.gov
Paul Brundage	Blanco Co		
Dave Corbett	Williamson County	905-5762	
Maurice Pitts, Jr	Lee County	979-542-6065	Commissioner PCT @CO-LEE-TX.US
Michael Meier	Comanche County	817-261-9240	

Since nobody signed up to speak or indicated at the time this agenda item was announced that they had comments, the SWAC closed the public meeting on the funding plan and proceeded to take action on the proposed funding plan.

CAPCOG held a second public meeting on Friday, September 29, 2017, between 9:30 am and 11:00 am in the Sycamore Room at CAPCOG's offices, 6800 Burlinson Road, Building 310, Suite 155, Austin, TX 78744. On September 21, 2017, CAPCOG sent a direct mail notice via e-mail to 395 public sector, private sector, and non-profit sector recipients regarding the meeting and providing an opportunity for comment on the funding plan recommended by the SWAC. CAPCOG used its most recent list of contacts for political subdivisions and private sector contacts within the region for this mail-out, and augmented its private-sector contacts using a review of firms listed in the Comptrollers' Centralized Master Bidder List (CMBL) and Historically Underutilized Business (HUB) vendor list that were offering solid waste services within the CAPCOG region. A screenshot of the e-mail notice is shown below.

Figure 4. Capital Area Council of Governments



Four individuals representing organizations that had previously received CAPCOG solid waste grants attended the September 29, 2017, meeting: Darien Clary from Austin Independent School District (AISD), Julie Oakley from the City of Lakeway, Jill Strube from the City of Smithville, and Aspen Navarro from the City of San Marcos. After reviewing the funding plan recommended by the SWAC with the meeting participants and identifying aspects of the plan that were different from the FY 2016-2017 funding plan, CAPCOG staff answered questions from the participants and solicited feedback on the plan. A copy of the sign-in sheet for this meeting is shown below.

[illegible]

The only direct feedback on the plan from the meeting participants was positive feedback on the proposed changes to the scoring criteria. The meeting participants indicated they liked the idea of half of the score being based on objective criteria and simplifying and guiding the SWAC on the areas that they should focus on to conduct their subjective assessments of the applications. They also liked the fact that applicants would have a clearer picture on how competitive their application would be ahead of time and could therefore better gauge what they could do to improve an application, such as doing a multi-jurisdiction project as opposed to a project that just served one community.

The participants also provided valuable input in two other areas that were not directly comments on the funding plan, but which were useful nevertheless: one on the SWAC members' perspective on an applicant's willingness to accept less than the full amount requested, and one on the local needs of smaller communities.

Two participants expressed concerns about the SWAC members' questions regarding whether the applicant would accept less than their full funding request. These participants explained that this perspective among SWAC members can lead to applicants either including "extra" stuff in their application that they would point to as something to take out later to appear more flexible, or for an applicant to not include all of the elements that might be needed to bring a project up to its full potential. For example, an application for a new HHW facility may identify as "extra" (or not include at all) some of the equipment that might be needed to handle the volume of collection days the applicant actually wants. As a result, a project sponsor may wind up breaking up the project into separate projects

over the course of multiple biennia rather than having a fully completed project at the end of the initial grant period, taking longer to realize the full benefits of that project as originally envisioned.

The second comment was that smaller communities with tight budgets and local needs could use some additional funding assistance for local projects that might not score well under the Regional Solid Waste Grant scoring criteria laid out in the funding plan. The example provided was an older chipper being used by a small city that does not work very well, but which the city cannot afford to pay for a full replacement of at the moment. When asked by CAPCOG staff if she would like to propose some kind of set-aside for such projects, the meeting participant declined, not wanting to divert the limited resources available for these grants for local needs. However, she requested that CAPCOG staff consider dedicating some staff time to helping such communities identify other potential funding sources or solutions for their solid waste management needs. CAPCOG staff will follow up with this meeting participant on this idea and try to identify ways to help such communities in this way over the next biennium.

Barrett, Kate

From: Barrett, Kate
Sent: Thursday, September 21, 2017 2:33 PM
Subject: CAPCOG's FY 2018-2019 Solid Waste Funding

Potential Applicants and Private Industry Representatives:

The Capital Area Council of Governments (CAPCOG) invites interested individuals to attend a public meeting to discuss CAPCOG's FY 2018-2019 solid waste program activities, proposed funding and grant opportunities. For FY 2018-2019, approximately \$178,000.00 is available to local political subdivisions (e.g., cities, counties, schools, school districts, river authorities, etc.) to implement local and regional solid waste management projects which meet the goals and objectives identified in the CAPCOG Regional Solid Waste Management Plan. The public meeting will be held on Friday, September 29, 2017 at 9:30 a.m. in the CAPCOG Sycamore Room, located at 6800 Burleson Road, Building 310, Suite 155, Austin, TX 78744. CAPCOG staff will accept comments from anyone who signs up to provide comment on the proposed funding plan by 9:45 a.m. If nobody signs in to comment on the proposed plan prior to 9:45 a.m., CAPCOG will end the meeting at that time. CAPCOG staff will present any comments received to the CAPCOG Executive Committee on October 11, 2017.

For more information, to RSVP, or to receive a copy of the proposed Funding Plan prior to the meeting, please contact Ken May at (512) 916-6040 or kmay@capcog.org.

Kate Barrett
Regional Services Administrative Assistant
Capital Area Council of Governments
Ph: 512-916-6057 ~ Fax: 512-916-6001
kbarrett@capcog.org ~ www.capcog.org

This e-mail and any attachments are UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO).
Do not disseminate this information outside the agency.



FY 2018-2019 Solid Waste Grant Applications Scoring Guidance

November 3, 2017

Scoring

CAPCOG staff will review each application and assign the initial 50 points based on objective scoring criteria. In order to be considered eligible for consideration by the Solid Waste Advisory Committee (SWAC), an application must score at least 25 points based on these objective criteria.

The remaining 50 points of an application's score will be based on the average of scores assigned by SWAC members, with the highest and lowest individual scored for each application thrown out in order to ensure an extra measure of fairness. An application must receive an average of at least 25 points assigned by the SWAC in order to be eligible for funding.

A Solid Waste Advisory Committee (SWAC) member must abstain from scoring a grant proposal if they have a conflict of interest as defined in the SWAC bylaws.

CAPCOG staff will tally all scores assigned by SWAC members, then sort the eligible applications, first by the priority level assigned by the applicants (primary, secondary, etc.), then by the total score. The total funding available will be assigned to each application in descending order until all funding has been allocated based on the funding requested. All eligible primary-priority applications will be assigned funding prior to a second-priority application, regardless of the secondary application's score, and a secondary application will be considered before a tertiary application, etc. CAPCOG staff will then present the results of the scoring and ranking to the SWAC. The SWAC will then consider any modifications, including how to assign any partial funds, and whether to identify any projects that were not have a high enough priority or score to be recommended for funding to be considered "contingency projects." The SWAC must approve a final recommendation on how to award the funding prior to the end of the meeting.

CAPCOG staff will then present the SWAC's recommendation for funding to the Executive Committee for approval. The Executive Committee has the discretion to award funding differently than the SWAC recommends. Final awards are subject to TCEQ approval.

Funding for both years of the biennium, FY 2018 and FY 2019, will be awarded during this single round. Staff will work with successful applicants to determine whether they will be awarded funding from the FY 2018 or FY 2019 funding pool. Priority for determining fiscal year awards will be based upon ranking with higher scored projects receiving first choice. Projects funded under the FY 2019 funding pool will have a later start dates than those funded under the FY 2018 funding pool.

Conflict of Interest (From SWAC Bylaws, Article IV. Meetings)

A Committee member other than an elected public official, who is a member of the governing body, an officer, or an employee of an applicant for funding must disclose his or her status before the application is considered by the Committee and may not participate in discussion of or vote on the application. The member is counted in determining the existence of a quorum. A vote cast in violation of this section is not counted.

Private Industry Considerations

The following process will be followed during the grant selection and scoring process in order to alleviate private industry concerns with grant-funded projects:

- During the RFA Process
 - All applications will be posted on the CAPCOG website for seven days immediately preceding the scoring meeting. Private industry solid waste service providers will be notified via email of the opportunity to review posted applications.
 - CAPCOG requires that grant applicants contact any known private service providers in their area who might offer similar services to the proposed project if their project falls under the specified categories. The grant applicant must provide documentation showing that efforts had been made to notify the private industry, and a copy of the correspondence must be attached to the application.
- Once Applications are Received
 - CAPCOG staff will screen applications to verify that they meet all requirements, including information regarding the private industry notification.
 - All known private solid waste service providers in the region will be notified during the RFA process that this list and copies of all grant applications will be provided for viewing at the CAPCOG offices and online for at least seven days before the date of the scoring meeting. CAPCOG will provide a guidance document to the private industries outlining the proper steps to take if there is opposition to an application.
- Protested Applications
 - If a private industry service provider has a concern with an application, they are strongly encouraged to contact the applicant directly at the earliest possible opportunity and attempt to resolve their concerns. If the concern is not resolved, the private industry provider is encouraged to document the attempts made to

resolve the concern(s) and submit that documentation with written comment as noted below.

- o If the private industry opposes the application for any other reason than that they would like to provide the service, they will have the opportunity to express their concerns by submitting written comments at least two business days prior to the scoring meeting. If a public industry provider submits comments, they will be notified of the date and time when the projects will be reviewed by our SWAC, and will be given the opportunity to discuss their concerns with the Committee. The SWAC will then take any action deemed appropriate.
- o If the SWAC finds the complaint has merit, then the application will be revoked. The private service provider will then be asked to submit a letter of intent and will need to implement the said service within the year. If service is not being provided by the end of the year, the project is subject for grant funding by reapplying the following grant cycle.
- o If the private industry opposes the application because they would like the opportunity to provide the service, they will be asked to submit a letter of intent stating that they would provide the said service within the year and include a service plan detailing the scope of work. The letter must be received prior to the scoring date. A representative of the private industry will be requested to attend the scoring meeting and any subsequent meetings where their concerns will be considered.
- o If CAPCOG staff finds the service plan to be feasible and efficient, the applicant will be notified and the application will be put on hold for a maximum of one year. During the year, if CAPCOG staff determines that the said service will not be provided, the project will be eligible to compete in the next grant cycle.

Texas Commission on Environmental Quality

CONTRACT SIGNATURE PAGE

Contract Name: Regional Solid Waste Grant
 Contract Number: 582-18-80531
 Performing Party: 1-74-16893810
 Performing Party Identification Number: Capital Area Council of Governments
 Maximum Authorized Reimbursement: \$633,336.00 (FY18 - \$316,668.00 / FY19 - \$316,668.00)
 Effective Date: ☒ September 1, 2017 ☐ Date of last signature
 Expiration Date: ☒ August 31, 2019 ☐ Last day of Fiscal Year in which the Contract was signed
☐ If checked, this Contract requires matching funds. Match Requirement:
☐ If checked, this Contract is funded with federal funds.

CFDA Number:

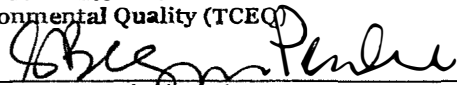
Federal Grant Number:

This Contract is entered under: ☐ Gov't Code ch. 771 (Interagency) ☒ Gov't Code ch. 791 (Interlocal)
☐ Water Code § 5.229 (Intergovernmental) ☒ Water Code § 5.124 (Grant)

The Texas Commission on Environmental Quality (TCEQ), an agency of the State of Texas, and the named Performing Party, a state agency or local government of the State of Texas, enter this agreement (Contract) to cooperatively conduct authorized governmental functions and activities under the laws of the State of Texas.

The Parties agree as follows: (a) to be effective, the Contract must be signed by an authorized official of the TCEQ and the Performing Party; (b) this Contract consists of all documents specified in the list of Contract Documents following this page; and (c) as authorized by TCEQ, Performing Party will conduct Contract Activities as part of its own authorized governmental functions and TCEQ will reimburse Allowable Costs subject to the Texas Uniform Grant Management Standards (UGMS) and this Contract.

Texas Commission on
Environmental Quality (TCEQ)


Authorized Signature

Stephanie Bergeron Perdue

Printed Name

Deputy Executive Director

8/9/2017
Date

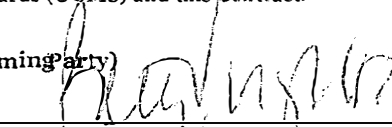

Procurements & Contracts Representative

Arthur French, CTCM CTPM

Printed Name

7/31/2017
Date

(Performing Party)


Authorized Signature

Printed Name

Title

Date

CONTRACT DOCUMENTS LIST
Cooperative Reimbursement Contract
for State Agencies and Local Governments

This Contract between TCEQ and Performing Party consists of the Contract Documents listed on this page and marked by an "X." Documents on this list include all amendments. In the event of a conflict of terms, the Contract Documents as amended control in the descending order of the list, subject to provisions in the Special Terms and Conditions, if any. All Contract provisions, however, are subject to control by the latest amendment, or update as allowed by the Contract, and most specific provision and by the applicable state and federal laws, rules and regulations.

- ☒ Contract Signature Page
- ☒ Contract Documents List (this page)
- ☒ Special Terms and Conditions
- ☒ Scope of Work
- ☒ General Terms and Conditions
- ☒ Cost Budget (See Attachment 1 – Application documents Form 5 incorporated by reference)
- ☒ Notices, Project Representatives and Records Locations
- ☒ TCEQ - Regional Solid Waste Program Administrative Procedures (included by reference)
- ☒ Attachment 1 – TCEQ-approved Regional Council of Governments Application (separate Excel document incorporated by reference)
- ☒ Attachment 2 – TCEQ-approved Funding Plan (separate Excel document incorporated by reference)

SPECIAL TERMS AND CONDITIONS

These Special Terms and Conditions add to, or in the case of conflicts, supersede and take precedence over all other Contract Documents.

1. **Statutory Authority.** Fiscal Year (FY) 2018-2019 Appropriations Bill (85th Legislature Regular Session) and Texas Health and Safety Code § 361.014(b).
2. **Availability of Funds.** The source of the funds provided by the TCEQ is the Solid Waste Disposal and Transportation Fees, as stated in Texas Health and Safety Code § 361.013 and the Municipal Solid Waste Disposal Account, as listed in Texas Health and Safety Code § 361.014(d). The parties agree that TCEQ's obligations under this Contract are contingent upon the continued availability of sufficient funds in the Municipal Solid Waste Disposal Account. TCEQ may terminate this contract if funds become unavailable due to lack of fees collected, legislative changes, or demands upon the funds described above that are necessary to protect the health and safety of the public. The *Performing Party* shall place this notice in all subgrants and contracts.
3. *Performing Party* agrees to perform activities described in this Contract, which may be a modification of the proposal submitted to TCEQ.
4. Local and regional political subdivisions that are subject to the payment of state solid waste disposal fees and whose fee payments are in arrears, as determined by the TCEQ, are not eligible to receive subgrant or contract funding from the *Performing Party*. The *Performing Party* shall allow a potential subgrant or contract applicant that is listed as being in arrears in its fee payments the opportunity to provide documentation of payment of the fees owed the state. If the potential applicant provides the *Performing Party* with documentation of payment of the fees, such as a canceled check or receipt from the state, the *Performing Party* may consider that applicant to be eligible to receive subgrant or contract funding under this Contract.
5. The *Performing Party* is responsible for ensuring that subrecipients and contractors have all necessary permits, meet all other legal requirements to perform the activities, are qualified to perform the activities, and are not in arrears on any penalties owed to TCEQ.
6. Local and regional political subdivisions that are barred from participating in state contracts by the Texas Comptroller of Public Accounts (CPA) under the provisions of § 2155.077, Texas Government Code, and Title 34 Texas Administrative Code (TAC) § 20.585, CPA Regulations, are not eligible to receive subgrants or contracts from the *Performing Party*.
7. The activities funded under this Contract, both projects conducted by the *Performing Party* or as a part of a subgrant, shall be in accordance with all provisions of this Contract, all applicable federal, state and local laws, rules, regulations, and guidelines. The main governing requirements include, but are not limited to, the following standards.
 - 7.1 Chapters 361, 363, and 364 of the Texas Health and Safety Code.
 - 7.2 Title 30 TAC Chapter 330, Subchapter O, TCEQ Rules.
 - 7.3 Title 30 TAC Chapter 14, TCEQ Rules.

- 7.4 The Uniform Grant and Contract Management Act, Texas Government Code, §§783.001 et seq., the Uniform Grant and Contract Standards, 34 TAC §§20.456 - 20.467, and the Uniform Grant Management Standards issued by CPA and formerly by the Texas Office of the Governor (UGMS).
- 7.5 General Appropriations Act, 85th Legislature Regular Session, including Article IX, Part 4.
- 7.6 Chapter 391 of the Local Government Code and related rules.
8. **Administrative Procedures.** The *Performing Party* agrees to follow those administrative procedures identified in this Contract, including the Regional Solid Waste Grants Program (RSWGP) Administrative Procedures, in performance of the deliverables identified within this Contract.
9. **Electronic Signature.** Electronic signatures may be used on the *Performing Party's* Grant Application, Funding Plan, budget amendments, reports, and correspondence provided that the owner of the electronic signature approves the use of their signature for that purpose.
10. **Distribution of Funds.** The TCEQ shall disburse payments to the *Performing Party* throughout the biennium. Distribution amounts shall be apportioned among the twenty-four (24) Councils of Governments (COGs) in accordance with the allocation formula established by the TCEQ, and shall not exceed the total budget for each fiscal year. The Application and Funding Plan must be submitted by January 31st of the first year of the biennium. Except for the potential pre-payment, TCEQ will not release funding to the *Performing Party* until the Application and Funding Plan are approved by TCEQ. If after approval of the Application and Funding Plan, the *Performing Party* does not work in good faith, including in a timely manner, TCEQ may suspend payments.
- 10.1 **Pre-payment Option.** Upon execution of this Contract, TCEQ may make a one-time pre-payment of funds up to twelve and a half percent (12.5%) of the Maximum Authorized Reimbursement amount for the first year of the Contract (total annual budget).
- 10.2 **Costs Prior to TCEQ Approval of Application and Funding Plan.** The *Performing Party* may incur costs for preparing the Application and Funding Plan prior to TCEQ providing the *Performing Party* a *Notice to Commence – General*. The actual costs of preparing the Application and Funding Plan may not exceed 12.5% of the Maximum Authorized Reimbursement amount for the first year of the Contract (total annual budget). Prior to TCEQ Approval of the Application and Funding Plan, the *Performing Party* must obtain prior, written approval from TCEQ to incur costs for activities other than the development of the Application and Funding Plan.
- 10.3 **Reimbursement Payment Method.** TCEQ, at its discretion and at any time during the term of this Contract, may convert to a reimbursement-only payment method for this Contract, in accordance with the General Terms and Conditions of this Contract.
11. **Federally-insured, Interest-bearing Account, Specific Local Government Investment Pools, and Earned Interest.** All funds received by the *Performing Party*, including interest earned, shall be placed in a federally-insured, interest-bearing account or TexPool or TexPool Prime, as authorized under Texas Government Code Chapter 2256. Interest earned by the *Performing Party* under this Contract may be

utilized in any other budget category including implementation projects. The *Performing Party* must report earned interest expenses in the worksheet of the Financial Status Reports (FSRs). *Performing Party* must notify TCEQ when moving earned interest into the next biennium. Expenditures must be tracked as a separate budget from the regular approved budget.

12. **End of Biennium Unexpended Funds.** The *Performing Party* must submit a plan to the TCEQ to seek direction on expense of any remaining funds. Such plan shall consist of a letter of request which clearly delineates intended use of all remaining funds. The letter must be submitted by the earlier of close out of the contract, or December 31 occurring after the end of the biennium, along with or before the final FSR and Release of Claims.

13. **Application and Funding Plan.**

- 13.1 **General.** The Application and Funding Plan provide information to the TCEQ on how funds will be spent over the term of this Contract. The Application is compared to the submitted FSRs to ensure funds are spent in accordance with the approved Application.

- 13.2 **Submission.** The *Performing Party* must complete and submit the Application and Funding Plan simultaneously in electronic format using templates provided by TCEQ. The documents shall be signed by an authorized signatory of the *Performing Party* and must be submitted no later than **January 31, 2018**. If the documents are not submitted by the required due date, the *Performing Party* must submit a letter, by January 31, 2018, from the *Performing Party's* Executive Director addressed to the TCEQ Grant Manager requesting a delay, providing a reason for the delay, and proposing an extended due date. TCEQ may approve the extended due date or request additional information by email.

If the Contract is extended by amendment for an additional biennium, the Application and Funding Plan shall be submitted no later January 31st of the first year of the added biennium. If these documents are not submitted by the required due date, a letter must be submitted as required above for the first biennium of the Contract. The *Performing Party* is encouraged to provide the documents earlier than the due date(s).

Even if an extended due date for the Application and Funding Plan is approved, TCEQ may suspend payments of funding under the Contract until the Application and Funding Plan are submitted. Failure to provide the Application and Funding Plan is considered nonconforming performance and the remedies applicable to nonconforming performance included in the article of the General Conditions titled, *Disputes, Claims and Remedies*, may be applied by TCEQ.

- 13.3 Initial Review of the Application and Funding Plan and Implementation Projects.

- 13.3.1 **Application and Funding Plan.** TCEQ will review the Application and Funding Plan. Upon TCEQ approval of the Application and Funding Plan, TCEQ shall provide the *Performing Party* a Notice to Commence – General, with the activities in the Application except implementation projects. The Application and Funding Plan become Attachments 1 and 2, respectively, to this Contract.

- 13.3.2 **Implementation Projects.** To request approval of each implementation project, the *Performing Party* must provide the information required in the

RSWGP Administrative Procedures to TCEQ. TCEQ will review each project and provide a Notice to Commence with the Implementation Projects.

14. **Budget and Budget Adjustments.**

14.1. The budget for this Contract is contained in the approved version of the *Performing Party's* Application (**Attachment 1**). The *Performing Party* will not be reimbursed for activities that are not included in the *Performing Party's* approved Application. The *Performing Party* will not be reimbursed for expenses in excess of the budget category amounts shown in each fiscal year's budget column, unless changes are made to the budget categories in accordance with the requirements in this Contract.

14.2. **Budget Adjustments.**

14.2.1 **Cumulative transfer of funds equal to or less than ten percent (10%) of the Total Annual Budget.** *Performing Party* may transfer amounts between the approved direct cost budget categories that do not cumulatively exceed 10% of the total annual budget, with the exception of the Implementation Project category in the Budget. Budget adjustments are submitted in the FSR and can be submitted prior to the deadline for submission of the FSR. The *Performing Party* does not have to wait for approval for these budget revisions prior to incurring costs with the exception of items that have not been pre-approved in the Application. The 10% limit does not reset with the acceptance of each FSR. It resets when TCEQ provides prior approval for a cumulative change greater than 10% of the annual budget.

14.2.2 **Cumulative transfer of funds greater than 10% of the Total Annual Budget.** The *Performing Party* must request prior, written approval from TCEQ for all budget revisions that result in the cumulative transfer of greater than 10% of the total annual budget between direct cost budget categories. The *Performing Party* must submit a written justification and show the budget adjustments in the FSR.

14.2.3 **Transfers Funds from Implementation Project Budget.** *Performing Party* must seek written, prior approval from TCEQ prior to transferring funds out of the Implementation Project category in the Budget. The *Performing Party* must submit a written justification and show the budget adjustments using the FSR form.

14.2.4 *Performing Party* may not transfer funds to budget categories containing zero dollars without TCEQ pre-approval in writing.

14.3. All negative budget categories shall be adjusted prior to submitting the quarterly FSRs.

15. **Budget Category Expense Records and Documentation.** The *Performing Party* shall maintain expenditure documentation to show the work was performed and that the expense was incurred and paid. Expense documentation shall be in accordance with this Contract and the UGMS, including supporting reasonable expenditures necessary to this Contract, and shall be maintained at the COG and not provided with each FSR unless directed by the TCEQ to do so. Expense record documentation shall be conducted per the

UGMS. Budget category expenses not addressed in the following will be administered per the Contract requirements, including the Special Terms and Conditions.

- 15.1 **Personnel/Salary.** The *Performing Party's* employee positions covered in this Contract are set forth in **Attachment 1**.
 - 15.1.1 The *Performing Party* shall maintain time sheets that have been signed by the employee and approved by the supervisory official having firsthand knowledge of the work performed by the employee.
- 15.2 **Travel.** Travel expenses are allowed as set forth in **Attachment 1**.
 - 15.2.1. Additional non-routine travel expenses may be authorized as follows:
 - 15.2.1.1 Any travel outside of the State of Texas by employees of the *Performing Party* to be reimbursed under this Contract must be authorized, in writing, by the TCEQ and listed in **Attachment 1**, prior to the travel expenses being incurred.
 - 15.2.1.2 Any travel expenses for an employee not included in the Authorized Personnel list in **Attachment 1** or for persons not employed by the *Performing Party*, except in the case of a Solid Waste Advisory Committee (SWAC) member's travel to attend SWAC meetings, must be authorized, in writing, by the TCEQ, prior to the travel expenses being incurred.
 - 15.2.2. *Performing Party* shall maintain travel documentation, onsite, which, at a minimum, is consistent with UGMS and this Contract and identifies the purpose of the travel, supported with actual receipts for hotel accommodations, public transportation, airfare, and other travel expenses. Such travel documentation shall be submitted to TCEQ upon request.
- 15.3 **Supplies.** Expenses included under the Supplies expense category of the budget set forth in **Attachment 1** shall be for non-construction related costs for goods and materials having a unit acquisition cost of less than \$1,000, excluding shipping, handling, freight, tax, and similar costs. Such expenditures shall generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods which are consumed by the *Performing Party* in a relatively short period of time, in the regular performance of the activities funded under this Contract.
 - 15.3.1 Supplies expenditure documentation to be maintained by the *Performing Party* includes receipts, purchase orders (if issued) or invoices marked paid, and canceled checks.
- 15.4 **Equipment.** Expenses included under the Equipment expense category of the budget set forth in **Attachment 1** shall be for non-construction related, tangible, personal property having a unit acquisition cost of \$5,000, or more with an estimated useful life of over one year.
 - 15.4.1 *Performing Party* must seek TCEQ prior approval for purchase of additional equipment, and such equipment must be placed on the Authorized Equipment Expenses list in **Attachment 1**.
 - 15.4.2 Equipment expenditure documentation to be maintained by the *Performing Party* includes receipts, purchase orders (if issued) or invoices marked paid, and canceled checks. Vehicles and equipment purchased through this

Contract shall be used exclusively for the activities authorized by this Contract or a subsequent, similar grant from TCEQ for the life of the equipment and vehicles purchased. If TCEQ discontinues providing similar grants, the *Performing Party* shall follow the use and disposition requirements in this Contract and the UGMS, unless TCEQ provides different instructions.

- 15.5 **Contractual.** Expenses included under the Contractual expense category of the budget set forth in **Attachment 1** shall be for costs for services or tasks provided by a firm or individual who is not employed by the *Performing Party*.
- 15.5.1 No expenses included under the Contractual expense category of the budget set forth in **Attachment 1** shall be allowed under this Contract unless the contractor, contract amount, and scope of work are approved ahead-of-time by the TCEQ, in writing, and included on the list of authorized Contractual expenses in **Attachment 1**.
- 15.5.2 The *Performing Party* shall maintain evidence that the contract price is reasonable, necessary, and allocable to this Contract. The evidence of reasonability may take the form of bid tab sheets or other form of evaluation of competitive price offers or competitive proposals, and/or a cost analysis or price analysis under the UGMS, which must be in compliance with applicable state law and regulations for the activity or service for which the *Performing Party* is contracting. Expenditure documentation to be maintained by the *Performing Party* includes receipts, purchase orders (if issued) or invoices marked paid, and canceled checks.
- 15.5.3 Any amendment to a *Performing Party* contract authorized for reimbursement under this Contract, which will result in or require substantive changes to any of the tasks required to be performed under this Contract, must be approved in writing by the TCEQ prior to the *Performing Party* incurring costs.
- 15.5.4 All applicable laws and regulations concerning competitive bidding, competitive proposals, and contracting for services shall be followed.
- 15.6 **Implementation Projects.** Expenses included under the Implementation Project expense categories of the budget set forth in **Attachment 1**, shall be for approved subgrant and COG-Managed projects, as authorized under this Contract.
- 15.6.1 The *Performing Party* shall maintain documentation of subrecipients' expenses, copies of all risk assessment documents, monitoring plans, monitoring desk reviews, and site visit reports prepared under the *Performing Party's* fiscal monitoring program, to document oversight and review of the subrecipients' expenses.
- 15.6.2 For each authorized implementation project, the *Performing Party* shall indicate on the appropriate FSR the TCEQ assigned project number, the authorized funding for that project, the outlays for the report period, the cumulative (total to date) outlays for that project, and the remaining balance for each project. In addition, for each subgrant for which an outlay is listed for the reporting period, the *Performing Party* shall maintain, for each reimbursable cost listed on the supplemental form, legible documentation that (1) clearly identifies the subrecipient, and (2) confirms the reimbursable amount shown on the form. This documentation shall be

a signed request for reimbursement form from the subrecipient marked “paid”, or a similar document used by the *Performing Party* to receive and process reimbursement requests from subgrant recipients. The requirements in this Subarticle do not change the requirements in the UGMS regarding the *Performing Party* and subrecipients’ review and retention of backup documentation for project costs.

- 15.7 **Other Expenses.** All expenses under the “Other” expense categories of the budget set forth in **Attachment 1** shall be in connection with the tasks and activities to be performed under this Contract. Expenses not falling under the main expense categories may be included under the “Other” expense category if appropriate for the proposed project as set forth in this Article.

15.7.1. To ensure that expenditures charged under the “Other” budget category are allowable, all expenses must be itemized in **Attachment 1**.

- 15.8 **Indirect Cost Rate.** Indirect and Fringe Benefit Cost Rates will be described in the Approved Application documents and shall be calculated per the UGMS. *Performing Party* will provide the TCEQ a copy of the Federal Cognizant Agency or State Coordinating Agency letter identifying the approved fringe benefit and indirect cost rates upon receipt of the letter.

- 15.9 **Additional Expense Records.** If requested by the TCEQ, the *Performing Party* agrees to provide to the TCEQ the additional expense records and documentation materials, appropriate for the expense, for the time period requested by the TCEQ. The TCEQ will provide reasonable time for the *Performing Party* to comply with a request for additional records. The TCEQ will allow the *Performing Party* reasonable time to respond to any findings of noncompliance or other problems identified by the records review.

16. Subarticle 1.2 *Amendments* of the General Terms and Conditions is modified to include the following exception for minor changes:

- 1.2.1. **Minor Changes.** TCEQ authority for making interpretations and agreeing to minor changes:

1.2.1.1. The TCEQ Grant Manager and/or the TCEQ Project Manager has the authority, without a formal Amendment, to make written Contract interpretations and agree in writing to minor, non-material changes to requirements in the Scope of Work, Application (**Attachment 1**), Funding Plan (**Attachment 2**), or implementation projects, including:

- 1.2.1.1.1. Changes to the schedule in the Scope of Work, Application (**Attachment 1**), Funding Plan (**Attachment 2**) or implementation projects, including an extension of a deliverable due date, not to exceed the expiration date of the Contract;
- 1.2.1.1.2. Changes to the individual tasks in the Application (**Attachment 1**), Funding Plan (**Attachment 2**), or implementation projects that do not substantially change the obligations of the Parties relative to those Tasks; and
- 1.2.1.1.3 Transfers between the authorized amounts of expenditures in the Budget Categories if the cumulative changes are equal to or less than 10% of the yearly budget.

- 1.2.1.2. To be effective, the Contract changes agreed to by TCEQ must be in writing and must also be agreed to by an authorized Representative of the *Performing Party*. A copy of the agreed change must be retained in the appropriate file of both the *Performing Party* and TCEQ.
- 1.2.1.3 It is the responsibility of the *Performing Party* to request extensions to the deliverable schedule and other changes.
- 1.2.1.4 A formal amendment to the Contract signed by authorized officials of both Parties is required for changes to the substantive obligations of the *Performing Party* and/or TCEQ, including the following:
 - 1.2.1.4.1 Changes in the total amount of funds in the Budget or the Contract;
 - 1.2.1.4.2 Transfers between the authorized amounts of expenditures in the Budget Categories if the cumulative changes are greater than 10% of the yearly budget;
 - 1.2.1.4.3 Changes to the Contract's Expiration Date;
 - 1.2.1.4.4 Changes to the Scope of Work that affect TCEQ obligations in this Contract or TCEQ obligations to another state or federal agency or the Texas Legislature; or
 - 1.2.1.4.5 Changes that affect the material obligations of the *Performing Party* in this Contract.

17. Subarticle 4.4 of the General Terms and Conditions is replaced with the following:

Release of Claims. As a condition to final payment and/or settlement, and all tasks and deliverables have been fulfilled, the *Performing Party* shall execute and deliver to the TCEQ a release of all claims against the TCEQ for payment under this Contract with its final FSR for FY18/19 funding. The Release of Claims Form is found in the FSR workbook. If the Contract is extended by amendment for an additional biennium, the *Performing Party* shall execute and deliver to the TCEQ a release of all claims against the TCEQ for payment under this Contract with its final FSR for the added biennium.

18. *Performing Party* shall comply with Texas Government Code § 556.0055.

19. If the *Performing Party* is required by the UGMS to obtain a Single Audit or program-specific audit and the audit is not posted on the Federal Audit Clearinghouse website, the *Performing Party* shall provide the audit to TCEQ immediately upon the completion of the audit and provide the *Performing Party's* management decisions.

20. TCEQ materially relies on all certifications provided by the *Performing Party*.

SCOPE OF WORK

I. INTRODUCTION AND DESCRIPTION OF ACTIVITIES

The purpose of this grant is for the *Performing Party* to implement the activities specified in Texas Health and Safety Code § 361.014(b). This Scope of Work is a general description of *Performing Party* grant activities for implementation of the Regional Solid Waste Management Plan (RSWMP) goals and objectives, including updating and maintaining the RSWMP. The obligations identified within this document apply to each subrecipient (also known as a subgrantee) as well as the *Performing Party*.

II. ELIGIBILITY

Only those local and regional political subdivisions located within the State of Texas, as set forth in this Article, are eligible to receive funding from the *Performing Party* for an implementation project. Federal entities are not eligible to receive funds under this Contract. Eligible entities include the following:

1. Cities;
2. Counties;
3. Public schools and school districts (does not include Universities or post-secondary educational institutions);
4. Other general and special law districts created in accordance with state law, and with the authority and responsibility for water quality protection or municipal solid waste management, to include river authorities; and,
5. Regional Planning Commissions, Regional Councils of Governments, Regional Area Councils, Regional Development Councils, or Regional Associations of Governments.

III. FINANCIAL ADMINISTRATION OF SUBGRANTS

1. The *Performing Party* agrees to establish and administer a financial management program to make reimbursements to subrecipients for authorized expenditures and to ensure that the expenditures by the subrecipients were incurred, reasonable, necessary, and allocable to the project. In administering a financial management system, the *Performing Party* shall adhere to the specific standards and requirements set forth in this Contract, the Uniform Grant Management Standards (UGMS), and all applicable laws and regulations. The *Performing Party* may institute more stringent standards and requirements than are set forth in this Article unless more stringent standards or requirements are disallowed by law or regulation.
 - 1.1. The *Performing Party* shall include the applicable minimum financial standards and controls as set forth in this Contract in all agreements with subrecipients.

- 1.2. Payments by the *Performing Party* to subrecipients shall be solely for reimbursement of actual allowable costs, with no payments in advance. No subgrant may be made on a fixed-amount of cost reimbursement unless this method is specifically approved by the TCEQ based on supporting evidence of the proposed subrecipient's actual costs.
- 1.3. The *Performing Party* may allow a subrecipient to account for expenses incurred and request reimbursement of outlays under either a cash or accrual basis, as defined and authorized under the UGMS. To be eligible for reimbursement by the *Performing Party*, a cost must have been incurred and either paid by the subrecipient prior to claiming reimbursement from the *Performing Party* or incurred by the last day of the time period indicated on the subrecipient's request for reimbursement form and paid no later than 30 (thirty) days after the end of that time period. If any requirement in law, regulation, or UGMS contains other requirements regarding reimbursement or payment, the subrecipient must reimburse or pay in accordance with the applicable requirement.
- 1.4. The *Performing Party* shall also require the subrecipients to submit a request for reimbursement that itemizes expenditures by budget category. The forms shall be submitted by subrecipients at least quarterly or with each request for reimbursement, if reimbursement is requested more frequently than quarterly.
- 1.5. The *Performing Party* shall assess the financial risks associated with each subgrant, and shall require a subrecipient to submit expense documentation records and, as necessary, shall conduct on-site monitoring to address those risks.
- 1.6. The *Performing Party* shall review all materials accompanying a subrecipient's request for reimbursement and shall not make a reimbursement payment unless all necessary documentation has been provided, is accurate, and complies with the UGMS.
- 1.7. The *Performing Party* shall reimburse or otherwise make payment to a subrecipient only for expenses incurred during the term of the subgrant agreement between the *Performing Party* and the subrecipient, which term may not be outside of the term of this Contract.
- 1.8. The *Performing Party* shall not reimburse or otherwise make payment to a subrecipient for an expenditure that is not authorized under this Contract. If it is determined, by either the *Performing Party* or the TCEQ that an expenditure that was reimbursed is not an authorized expense, the *Performing Party* shall request return and reimbursement of those funds from the subrecipient or allow the subrecipient to move the funds within the budget. *Performing Party* shall not provide additional reimbursements to the subrecipient until the funds have either been returned or applied towards other authorized expenses.

- 1.9. The subgrant agreements shall include a budget, broken down into individual categories consistent with the budget categories used in this Contract.

IV. ACTIVITIES AND DELIVERABLES

1. The activities identified herein is subject to the guidelines as set forth in the RSWGP Administrative Procedures, and these guidelines may be updated and or amended throughout the term of this Contract as deemed necessary by the TCEQ.
2. A project or service funded under this program must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. The *Performing Party* agrees to perform the following administrative activities and those outlined elsewhere in the Contract, including the RSWGP Administrative Procedures, and other activities listed below as approved in the Application (**Attachment 1**) and Funding Plan (**Attachment 2**):
 - 2.1. Maintain and facilitate the RSWMP. Volume I contains the general description of the region's solid waste management goals and Volume II contains the details of the plans and the Closed Landfill Inventory (CLI);
 - 2.2. Prepare and submit Application and Funding Plan within requested time frames and respond to any requests by the TCEQ for changes or amendments to the information provided in the Application or Funding Plan;
 - 2.3. Establish and maintain a Solid Waste Advisory Committee (SWAC);
 - 2.4. Conduct regional outreach, education, technical assistance, informational programs, and training activities and serve as central point of contact for regional solid waste management planning within the region of responsibility;
 - 2.5. Maintain and promote a regional Municipal Solid Waste (MSW) information resource center of education and prepare and/or distribute outreach materials;
 - 2.6. Conduct Municipal Solid Waste Facility Registration and/or Permit Application conformance reviews, as appropriate;
 - 2.7. Conduct Municipal Solid Waste Facility Pre-application conformance reviews, as appropriate;
 - 2.8. Conduct data collection, data analysis, and data maintenance and upkeep, as appropriate;

- 2.9. Conduct the implementation project selection process, including providing each implementation project to TCEQ for review and approval;
- 2.10. Conduct and administer the subgrant award and administration process;
- 2.11. Maintain program records and conduct program reporting on forms provided by the TCEQ;
- 2.12. Maintain program budget and conduct financial reporting on forms provided by the TCEQ;
- 2.13. Conduct additional requirements as requested by the TCEQ; and
- 2.14. Cost Allocation Documentation. *Performing Party* will provide the TCEQ a copy of the most recent Federal Cognizant Agency or State Coordinating Agency letter identifying the approved fringe benefit and indirect cost rates upon receipt by the *Performing Party* and provide new letters when received.

V. REPORTING

1. **Progress Reports.** For any changes to the reporting due dates, the *Performing Party* must obtain written prior approval for an extension from TCEQ.

- 1.1. Semi-Annual Report. Using the format for Semi-Annual Reports identified in RSWGPA Administrative Procedures, the *Performing Party* shall provide a minimum of four reports. The Semi-Annual Report shall document the *Performing Party's* performance under this Contract, including the accomplishments and slippage of any task and activities compared to the outcomes specified for the period.

The Semi-Annual Report to the TCEQ shall be due on March 30, 2018; September 30, 2018; March 30, 2019; and December 31, 2019.

Upon written notification to the *Performing Party*, the TCEQ may require that Semi-Annual Reports be provided on a more frequent basis, but no more frequently than quarterly.

- 1.2. Results Report and Follow-Up Results Report. Using the format for Results Reports identified in the RSWGPA Administrative Procedures, the *Performing Party* shall report on data compiled from the individual implementation projects funded during the Contract. The biennial reports required under this Article shall include a report on the progress of the local municipal solid waste management program and recycling activities.

The Results Report to the TCEQ shall be due on December 31, 2017, for results from the FY 16/17 biennium.

The Follow-Up Results Report shall be due on October 15, 2018, for results from the FY 16/17 biennium.

- 1.3. Financial Status Reports (FSRs). The *Performing Party* shall submit to the TCEQ a completed FSR workbook, as specified by the TCEQ, containing as its "reporting period" the latest State Fiscal Year (FY) quarter within 30 (thirty) days following the end of the first seven FY quarters contained within the biennium. Such reports shall be required even if no expenses or encumbrances have been incurred during the report period. A Final FSR workbook, indicating in the appropriate box that it is the final report, shall be submitted by the *Performing Party* not later than December 31st following the expiration date of this Contract.
- 1.4. All Reports listed above shall be submitted in electronic format and signed by an authorized signatory of the *Performing Party*, as identified in the Application (**Attachment 1**) to this Contract, and shall be addressed to the *Performing Party's* TCEQ Grant Manager.

GENERAL TERMS AND CONDITIONS
Cooperative Reimbursement Contract
for State Agencies and Local Governments

1. CONTRACT PERIOD

- 1.1. **Contract Period.** The Contract begins on the Effective Date and ends on the Expiration Date as provided on the Contract Signature Page. If no Effective Date is provided, the Effective Date of the Contract is the date of last signature. If no Expiration Date is provided, the Expiration Date is August 31 of the same Fiscal Year in which the Contract is signed.
- 1.2. **Amendments.** This Contract is not subject to competitive selection requirements and may be amended by mutual agreement. Except as specifically allowed by the Contract, all changes to the Contract require a written amendment and agreement by both parties.
- 1.3. **Extensions.** TCEQ may by unilateral written amendment extend the Expiration Date for a period of up to 90 days. Unless otherwise indicated in the applicable contract amendment, an extension does not extend any other deadlines or due dates other than the expiration of the Contract Period.

2. FUNDS

- 2.1 **Availability of Funds.** This Contract and all claims, suits or obligations arising under or related to this Contract are subject to the receipt and availability of funds appropriated by the Texas Legislature for the purposes of this Contract or the respective claim, suit or obligation, as applicable. Performing Party will ensure that this article is included in any subcontract it awards.
- 2.2 **Maximum Authorized Reimbursement.** The total amount of funds provided by TCEQ for the Contract will not exceed the amount of the Maximum Authorized Reimbursement as shown on the Contract Signature Page.
- 2.3 **Fiscal Year Restrictions.** In order to be reimbursed under this Contract, costs must be incurred during the Contract Period and within the time limits applicable to the funds from which the Contract is being paid. TCEQ is under no obligation to offer deadline extensions which extend to the maximum availability of the contract funding source.
- 2.4 **Grants.** If this Contract was entered under the TCEQ's authority to award grants, TCEQ is providing financial assistance to the recipient to undertake its own project.
- 2.5 **No Debt against the State.** This Contract is contingent on the continuing appropriation of funds. This Contract shall not be construed to create debt against the State of Texas.

3. ALLOWABLE COSTS

- 3.1 **Conforming Activities.** TCEQ will reimburse the Performing Party for necessary and reasonable Allowable Costs that are incurred and paid by the Performing Party in performance of the Scope of Work as authorized by this Contract in the Cost Budget or Fixed Payment Amounts.
- 3.2 **UGMS.** Allowable Costs are restricted to costs that comply with the Texas Uniform Grant Management Standards (UGMS) and applicable state and federal rules and law. The parties agree that all the requirements of the UGMS apply to this Contract, including the criteria for Allowable Costs. Additional federal requirements apply if this Contract is funded, in whole or in part, with federal funds.

4. REIMBURSEMENT

- 4.1. **Reimbursement Requests.** Performing Party shall invoice TCEQ to request reimbursement for its Allowable Costs for performing the Scope of Work. Performing Party's invoice shall conform to all reimbursement requirements specified by TCEQ.
- 4.2. **Conditional Payments.** Reimbursements are conditioned on the Scope of Work being performed in compliance with the Contract. Performing Party shall return payment to TCEQ for either overpayment or activities undertaken that are not compliant with the Scope of Work. This does not limit or waive any other TCEQ remedy.

- 4.3. **No Interest for Delayed Payment.** Because the Performing Party is not a vendor of goods and services within the meaning of Texas Government Code Chapter 2251, no interest is applicable in the case of late payments.
- 4.4. **Release of Claims.** As a condition to final payment or settlement, or both, the Performing Party shall execute and deliver to the TCEQ a release of all claims against the TCEQ for payment under this Contract.
- 4.5. **State agencies/Institutions of Higher education.** If the Contractor is a State agency or institution of higher education payments must be made via interagency transaction voucher (ITV), please provide a Recurring Transaction Index (RTI) number on the face of the invoice OR if payments are to be deposited into a local bank account, the following statement must be placed on the face of the invoice: "Funds to be deposited into local bank account." For additional information, please refer to the Texas Comptroller's Accounting Policy Statement (APS) 014.

5. FINANCIAL RECORDS, ACCESS AND AUDITS

- 5.1 **Audit of Funds.** The Performing Party understands that acceptance of funds under this Contract acts as acceptance of the authority of the State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. Performing Party further agrees to fully cooperate with the State Auditor's Office or its successor in the conduct of the audit or investigation, including providing all records requested. Performing Party shall ensure that this clause concerning the audit of funds accepted under this Contract is included in any subcontract it awards.
- 5.2 **Financial Records.** Performing Party shall establish and maintain financial records including records of costs of the Scope of Work in accordance with generally accepted accounting practices. Upon request Performing Party shall submit records in support of reimbursement requests. Performing Party shall allow access during business hours to its financial records by TCEQ and other state agencies for the purpose of inspection and audit. Financial records regarding this contract shall be retained for a period of three (3) years after date of submission of the final reimbursement request.

6. PERFORMING PARTY'S RESPONSIBILITIES

- 6.1 **Performing Party's Responsibility for the Scope of Work.** Performing Party undertakes performance of the Scope of Work as its own project and does not act in any capacity on behalf of the TCEQ nor as a TCEQ agent or employee. Performing Party agrees that the Scope of Work is furnished and performed at Performing Party's sole risk as to the means, methods, design, processes, procedures and performance.
- 6.2 **Independent Contractor.** The parties agree that the Performing Party is an independent contractor. Nothing in this Contract shall create an employee-employer relationship between Performing Party and TCEQ. Nothing in this Contract shall create a joint venture between TCEQ and the Performing Party.
- 6.3 **Performing Party's Responsibilities for Subcontractors.** All acts and omissions of subcontractors, suppliers and other persons and organizations performing or furnishing any of the Scope of Work under a direct or indirect contract with Performing Party shall be considered to be the acts and omissions of Performing Party.
- 6.4 **No Third Party Beneficiary.** TCEQ does not assume any duty to exercise any of its rights and powers under the Contract for the benefit of third parties. Nothing in this Contract shall create a contractual relationship between TCEQ and any of the Performing Party's subcontractors, suppliers or other persons or organizations with a contractual relationship with the Performing Party.

7. TIME

- 7.1 **Time is of the Essence.** Performing Party's timely performance is a material term of this Contract.
- 7.2 **Delays.** Where Performing Party's performance is delayed, except by Force Majeure or act of the TCEQ, TCEQ may withhold or suspend reimbursement, terminate the Contract for cause, or

enforce any of its other rights (termination for convenience may be effected even in case of Force Majeure or act of TCEQ).

8. CONFLICT OF INTEREST

Performing Party shall have a policy governing disclosure of actual and potential conflicts of interests. Specifically, for work performed under this Contract by Performing Party or any related entity or individual, Performing Party shall promptly disclose in writing to TCEQ any actual, apparent, or potential conflicts of interest, including but not limited to disclosure of:

- i. Any consulting fees or other compensation paid to employees, officers, agents of Performing Party, or members of their immediate families, or paid by subcontractor or subrecipients; or
- ii. Any organizational conflicts of interest between Performing Party and its subcontractors or subrecipients under a subaward.

No entity or individual with any actual, apparent, or potential conflict of interest will take part in the performance of any portion of the Scope of Work, nor have access to information regarding any portion of the Scope of Work, without TCEQ's written consent in the form of a unilateral amendment. Performing Party agrees that TCEQ has sole discretion to determine whether a conflict exists, and that a conflict of interest is grounds for termination of this Contract.

9. DATA AND QUALITY

- 9.1 **Quality and Acceptance.** All work performed under this Contract must be complete and satisfactory in the reasonable judgment of the TCEQ. All materials and equipment shall be handled in accordance with instructions of the applicable supplier, except as otherwise provided in the Contract.
- 9.2 **Quality Assurance.** All work performed under this Contract that involves the acquisition of environmental data will be performed in accordance with a TCEQ-approved Quality Assurance Project Plan (QAPP) meeting all applicable TCEQ and EPA requirements. Environmental data includes any measurements or information that describe environmental processes, location, conditions, ecological or health effects and consequences. Environmental data includes information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. No data collection or other work covered by this requirement will be implemented prior to Performing Party's receipt of the QAPP signed by TCEQ and, if necessary, the EPA. Without prejudice to any other remedies available to TCEQ, TCEQ may refuse reimbursement for any environmental data acquisition performed prior to approval of a QAPP by TCEQ and, if necessary, the EPA. Also, without prejudice to any other remedies available to TCEQ, Performing Party's failure to meet the terms of the QAPP may result in TCEQ's suspension of associated activities and non-reimbursement of expenses related to the associated activities.
- 9.3 **Laboratory Accreditation.** Any laboratory data or analyses provided under this Contract must be prepared by a laboratory that is accredited by TCEQ according to 30 Texas Administrative Code Chapter 25, subchapters A and B, unless TCEQ agrees in writing to allow one of the regulatory exceptions specified in 30 Texas Administrative Code Section 25.6.

10. INTELLECTUAL PROPERTY

- 10.1. **Third Party Intellectual Property.** Unless specifically modified in an amendment or waived in a unilateral amendment, Performing Party must obtain all intellectual property licenses expressly required in the Scope of Work, or incident to the use or possession of any deliverable under the Contract. Performing Party shall obtain and furnish to TCEQ: documentation on the use of such intellectual property, and a perpetual, irrevocable, enterprise-wide license to reproduce, publish, otherwise use, or modify such intellectual property and associated user documentation, and to authorize others to reproduce, publish, otherwise use, or modify such intellectual property for TCEQ non-commercial purposes, and other purposes of the State of Texas.

- 10.2. **Grant of License.** Performing Party grants to TCEQ a nonexclusive, perpetual, irrevocable, enterprise-wide license to reproduce, publish, modify or otherwise use for any non-commercial TCEQ purpose any preexisting intellectual property belonging to the Performing Party that is incorporated into any new works created as part of the Scope of Work, intellectual property created under this Contract, and associated user documentation.

11. INSURANCE AND INDEMNIFICATION

- 11.1 **Insurance.** Unless prohibited by law, the Performing Party shall require its contractors to obtain and maintain during the Contract Period adequate insurance coverage sufficient to protect the Performing Party and the TCEQ from all claims and liability for injury to persons and for damage to property arising from the Contract. Unless specifically waived by the TCEQ, sufficient coverage shall include Workers Compensation and Employer's Liability Insurance, Commercial Automobile Liability Insurance, and Commercial General Liability Insurance.
- 11.2 **Indemnification.** TO THE EXTENT AUTHORIZED BY LAW, THE PERFORMING PARTY SHALL REQUIRE ALL CONTRACTORS PERFORMING CONTRACT ACTIVITIES ON BEHALF OF PERFORMING PARTY TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE TCEQ AND PERFORMING PARTY AND THEIR OFFICERS, AND EMPLOYEES, FROM AND AGAINST ALL LOSSES, LIABILITIES, DAMAGES, AND OTHER CLAIMS OF ANY TYPE ARISING FROM THE PERFORMANCE OF CONTRACT ACTIVITIES BY THE CONTRACTOR OR ITS SUBCONTRACTORS, SUPPLIERS AND AGENTS, INCLUDING THOSE ARISING FROM DEFECT IN DESIGN, WORKMANSHIP, MATERIALS, OR FROM INFRINGEMENT OF ANY PATENT, TRADEMARK OR COPYRIGHT; OR FROM A BREACH OF APPLICABLE LAWS, REGULATIONS, SAFETY STANDARDS OR DIRECTIVES. THE DEFENSE OF TCEQ SHALL BE SUBJECT TO THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS TO REPRESENT TCEQ. THIS COVENANT SURVIVES THE TERMINATION OF THE CONTRACT.

12. TERMINATION

- 12.1 **Termination for Cause.** TCEQ may, upon providing 10 days' written notice and the opportunity to cure to the Performing Party, terminate this Contract for cause if Performing Party materially fails to comply with the Contract including any one or more of the following acts or omissions: nonconforming work, or existence of a conflict of interest. Termination for cause does not prejudice TCEQ's other remedies authorized by this Contract or by law.
- 12.2 **Termination for Convenience.** TCEQ may, upon providing 10 days' written notice to the Performing Party, terminate this Contract for convenience. Termination shall not prejudice any other right or remedy of TCEQ or the Performing Party. Performing Party may request reimbursement for: conforming work and timely, reasonable costs directly attributable to termination. Performing Party shall not be paid for: work not performed, loss of anticipated profits or revenue, consequential damages or other economic loss arising out of or resulting from the termination.
- 12.3 If, after termination for cause by TCEQ, it is determined that the Performing Party had not materially failed to comply with the Contract, the termination shall be deemed to have been for the convenience of TCEQ.

13. DISPUTES, CLAIMS AND REMEDIES

- 13.1 **Payment as a Release.** Neither payment by TCEQ nor any other act or omission other than an explicit written release, in the form of a unilateral amendment, constitutes a release of Performing Party from liability under this Contract.
- 13.2 **Schedule of Remedies available to the TCEQ.** In accordance with Texas Government Code Chapter 2261 the following Schedule of Remedies applies to this Contract. In the event of Performing Party's nonconformance, TCEQ may do one or more of the following:
- 13.2.1. Issue notice of nonconforming performance;
 - 13.2.2. Reject nonconforming performance and request corrections without charge to the TCEQ;

- 13.2.3. Reject a reimbursement request or suspend further payments, or both, pending accepted revision of the nonconformity;
- 13.2.4. Suspend all or part of the Contract Activities or payments, or both, pending accepted revision of the nonconformity;
- 13.2.5. Demand restitution and recover previous payments where performance is subsequently determined nonconforming;
- 13.2.6. Terminate the contract without further obligation for pending or further payment by the TCEQ and receive restitution of previous payments.
- 13.3 Opportunity to Cure. The Performing Party will have a reasonable opportunity to cure its nonconforming performance, if possible under the circumstances.
- 13.4 Cumulative Remedies. Remedies are cumulative; the exercise of any remedy under this Contract or applicable law does not preclude or limit the exercise of any other remedy available under this Contract or applicable law.

14. SOVEREIGN IMMUNITY

The parties agree that this Contract does not waive any sovereign immunity to which either party is entitled by law.

15. SURVIVAL OF OBLIGATIONS.

Except where a different period is specified in this Contract or applicable law, all representations, indemnifications, and warranties made in, required by or given in accordance with the Contract, as well as all continuing obligations indicated in the Contract, survive for four (4) years beyond the termination or completion of the Contract, or until four (4) years after the end of a related proceeding. A related proceeding includes any litigation, legal proceeding, permit application, or State Office of Administrative Hearings proceeding, which is brought in relation to the Contract or which in TCEQ's opinion is related to the subject matter of the Contract. Either party shall notify the other of any related proceeding if notice of the proceeding has not been provided directly to that other party.

16. CONTRACT INTERPRETATION

- 16.1 **Definitions.** The word "include" and all forms such as "including" mean "including but not limited to" in the Contract and in documents issued in accordance with the Contract, such as Work Orders or Proposals for Grant Activities (PGAs).
- 16.2 **Headings.** The headings of the sections contained in this Contract are for convenience only and do not control or affect the meaning or construction of any provision of this Contract.
- 16.3 **Delivery of Notice.** Notices are deemed to be delivered three (3) working days after postmarked if sent by U.S. Postal Service certified or registered mail, return receipt requested. Notices delivered by other means are deemed delivered upon receipt by the addressee. Routine communications may be made by first class mail, facsimile transmission, email, or other commercially accepted means.
- 16.4 **Interpretation of Time.** All days are calendar days unless stated otherwise. Days are counted to exclude the first and include the last day of a period. If the last day of the period is a Saturday or Sunday or a state or federal holiday, it is omitted from the computation.
- 16.5 **State, Federal Law.** This Contract is governed by, and interpreted under the laws of the State of Texas, as well as applicable federal law.
- 16.6 **Severability.** If any provision of this Contract is found by any court, tribunal or administrative body of competent jurisdiction to be wholly or partly illegal, invalid, void or unenforceable, it shall be deemed severable (to the extent of such illegality, invalidity or unenforceability) and the remaining part of the provision and the rest of the provisions of this Contract shall continue in full force and effect. If possible, the severed provision shall be deemed to have been replaced by a valid provision having as near an effect to that intended by the severed provision as will be legal and enforceable.
- 16.7 **Assignment.** No delegation of the obligations, rights, or interests in the Contract, and no assignment of payments by Performing Party will be binding on TCEQ without its written consent,

except as restricted by law. No assignment will release or discharge the Performing Party from any duty or responsibility under the Contract.

- 16.8 **Venue.** Performing Party agrees that the Contract is being performed in Travis County, Texas, because this Contract has been performed or administered, or both, in Travis County, Texas. The Performing Party agrees that any cause of action involving this Contract arises solely in Travis County, Texas.
- 16.9 **Publication.** Performing Party agrees to notify TCEQ five (5) days prior to the publication or advertisement of information related to this Contract. Performing Party agrees not to use the TCEQ logo or the TCEQ graphic as an advertisement or endorsement without written permission signed by the appropriate TCEQ authority.
- 16.10 **Waiver.** With the exception of an express, written waiver in the form of a unilateral amendment signed by TCEQ, no act or omission will constitute a waiver or release of Performing Party's obligation to perform conforming Contract Activities. No waiver on one occasion, whether expressed or implied, shall be construed as a waiver on any other occasion.
- 16.11 **Compliance with Laws.** TCEQ relies on Performing Party to perform all Contract Activities in conformity with all applicable laws, regulations, and rules and obtain all necessary permits and licenses.
- 16.12 **Counterparts.** This Contract may be signed in any number of copies. Each copy when signed is deemed an original and each copy constitutes one and the same Contract.
- 16.13 **Accessibility.** All electronic content and documents created as deliverables under this Contract must meet the accessibility standards prescribed in 1 Texas Administrative Code sections 206.50 and 213 for state agency web pages, web content, software, and hardware, unless TCEQ agrees that exceptions or exemptions apply.

NOTICES AND PROJECT REPRESENTATIVES

CONTRACT NO. 582-18-80531

PROJECT TITLE: Regional Solid Waste Grant

1. **Representatives.** The individual(s) named below are the representatives of TCEQ. The Performing Party's representatives are listed on Form 4 of the approved Application. The TCEQ and Performing Party representatives are authorized to give and receive communications and directions on behalf of the TCEQ and the Performing Party for contractual and technical matters. All communications including official contract notices must be addressed to the appropriate representative or his or her designee.
2. **Changes in Representatives.** TCEQ may change its representative by notice to the Performing Party's Financial Representative. The Performing Party may change its representative by providing an updated Form 4 from the Application to the TCEQ Grant Manager.
3. **TCEQ Representatives**

**TCEQ GRANT MANAGER
(for Contractual Matters)**

Santos Olivarez
Team Leader
Business & Program Services Section
Texas Commission on Environmental Quality
P.O. Box 13087
MC- 126
Austin, Texas 78711-3087
Telephone No. (512) 239-4718
Email Address: Santos.Olivarez.tceq.texas.gov

**TCEQ PROJECT MANAGER
(for Technical Matters)**

Cheryl Untermeyer
Grant Manager
Business & Program Services Section
Texas Commission on Environmental Quality
P.O. Box 13087
MC- 126
Austin, Texas 78711-3087
Telephone No. (512) 239-6016
Email Address: Cheryl.Untermeyer.tceq.texas.gov

4. **Invoice Submittal.** Invoices must be submitted to the TCEQ Grant Manager, unless another recipient is identified below:

☐ TCEQ Project Manager / ☐ TCEQ Disbursements Section / ☐ Other:

ATTACHMENT 1
TCEQ-approved Regional Council of Governments
Application

Excel Document provided as a separate file by TCEQ —
Waste Permit Division

ATTACHMENT 2
TCEQ-approved Funding Plan

**Excel Document provided as a separate file by TCEQ —
Waste Permit Division**



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: January 4, 2018

From: Roy Jambor, AICP / PA

Subject: Ordinance No. 18-01-04-06; An Ordinance of the City Council of the City of Lago Vista, Texas, repeal and replace Article 9.500, Aviation Department, of Chapter 9, Personnel, of the Lago Vista Code of Ordinances; providing a savings clause; severability clause; penalty provisions; effective date; open meetings clause; and providing for related matters.

Request: Other

Legal Document: Ordinance

Legal Review: ☐

EXECUTIVE SUMMARY:

In order that our regulations relating to the operation of the Rusty Allen Airport become more consistent with current best practices in the industry, the recommendations of the Texas Department of Transportation, and provisions or standards of the Federal Aviation Association, a number of individuals and groups began to work on a draft amendment to the above referenced section of our Code of Ordinances. The effort, which began before my arrival as a member of the Lago Vista staff, was completed by a number of contributors including the City Attorney, the current City Manager, members of the RAAPOA and members of the AAB along with their Council Liaison. The AAB unanimously recommended adoption of the ordinance amendments in their public meeting held on December 13, 2017.

Impact if Approved:

The proposed language would replace all existing regulations contained in Article 9.500, Aviation Department, of Chapter 9, Personnel, of the Lago Vista Code of Ordinances. The recommendation of the AAB is based on the assertion that the proposal would significantly improve the regulations related to the operation of the Rusty Allen Airport.

Impact if Denied:

If denied, the proposed ordinance amendment would leave the existing regulations and provisions related to airport operations intact.

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

Indicate Funding Source:

N/A

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

New and updated Airport regulations.

Agenda Item Approved by City Manager

ORDINANCE NO. 18-01-04-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, REPEAL AND REPLACE ARTICLE 9.500, AVIATION DEPARTMENT, OF CHAPTER 9, PERSONNEL, OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; PENALTY PROVISIONS; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; 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 established standards related to airport operations within Chapter 9, Article 9.500 of the Lago Vista Code of Ordinances; and

WHEREAS, Texas Department of Transportation (“TxDOT”) has encouraged all municipal airports to review and adopt regulations that incorporate provisions and standards directed from the Federal Aviation Association (“FAA”)

WHEREAS, the Airport Advisory Committee, the Rusty Allen Property Owners Association and several members of the City Staff reviewed the matter in a Public Meeting on December 13, 2017 concerning the ways the Ordinance should be modified; and

WHEREAS, the City Council finds that such revisions are prudent and consistent with current best practices.

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

SECTION 1. FINDINGS. 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. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby repeal and replace Chapter 9, Personnel, Article 9.500, Aviation Department, Code of Ordinances as shown in Exhibit “A.”.

SECTION 3. SAVINGS CLAUSE. 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* and the City's Charter.

SECTION 6. PENALTY CLAUSE. Any person, firm or corporation violating any of the provisions of this Ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Lago Vista, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500) for each offense; and each and every day said violation is continued shall constitute a separate offense. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Ordinance.

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 _____ day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

EXHIBIT “A”

CHAPTER 9

PERSONNEL

ARTICLE 9.500 AVIATION DEPARTMENT

Sec. 9.501 Purpose and Intent

The purpose and intent of adopting this Chapter is to provide rules and regulations for the efficient and safe operation of the Airport; and to provide the greatest service for the citizens of the City and the aviation public. These regulations are adopted as authorized by the Texas Transportation Code Chapter 22.

The standards set out herein shall apply to all entities defined herein or as amended from time to time by the city. An entity, by operating on or from the airport, thereby consents to be bound by these standards.

By publication and adoption of this Article, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the Article printed and posted where appropriate at the Airport. Individual copies shall be available at all times in the office of the city secretary located at 5803 Thunderbird Street, Lago Vista, Texas, 78654, phone number 512/267-1155.

Federal Air Traffic Rules of the FAA for aircraft operated within the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.

Sec. 9.502 Definitions

Unless otherwise provided herein, the following terms shall be defined in this article as follows:

Aircraft. An airplane, helicopter, or other machine capable of flight that needs an authorized operator seated inside of the machine to operate it.

Airport. Shall mean properties currently owned by or dedicated to the City for the purpose of operating the Lago Vista Rusty Allen Airport as included in the approved Airport Layout Plan (ALP), including but not limited to rights-of-way and easements.

Airport Administrative Agency. The Aviation Department is designated as the Airport Administrative Agency under Tex. Local Govt. Code, Ann., Section 241.

Airport Manager. Shall mean the City Manager or designee.

Airport Zoning Commission. Shall mean the City Planning and Zoning Commission, as created by the Charter of the City and defined in the Code of the City and under Tex. Local Govt. Code, Ann., Section 241.

Airport Board of Adjustment. Shall mean the City Board of Adjustment, as created and defined in the Code of the City and by under Tex. Local Govt. Code, Ann., Section 241.

City. Shall mean the City of Lago Vista, Texas.

COMMON TRAFFIC ADVISORY FREQUENCY (CTAF) - A designated frequency for the purpose of carrying out airport advisory practices while operating to or from an airport that does not have a control tower or an airport where the control tower is not operational. The CTAF is normally a UNICOM, MULTICOM, flight service station (FSS) frequency, or a tower frequency. CTAF will be identified in appropriate aeronautical publications.

EPA. Shall mean the United States Environmental Protection Agency.

FAA. Shall mean the Federal Aviation Administration of the United States Department of Transportation.

IFC. Shall mean the International Fire Code.

NEC. Shall mean the National Electrical Code.

NFPA. Shall mean the National Fire Protection Association.

Person. Shall mean any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.

Pilot. Shall mean any person possessing an FAA pilot's license, including a student pilot's license.

POA – Refers to the Rusty Allen Airport Property Owner's Association – a group composed of *all* the property owners at the Airport with TTF Airport access.

Rotorcraft. Shall mean a rotary-wing or blade aircraft, such as a helicopter, cyclocopters, autogyros, and gyrodynes.

TCEQ. Shall mean the Texas Commission on Environmental Quality.

TSA. Shall mean the United States Transportation Security Administration.

TxDOT. Shall mean the Texas Department of Transportation.

UNICOM - A nongovernment air/ground radio communication station which may provide airport information at public use airports.

Vehicular Parking Space. Means a properly marked and sized parking space in accordance with the City Zoning Code on an improved surface located on the Airport property.

Sec. 9.503 Establishment of Aviation Department

There is hereby established an Aviation Department for the City of Lago Vista and the Department shall have such personnel as may be authorized in the annual budget of the City.

Sec. 9.504 Airport Manager

The Aviation Department shall be headed by an Airport Manager to oversee the Department who shall be subject to the direction, supervision and oversight of the City Manager and operate such Department within the funds appropriated, budgeted and available for such purposes.

Sec. 9.505 Duties of Airport Manager

- (A) Supervise and manage the development, construction, enlargement, improvement and policing of the Rusty Allen Airport, pursuant to plans approved by the City Council;
- (B) Maintain the City's buildings, grounds and equipment at the Airport;
- (C) Provide the day to day operations and management of the Airport;
- (D) Enforce the rules and regulations adopted by the City Council for the use and occupancy of the Airport;
- (E) In consultation with the City Manager, suspend or restrict any or all air or ground operations whenever he or she believes such action to be necessary and appropriate;
- (F) Facilitate communications and serve as a liaison between the Airport Advisory Board, the City Manager, and the City Council;
- (G) Perform other duties and responsibilities as directed by the City Manager;
- (H) After consultation with the City Manager, shall have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport;
- (I) In consultation with the City Manager, supervise and negotiate terms and recommend the approval of contracts and regulations for the use of any Airport owned property, including runways, taxiways, ramps, aprons, hangars, shops, administration and other buildings, and all other allied appurtenances and facilities, and the director shall supervise the operation thereof and may direct the landing, take-off, taxiing, or parking of aircraft and the vehicular and pedestrian circulation through the airport, and control ground facilities, vehicles and pedestrian traffic in and upon the airport; and
- (J) Issue and designate other entities the authority to issue a Notice to Airmen (NOTAM) in accordance with federal regulations.

Sec. 9.506 Required Airport Layout Plan (ALP)

The Airport Manager shall have prepared and shall maintain a copy of the Airport Layout Plan (“ALP”) as approved by the City and TxDOT Aviation. The ALP shall provide for the orderly development and operation of the Airport. All development and activities concerning the use and operation of the Airport shall conform with the ALP.

Sec. 9.507 Non-Discrimination

Public facilities at the Airport shall be open to all classes of users on a fair and nondiscriminatory basis. Persons using the Airport shall comply with all provisions of Federal and State law, as amended from time to time, as they pertain to discrimination and are hereby specifically prohibited from discrimination against any group or individual on the basis of age, genetics, race, religion, color, creed, national origin, gender identity, sexual orientation, sex, veteran status or disability.

Section 9.508 Damage to Airport

Notwithstanding any clause or lease provision to the contrary, any person and the owner of any aircraft causing damage to any portion of the Airport or public property shall immediately report such damage to the Airport Manager. Persons causing damage as a result of negligent operation of an aircraft or willful acts shall be liable for damages either through compensation and/or fined, and/or charged criminally for the incident. The City may take whatever legal action is necessary to recover compensation for such damages.

Section 9.509 Injury to Person or Property

Persons entering the Airport groundside property by automobile, other vehicular conveyance, or on foot (does not include persons in aircraft using approved airside facilities) do so at their own risk and with no liability incurring to the City for any injury or damage to person or property. Further, any person desiring to use the airport shall observe and obey all valid laws, resolutions, orders, rules and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the conduct and operation of the Airport.

Sec. 9.510 Debris; Damaging Objects

All owners of aircraft using the Airport for any reason shall keep and maintain the premises in a neat and orderly manner. No objects that may cause damage to an aircraft, including but not limited to, bottles, cans, loose nuts, bolts, or nails shall be left upon the floor of any building or upon any part of the surface area of the Airport. Every person using the Airport is encouraged to pick up any debris or damaging objects that they observe and place them in a trash receptacle.

Sec. 9.511 Litter

No litter, including but not limited to, boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a privately owned, rented, or leased hangar/building, the Airport Manager shall notify the hangar/building owner, renter or lessee by

registered letter to remove the offending litter. If within ten (10) business days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

Sec. 9.512 Maximum Aircraft Weight Limits

All persons operating any aircraft are responsible for gathering appropriate airport information, specifically related to runway weight limits.

Sec. 9.513 Establishment of User Fees

The City may establish user fees for the use of the Airport by the public. These fees will be as stated within the Fee Ordinance as approved by the City Council. These fees shall be limited to: Overnight Tie down fees, contracted long-term tie down fees, Fuel flowage fees, and leases for City-owned hangars or Property.

Sec. 9.514 Collection of User Fees

Once the City establishes user fees in accordance with Section 9.512, the Airport Manager shall collect the user fees from the Airport.

ARTICLE 9.520 VEHICULAR OPERATIONS

Sec. 9.521 Ground Operations Generally

Any person desiring to use the Airport shall observe and obey all laws, ordinances, resolutions, orders, rules, and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the operation of the Airport.

Sec. 9.522 Vehicles Requirements for Crossing Primary Landing Area

- (A) Any ground vehicles desiring to cross the active Runway shall have the following equipment:
 - (1) An amber beacon that has the ability to flash in the four cardinal directions mounted permanently or magnetically; and
 - (2) A two-way radio inside the vehicle that has the ability to contact the appropriate CTAF/Unicom frequency associated with the Airport.
- (B) All ground vehicles crossing into and exiting the primary landing area shall radio their intentions in accordance with recommended FAA regulations for non-towered airports and have their beacon lights attached to the top of the vehicle and activated for the duration.

Sec. 9.523 Vehicular Requirements on Airport Property

No person shall operate a vehicle on the Airport except in accordance with the following rules, and all federal, state, and local law:

- (A) All vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- (B) No vehicle except ground service and emergency vehicles shall approach so close to any aircraft with running engine(s) as to create a hazard.
- (C) All vehicles entering or exiting an operating Airport access gate shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of any other vehicle.
- (D) No vehicle shall operate in such a manner as to inhibit the taxiing of an aircraft.

Sec. 9.524 Vehicular Speed Limit

All vehicles shall be operated within the posted speed limits at the Airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour.

Sec. 9.525 Vehicular Traffic on Primary Landing Area

Vehicular traffic is prohibited within the primary landing area except for emergency purposes, maintenance purposes, or crossing perpendicular to the runway in accordance with Sec. 9.522.

Sec. 9.526 Parking of Vehicles at the Airport

- (A) Vehicles shall only park in areas designated as vehicular parking spaces on the Airport property (park means no licensed driver at the wheel for more than five (5) minutes) or within hangars on the Airport property. Authorized municipal vehicles, other governmental vehicles, and construction vehicles associated with an active Airport construction project are exempted from this requirement.
- (B) The Airport Manager may allow other vehicular parking for special events at the Airport.
- (C) Unattended vehicles should not be parked within 25' of any Airport taxiway center line.

Sec. 9.527 Intoxicants and Narcotics Prohibited

No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or be a passenger in any vehicle on Airport property. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

ARTICLE 9.540 AIRCRAFT OPERATIONS

Sec. 9.541 Air Operations Generally

Any person desiring to use the Airport shall observe and obey all laws, ordinances, resolutions, orders, rules, Advisory Circulars, Runway Incursions Prevention Best Practices, and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the operation of the Airport.

Sec. 9.542 Prohibition of Model Aircraft and Regulation of Drones

Model aircraft not capable of carrying a person shall not be permitted to operate, take off or be launched from, flown over, or land at the Airport. All operators of drones at the Airport must abide by the FAA Advisory Circular Part 107 when operating a drone near or at the Rusty Allen Airport.

Sec. 9.543 Intoxicants and Narcotics Prohibited

All persons operating Aircrafts shall abide specifically by Chapter 14 FAR 91.17.

Sec. 9.544 Aircraft Speed Limit

Refer to Chapter 14 FAR 91.13.

Sec. 9.545 Wrecked Aircraft

Every aircraft owner, his/her pilot or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport. The aircraft owner will be responsible for any cost incurred for aircraft removal and for damages to the airport facilities. Aircraft owners, pilots or their agents shall promptly repair or remove wrecked or disabled aircraft from the Airport. Aircraft not repaired or removed within 30 calendar days of notification by the Airport Manager may subject the aircraft to disposal by the City.

Sec. 9.546 Repairs to Aircraft

Except for emergency repairs, no aircraft shall be repaired on any part of the Airport property. Any repairs and preventative maintenance taking more than a few hours shall be within a hangar or building rented, leased, or owned for such purpose. The owner or operator of any aircraft needing emergency repairs shall contact the Airport Manager as soon as possible or within forty-eight (48) hours, whichever is less. The Airport Manager reserves the right to require emergency repairs taking longer than forty-eight hours to be moved to a hangar or other area designated by the Airport Manager.

Sec. 9.547 Regulation, Parking, & Fees on Aircraft Tie-Downs

- (A) All aircraft not hangared shall be tied down and additionally shall have the wheels chocked when remaining overnight and during inclement weather.

- (B) All aircraft owners or their agents are responsible for the tie down or security of their aircraft at all times and particularly during inclement weather. The owner, pilot, or agent shall be responsible for securing tie-down chains and/or ropes suitable for the aircraft.
- (C) Aircraft parked on the transient apron shall pay a tie down fee per the Fee Ordinance.
- (D) Aircraft shall not be stored for more than seven (7) consecutive days or for more than fifteen (15) days in any month unless the owner of said aircraft has entered into a lease agreement with the City. All leases shall be initiated through the execution of a signed lease agreement, signed by the lessee, and shall be leased on a monthly basis which will automatically renew monthly and be in effect from month to month until such time the lease is terminated. Either party may terminate this agreement on 30 days written notice, without cause.

Sec. 9.548 Parking of Aircraft on Other Areas of the Airport

- (A) No part of any aircraft shall be parked at any time within the hold line (100 feet of the centerline of the runway).
- (B) No aircraft shall be parked in such a manner as to inhibit the taxiing of or normal movement of an aircraft (parked means no qualified operator at the controls for more than five (5) minutes).
- (C) Parking is allowed on Lots 15, 22A-27A, 48, 49, 50, and 52 of the Lago Vista Bar-K Airport Subdivision as shown on the ALP; provided that no aircraft shall be parked so as to obstruct access to the aircraft fueling area and no aircraft may be parked in an existing taxiway.
- (D) The Airport Manager may allow parking in non-designated areas for special events at the Airport. It shall be the responsibility of the pilot, upon leaving a parked aircraft, to properly chock the wheels or tie down the aircraft. All transient aircraft shall pay a fee, per the Fee Ordinance, for parking. Aircraft may be parked and tied down on designated unimproved surfaces including grass.
- (E) Every aircraft owner, pilot or agent shall be responsible for ensuring that all aircraft parked or stored on Airport property is in flight worthy condition except for short term maintenance or repairs of not more than 30 days. Anything after 30 days will require a request from the City for an extension of time.

Sec. 9.549 Running Aircraft Engines

- (A) Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.

- (B) No aircraft engine shall be started or run inside any building or hangar.
- (C) No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and groups of people.

Sec. 9.550 Taxiing Aircraft

- (A) No person shall taxi an aircraft until it is reasonably ascertained there will be no danger of collision with any person or object in the immediate area.
- (B) Aircraft will taxi at a safe and prudent speed and in such manner as to be under the control of the pilot in command at all times.
- (C) Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.
- (D) Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to take off or land will remain behind the runway holding position markings.
- (E) Aircraft shall not be taxied by engine power into or out of any hangar.

Sec. 9.551 Loading & Unloading of Aircraft

Refer to Chapter 14 FAR 91.13.

Sec. 9.552 Standard Traffic Pattern and Altitude

All flight activity will adhere to FAA Advisory Circular 90-66.

Sec. 9.553 Minimum Safe Altitudes

Refer to Chapter 14 FAR 91.119.

Sec. 9.554 Takeoffs on Other than Runways, Prohibited

No fixed wing takeoffs or landings shall be made on the apron, automobile parking areas, parking ramp, or taxiway, except by special permission of the Airport Manager. Rotorcraft or other types of flying crafts (e.g. balloons, airships, etc.) shall operate only to and from areas designated landing areas by the Airport Manager.

Sec. 9.555 Preferred Runway for Takeoffs and Landings

If the winds are calm or at a ninety (90) degree crosswind to Runway15, the preferred take-off and landing runway is 15.

ARTICLE 9.570 PROCEDURES FOR USE OF AIRPORT

Sec. 9.571 Commercial Use of Airport

No person may conduct any commercial aviation activity, offer any goods or services for compensation, or provide any goods or services for compensation to the public at the Airport unless such person is duly licensed and in compliance with all requirements of the FAA and this article and receives proper permitting from the City.

Sec. 9.572 Prohibition of Living Quarters on Airport Property.

No person may make permanent living quarters on Airport property.

Sec. 9.573 Through the Fence (TTF) Agreement

- (A) No person shall be permitted direct ground access to the Airport property from privately owned property for their or other's aircraft without a Through the Fence ("TTF") Agreement in place as approved by the City Council and the person or with the City Council and the Property Owners Association ("POA"). Should the Agreement be through the POA, the City reserves the right to audit the POA records to ensure that all TTF Agreements are properly executed and valid with the individual POA members. Access to Airport property may not be unreasonably withheld from any POA member in good standing with the POA.
- (B) The TTF agreement may be transmitted to TXDOT Aviation for their review before the Council considers the agreement, if deemed necessary.

Sec. 9.574 Registration of Aircraft

Each person owning an aircraft based on City-owned property at the Airport, or any person based and receiving flight instruction toward an FAA rating at the Airport shall register at the office of the Airport Manager their name, address, telephone number, aircraft model, valid aircraft registration "N" number, or make and model of aircraft for those aircraft not requiring registration (ultralight), and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

Sec. 9.575 Licensed Pilots

Refer to Chapter 49 CFR 61

Sec. 9.576 Special Procedures, Parachuting

- (A) The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as rotorcrafts, air shows or aviation fly-ins, agricultural operations, gyroplanes, powered lift, gliders, balloons, airships, ultralights, and light sport aircraft in the weight shift control or powered parachute class. Any such change

from standard procedures shall be published in the FAA's Airport / Facility Directory if of a permanent nature; the Airport Manager shall issue a NOTAM if such change is of a temporary nature. Permanent changes require filing through TXDOT Aviation Division. Temporary closing of a portion of the airport for special events will be approved by the Airport Manager.

- (B) Parachute descent onto the Airport property shall not be permitted without the approval of the Airport Manager. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

Sec. 9.577 Agricultural Spraying Operations

Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Ag operations shall be accomplished in accordance with the standards of the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) in an area so designated by the Airport Manager. Because of the possible hazards of such operation, the Airport shall require each agricultural spray operator to post a bond in accordance with Article 9.581.

Sec. 9.578 Insurance

An Airport tenant shall during the term of lease maintain at their cost and expense insurance relating to the leased premises as follows:

- (A) Insurance against loss or damage to improvements by fire, lightning, and other risks included under standard extended coverage policies.
- (B) General public liability insurance against claims for bodily injury, death or property damage occurring on, in, or about the leased premises, such insurance to afford protection to City of not less than \$500,000.00 with respect to any one person, \$1,000,000.00 with respect to any one accident and not less than \$200,000.00 with respect to property damage.
- (C) Hangar keeper's liability insurance providing coverage for aircraft not owned by the tenant in the following limits: \$200,000.00 per aircraft and \$400,000.00 per occurrence on property damage to aircraft in the care, custody, or control of tenant. Tenants in hangars on private property are not subject to this requirement.
- (D) All such policies of insurance shall be issued by insurance companies acceptable to the City, shall name the City as an additional insured or loss payee, as the case may be, and shall provide for at least ten (10) business days written notice prior to cancellation or modification.

Sec. 9.579 Mandatory Bonding of Agricultural Spraying Operations

Each Ag operator shall carry liability insurance in the amount of \$1,000,000 dollars, payable to the City for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator. This documentation must be provided to the City before the Airport Manager will allow operations at the Airport.

Sec. 9.580 Lien for Charges

To enforce the payment of any charge for repairs, improvements, storage, or care of any personal property by the City or its agents in connection with the operation of the Airport, the City may place a lien upon such personal property, which shall be enforceable as provided by law.

Sec. 9.581 Lien Possessory Right

To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

ARTICLE 9.590 FUEL, FLAMABLE FLUIDS, AND FIRE SAFETY

Sec. 9.591 Rules for Fuel on City-owned property (in General)

- (A) All aircraft fueling, fuel equipment, and procedures will be in accordance with NFPA Manual 407 – “Standard for Aircraft Fuel Servicing, 2017 edition.”
- (B) All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the IFC as adopted by the City.
- (C) Fueling trucks shall not be parked within any building or hangar or within fifty (50) feet of any building, hangar, or parked aircraft, as determined by the local Fire Marshal. Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- (D) Aircraft fuel storage tanks for below-ground or above-ground use will be constructed and installed, registered as required, monitored for leakage, operated, and maintained in accordance with Federal and State statutes, rules, and regulations promulgated by the EPA and the TCEQ.
- (E) Aviation or auto fuels shall not be stored within a hangar or building except in approved five (5) gallon or smaller containers manufactured and marked for such purpose and only with the approval of the local Fire Marshal.
- (F) Persons or businesses wishing to dispense fuel into their privately owned aircraft shall not be denied; however, they must meet all reasonable requirements the City places on other fuel suppliers, public or private.

- (G) Private fueling facilities located on leased or private property must be installed and the fuel dispensed in accordance with all rules applicable to aircraft fueling and fire safety contained herein.
- (H) Public sale of automobile gasoline for use in aircraft will not be permitted at the Airport. Aircraft authorized by the FAA to use auto gasoline may be privately fueled by the owner in a location designated by the Airport Manager in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.
- (I) All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, and aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel I.D. number, and “NO SMOKING” signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.
- (J) Fuel spills in excess of one (1) gallon must be reported to the Airport Manager and immediate action taken by the spilling entity to clean up the spill in accordance with all local, state, and federal regulations.
- (K) All aircraft shall have a proper electrical ground wire in place at all times when being serviced with fuel.

Sec. 9.592 Fuel Flowage Fee

Any person, corporation, partnership, association, or business entity of any kind, or any person acting for or through them, including, but not limited to, any wholesale fuel distribution company, who delivers fuel to a fuel storage tank or who delivers fuel obtained from a source not on the Airport directly into any aircraft on the Airport must pay the amount set by City Council. Payment of fuel flowage fees shall be accompanied by a report in a form approved by the Airport Manager that indicates the amount of fuel delivered to the Airport during the preceding month. Military aircraft conducting operations which require fueling from U.S. Government facilities are exempt from fuel flowage fees.

Sec. 9.593 Fire Safety

- (A) Every person using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.
- (B) Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.

- (C) Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.
- (D) No flammable substance shall be used for the cleaning of any aircraft part or anything inside a hangar, T-hangar, or other building at the Airport.
- (E) No one shall smoke or ignite a match or lighter in any building, hangar, or public ramp area at the Airport except in posted “Designated Smoking Areas” identified by the Airport Manager.
- (F) Airport and private hangar entrances must be clear in a manner such that emergency or fire / rescue personnel and equipment can immediately access the hangar without hindrance.
- (G) The floors in all Airport buildings, Airport hangars, shall be kept clean and free of oil. Volatile or flammable substances shall not be used to clean floors, walls or any portion of an Airport or private hangar structure.
- (H) All Airport tenants and lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the City approved IFC. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

Sec. 9.594 Exclusive Commercial Fuel Usage at Airport

- (A) The City shall be the sole provider of selling fuel at the Airport, either directly or through a provider as approved by the City Council.
- (B) Non-Airport property hangars may have their own private fuel tanks in accordance with the regulations of this Chapter and use the fuel for their own purposes; however they cannot sell this fuel to other Airport users or to users that access the Airport in a TTF agreement.

ARTICLE 9.5100 AIRPORT SECURITY

Sec. 9.5101 Security

The TSA publication “Security Guidelines for General Aviation Airports”, Information Publication A-001 dated May 2004 is hereby adopted as the document to be used by the Airport as a guideline to security on the Airport and is incorporated as a working document.

Sec. 9.5102 Access Codes/Devices

Persons who have been provided either a code or device for the purpose of obtaining access to the Airport through a controlled access gate shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

ARTICLE 9.5110 LEASING OF AIRPORT PROPERTY & CONSTRUCTION ON AND NEAR AIRPORT PROPERTY

Sec. 9.5111 General Authority & Power of Airport Action Plan

Hangars and other buildings or structures owned by the City may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment or to conduct a commercial Fixed Base Operation (FBO). The City may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with the approved Lago Vista Rusty Allen Airport Action Plan.

Sec. 9.5112 Lease Term

No lease of Airport property or facilities shall be granted for a term exceeding (20) years, however the initial term of a lease of Airport property or facility may exceed twenty (20) years but in no case more than forty (40) years if a loan or deed of trust lien is obtained expressly for construction of the facility which will become property of the City at the end of the lease term, free and clear of all liens and encumbrances. Non-aviation leases shall not exceed eighteen (18) months.

Sec. 9.5113 Construction on Leased Airport Property or Private Property with a TTF Agreement at the Airport.

- (A) As given in FAR part 77, the sponsor or sponsor's agent will file electronically with the FAA for any construction on or near the Airport a Form 7460. A determination of no objection must be received from the FAA prior to any construction on the Airport or lots that access the Airport with a TTF agreement. No hangar or structure may be erected beyond the building restriction line or in conflict with the approved Lago Vista Rusty Allen Airport Plan or the Airport Layout Plan.
- (B) All plans and specifications for construction, renovation, remodeling, or refurbishing of structures on Airport property shall meet all City approved ICC & NEC standards, City zoning regulations, and shall provide for the construction to be from material satisfactory and acceptable to the City. All construction must be of a compatible standard capable of withstanding winds as denoted in the City approved ICC with doors open or closed.
- (C) Construction on Airport property must begin within one hundred twenty (120) calendar days after the effective date of the lease or final comment from TxDOT and the FAA for the filed air space study as required by FAR Part 77, whichever date is later.

Construction must be substantially completed within one hundred eighty (180) calendar days after the start of construction. Projects anticipated to exceed one hundred eighty (180) calendar days require approval of the Airport Manager. The Improvements on the leased premises shall remain the tenant's property until expiration or termination of the lease and its covenants or as otherwise agreed to in the contract between the City Council and the person.

- (D) Any privately owned structure or hangar not in use for aviation purposes on Airport property for a period in excess of ninety (90) days or not available for lease or sublease for aviation purposes, unless so authorized for non-aviation uses by the City Council, must be removed after due notice to the owner in writing or the City Council will consider such structures or hangars abandoned and will seek title to such structure or hangar.
- (E) Leased land from which any building, hangar, or structure is removed, after due notice will be cleared, cleaned, and put back in its original or acceptable condition.

Sec. 9.5114 Assignment and Sub-letting

Without the prior written consent of the Airport Manager the leased premises or any rights there under (except to a leasehold mortgagee as herein provided) may not be assigned. Any assignment or subletting shall be expressly subject to all the terms and provisions of the original lease.

Sec. 9.5115 Environmental Issues

Any tenant of the Airport, its agents, employees, independent contractors, or sub lessee shall not install, store, use, treat, transport or dispose of any:

- (A) Asbestos in any form;
- (B) Urea formaldehyde foam insulation;
- (C) Transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of 50 parts per million; or
- (D) Any other chemical, material, air pollutant, toxic pollutant, waste, or substance which is regulated as toxic or hazardous or exposure to which is prohibited, limited or regulated by the Resource Conservation Recovery Act, the Comprehensive and Environmental Response Compensation and Liability Act, the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, and/or the Clean Water Act or any other federal, state, county, regional, local or other governmental authority or which, even if not so regulated, may or could pose a hazard to the health and safety of the occupants of the Leased Premises, and which is either:

- (1) in amounts in excess of that permitted or deemed safe under applicable law; or
- (2) in any manner which is prohibited or deemed unsafe under applicable law. (The substances referred to in (A), (B), (C) or (D) are collectively referred to hereinafter as "Hazardous Materials").

Sec. 9.5116 Environmental Cleanup Laws

An Airport tenant will, at their own expense, comply with all existing or hereafter enacted laws relating to Hazardous Materials (collectively, "Cleanup Laws") in effect at the time of the lease, and all future laws thereafter. An Airport tenant will, at their own expense, make all submissions to provide all information to, and comply with all requirements of the appropriate governmental authority (the "Authority") under the Cleanup Laws. Should any Authority require that a cleanup plan be prepared and that a cleanup be undertaken because of the existence of Hazardous Materials which were installed, stored, used, treated, transported, disposed of or discharged on the leased premises, by an airport tenant, its agents, employees, independent contractors or sub lessees during the term of a lease, the Airport tenant will prepare and submit the required plans and financial assurances in accordance with such Cleanup Laws. The Airport shall be indemnified and held harmless from and against all obligations, damages, injunctions, fines, penalties, demands, claims, costs, expenses, actions, liabilities, suits, proceedings and losses of whatever nature (including, without limitation, attorneys' fees and court costs), and all cleanup or removal costs and all actions of any kind arising out of or in any way connected with the installation, storage, use, treatment, transporting, disposal or discharge of Hazardous Materials in or on the leased premises by an Airport tenant.

Sec. 9.5117 Environmental Notices

An Airport tenant shall promptly supply the Airport Manager with copies of any notices, correspondence, and submissions made or received from any local, state, or federal governmental authorities concerning environmental matters or Hazardous Materials.

Sec. 9.5118 Environmental Survival

An Airport tenant's liability pursuant to any environmental issue shall survive the expiration or earlier termination of their lease.

Sec. 9.5119 Storm Water Compliance

- (A) The Airport is subject to federal storm water regulations, 40 C.F.R. Part 122 for "vehicle maintenance shops" (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations and/or deicing operations that occur at the Airport as defined in these regulations and, if applicable, state storm water regulations. Each Airport tenant shall become familiar with these storm water regulations if it conducts "vehicle maintenance" or operates equipment cleaning operations and/or deicing activities as defined in the federal storm water regulations.

- (B) The City shall take steps necessary to apply for or obtain a storm water discharge permit as required by the applicable federal and/or state regulations, including the leased property occupied or operated by an Airport tenant. A storm water discharge permit issued to the City may name an Airport tenant as a co-permittee.
- (C) An Airport tenant's close cooperation is necessary to ensure compliance with any storm water discharge permit terms and conditions, as well as to ensure safety and to minimize costs. An Airport tenant may have to implement and maintain "Best Management Practices" to minimize the exposure of storm water to "significant materials" generated, stored, handled or otherwise used as defined in the federal storm water regulations.
- (D) The City's storm water discharge permit is incorporated by reference into each lease and any subsequent renewals.
- (E) The City will provide an Airport tenant with a written notice of those storm water discharge permit requirements that are in the City's storm water permit, that a tenant will be obligated to perform from time to time, including, but not limited to:
 - (1) Certification of non-storm water discharges;
 - (2) Collection of storm water samples;
 - (3) Preparation of storm water pollution prevention or similar plans; or
 - (4) Implementation of "good housekeeping" measures or best management practices; and maintenance of necessary records. Such written notice shall include applicable deadlines and an opportunity to dispute any of the storm water discharge permit requirements.
- (F) Each Airport tenant shall participate in any organized task force or other work group established to coordinate storm water activities of the Airport.

Sec. 9.5120 Non Discrimination Covenants

Each lease will include as a covenant running with the land to insure that:

- (A) No person on the grounds of race, color, religion, creed, genetics, sex, sexual preference, gender identity, national origin, age, protected veteran status or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased property; and
- (B) That in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex or national origin, shall be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination.

ARTICLE 9.5130 ENFORCEMENT & PENALTY

Sec. 9.5131 Conflicts of Rules and Regulations

If and where there are conflicts in the rules and regulations prescribed herein and the FAA's Federal Aviation Regulations (FAR), the latter shall prevail. If and where there exists a conflict between any of the rules or regulations prescribed herein and any other City rules applicable to the same area, the more stringent limitation, or requirement shall govern and prevail.



AGENDA ITEM
City of Lago Vista

To: Mayor and City Council

Council Meeting: January 4, 2018

From: Barbara Boulware-Wells, City Attorney and Gary Graham, Public Works Director

Subject: Discussion and Re-consideration of Contingent Award of Contract for construction of the Safe Routes to Schools Project due to TxDOT's refusal to confirm award.

Request: Bid Award

Legal Document: Contract

Legal Review: ☒

EXECUTIVE SUMMARY:

This item is on the Council agenda to provide the opportunity for Council to re-consider the contingent award of the contract to Capitol Concrete Contractor. Following the contingent award of the contract authorized at the December 7, 2017 City Council meeting, Gary Graham presented such award to Texas Department of Transportation (TxDOT). Upon review of the documents and the bids presented, TxDOT refused to confirm the award. The refusal to confirm was based on the top two bidders not being pre-certified. The amount awarded under the Safe Routes to Schools Project was previously required to be used in 2017, but has been transferred and allowed to be used in 2018. Therefore, TxDOT's refusal to confirm the award allows the City to review all the specifications, including the handrail requirements, and to rebid the contract.

The recommendation of staff and legal is to reconsider the matter and vote to not award the contract to Capitol Concrete Contractor, Inc. and instead, vote to allow the project engineer to review and rework the bid specifications and resubmit for bid.

Williams _____; Sullivan _____; Davila _____; Mayor Pro Tem Bland _____;

Mayor _____; Smith _____; Weatherly _____

Impact if Approved:

Safe Routes to School Project will not be awarded to Capitol Concrete Contractor, Inc., and the project engineer will be allowed to review and rework the project specifications and re-let for bid.

Impact if Denied:

The Safe Routes to School Project will still not be awarded to Capitol Concrete Contractor, Inc., but the project engineer will not be authorized to review and rework the project specification and re-let for bid and SRTS Grants will likely not be forthcoming

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

Indicate Funding Source:

2017 Bonds for the Safe Routes to School Project and the Dawn and Camille Project plus Reserve Account monies.

Suggested Motion/Recommendation/Action

Motion to

Motion to

Motion to

Known as:

Re-consideration of Contingent Award of Contract for construction of the Safe Routes to Schools Project due to TxDOT's refusal to confirm award.

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: January 4, 2018

From: Roy Jambor, Jan Steele

Subject: Discussion and consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.

Request: Appointments

Legal Document: Resolution

Legal Review: ☐

EXECUTIVE SUMMARY:

List of Appointees

Legend

Airport Advisory Board (AAB)	
Board of Adjustment (BOA)	
Building Committee (BC)	
Library Advisory Board (LAB)	
Parks & Rec Advisory Committee (PRAC)	
Planning & Zoning Commission (PZC)	
Golf Course Advisory Committee (GCAC)	

Incumbents are in **RED** letters on their names

* 2016-2017 applications

Names	1st	2nd	3rd	4th	5th	6th	7th
Arms, Michael	GCAC						
Atkins, Linda *	PZC	PRAC	LAB				
Beeber, Dale	GCAC						
Blendon, Lisa *	PZC	BC	BOA	PRAC	AAB	LAB	
Bohn, Richard	GCAC						
Brown, Richard	PZC						
Butcher, Melvyn	GCAC	PZC	PRAC				
Cameron, Scott	BC						
Carroll, Freth	did not specify						
Cason, James	BC	BOA	PZC	PRAC	AAB	LAB	
Chiappe, Glenn	AAB						
Collins, Tim	GCAC	PZC	BOA	BC	PRAC	AAB	LAB
Coronis, Ike	GCAC	PZC					
Cotton, Dwaine	GCAC						
Dewhurst, Ross *	PRAC						
Evans, Gerald	LAB						
Forbes, Gregg	GCAC						
Frazza, David	GCAC						
Gloris, D'Anne	AAB						
Graff, Robert	BOA						
Griffin, Tara	PZC						
Hamblin, Chuck	GCAC						
Hamilton, Z.O. "Chip"	GCAC						
Helm, Hubbard *	PRAC	PZC	AAB				
Hoover, Howard *	AAB	BC	PZC				
Hughes, Elaine	LAB						
Hutchins, Eric	GCAC	PZC					
Johnson, Stormy *	BC	PZC	PRAC				
Kruger, Randy	GCAC						

LeDonne, Joe	GCAC						
Lepold, Kent	did not specify						
Meyer, Darby	GCAC						
Monahan, Tom	AAB						
Moldovan, Wayne	GCAC						
Moss, Jim	PZC	BOA	AAB				
Nagle, Melissa	PZC						
Nash, Coral	GCAC	PZC	PRAC	BC			
Nixa, Patricia *	PRAC	LAB					
Olson, Danford	LAB						
Panter, Michael	PRAC						
Perrin, Gerald	GCAC						
Philbeck, Nicholas	PZC						
Provenzano, Frank	GCAC						
Robbins, Frank	GCAC						
Salomon, Charles	GCAC	PZC	BC				
Sanders, Anthony	GCAC						
Schmitz, Rhonda	GCAC						
Smith, Paul	PZC	BC					
Smith, Stephanie	PRAC						
Starie, Richard	AAB	PZC					
Upchurch, Trisha	LAB						
Van Ness, Karen	PZC	PRAC	LAB	BC			
Warren, Linda Bush	AAB						
White, Andrew	PZC	BOA					
White, David	PRAC	PZC					
Wright, Kim	LAB	PRAC	GCAC	PZC			
Zaleski, Gary	PZC						

**Airport Advisory Board (4 Expiring Term Appointments Required,
1 of which is the chair and another an alternate)**

APPLICANT	Did Not Specify	AAB Only	AAB First	Current Term Other	Expiring Term Other	Other Choices (in order)
Bailey, Dennis						PZC, BC
Blendon, Lisa*				√		PZC, BC, BOA, PRAC, LAB
Carroll, Freth	√					
Cason, James				√	√	BC, BOA, PZC, PRAC, LAB
Chiappe, Glenn		√				
Collins, Tim						GCAC, PZC, BOA, BC, PRAC, LAB
Gloris, D'Anne		√				
Helm, Hubbard*						PRAC, PZC
Hoover, Howard*			√			BC, PZC
Leopold, Kent	√					
Monahan, Tom		√		√		
Moss, Jim					√	PZC, BOA
Starie, Richard			√		√	PZC
Warren, Linda Bush		√				

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

***** = Previous year (2016-2017) application

Linda Bush Warren is the expiring term Chairman

Tom Manahan is the expiring term Alternate

Board of Adjustments (4 Expiring Term Appointments Required,
two of which are alternates)

APPLICANT	Did Not Specify	BOA Only	BOA First	Current Term Other	Expiring Term Other	Other Choices (in order)
Blendon, Lisa*						PZC, BC, PRAC, AAB, LAB
Carroll, Freth	√					
Cason, James				√		BC, PZC, PRAC, AAB, LAB
Collins, Tim						GCAC, PZC, BC, PRAC, AAB, LAB
Leopold, Kent	√					
Moss, Jim					√	PZC, AAB
White, Andy				√		

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

* = Previous year (2016-2017) application

**Building Committee (3 Expiring Term Appointments Required,
1 of which is an alternate)**

APPLICANT	Did Not Specify	BC Only	BC First	Current Term Other	Expiring Term Other	Other Choices (in order)
Bailey, Dennis						PZC, AAB
Blendon, Lisa*				√		PZC, BOA, PRAC, AAB, LAB
Cameron, Scott		√				
Carroll, Freth	√					
Collins, Tim						GCAC, PZC, BOA, PRAC, AAB, LAB
Hoover, Howard*				√		AAB, PZC
Leopold, Kent	√					
Nash, Coral						GCAC, PZC, PRAC
Saloman, Charles						GCAC, PZC
Smith, Paul					√	PZC
Van Ness, Karen						PZC, PRAC, LAB

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

* = Previous year (2016-2017) application

Planning & Zoning Commission (4 Expiring Term Appointments Required)

APPLICANT	Did Not Specify	P&Z Only	P&Z First	Current Term Other	Expiring Term Other	Other Choices (in order)
Atkins, Linda*			√	√		PRAC, LAB
Bailey, Dennis			√			BC, AAB
Blendon, Lisa*			√	√		BC, BOA, PRAC, AAB, LAB
Butcher, Melvyn						GCAC, PRAC
Carroll, Freth	√					
Cason, James				√	√	BC, BOA, PRAC, AAB, LAB
Collins, Tim						GCAC, BOA, BC, PRAC, AAB, LAB
Coronis, Ike						GCAC
Griffin, Tara		√				
Helm, Hubbard*				√		PRAC, AAB
Hoover, Howard*				√		AAB, BC
Hutchins, Eric						GCAC
Johnson, Stormy*				√		BC, PRAC
Leopold, Kent	√					
Moss, Jim			√			BOA, AAB
Nagle, Melissa		√				
Nash, Coral						GCAC, PRAC, BC
Philbeck, Nicholas		√				
Saloman, Charles						GCAC, BC
Smith, Paul			√			BC
Starie, Richard					√	AAB
Van Ness, Karen			√			PRAC, LAB, BC
White, David					√	PRAC
Wright, Kim						LAB, PRAC, GCAC
Zaleski, Gary		√				

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

* = Previous year (2016-2017) application

Library Advisory Board (4 Expiring Term Appointments Required)

APPLICANT	Did Not Specify	LAB Only	LAB First	Current Term Other	Expiring Term Other	Other Choices (in order)
Atkins, Linda*				√		PZC, PRAC
Blendon, Lisa*				√		PZC, BC, BOA, PRAC, AAB
Carroll, Freth	√					
Cason, James				√	√	
Collins, Tim						GCAC, PZC, BOA, BC, PRAC, AAB
Evans, Gerald		√				
Hughes, Elaine		√				
Leopold, Kent	√					
Nixa, Patricia*						PRAC
Olson, Danford		√				
Upchurch, Trisha		√				
Van Ness, Karen						PZC, PRAC, BC
Wright, Kim			√			PRAC, GCAC, PZC

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

* = Previous year (2016-2017) application

**Parks & Recreation Advisory Commission (3 Expiring Term Appointments
and 1 Vacancy Required by a Relocation)**

APPLICANT	Did Not Specify	PRAC Only	PRAC First	Current Term Other	Expiring Term Other	Other Choices (in order)
Blendon, Lisa*				√		PZC, BC, BOA, AAB, LAB
Butcher, Melvyn						GCAC, PZC
Carroll, Freth	√					
Cason, James				√	√	BC, BOA, PZC, AAB, LAB
Collins, Tim						GCAC, PZC, BOA, BC, AAB, LAB
Johnson, Stormy*					√	BC, PZC
Leopold, Kent	√					
Nash, Coral						GCAC, PZC, BC
Nixa, Patricia*			√			LAB
Panter, Michael		√				
Smith, Stephanie		√				
Van Ness, Karen						PZC, LAB, BC
White, David			√			PZC
Wright, Kim						LAB, GCAC, PZC

LEGEND

Name = Expiring Term Incumbent Requesting to Continue

* = Previous year (2016-2017) application

Golf Course Advisory Committee (7 New Appointments Required)

APPLICANT	Did Not Specify	GCAC Only	GCAC First	Current Term Other	Expiring Term Other	Other Choices (in order)
Arms, Michael		√				
Beeber, Dale		√				
Bohn, Richard		√				
Butcher, Melvyn			√			PZC, PRAC
Carroll, Freth	√					
Collins, Tim			√			PZC, BOA, BC, PRAC, AAB, LAB
Coronis, Ike			√			PZC
Cotton, Dwaine		√				
Forbes, Greg		√				
Frazza, David		√				
Hamblin, Chuck		√				
Hamilton, Z.O. (Chip)		√				
Hutchins, Eric			√			PZC
Kruger, Randy		√				
Leopold, Kent	√					
LeDonne, Joe		√				
Meyer, Darby		√				
Moldovan, Wayne		√				
Nash, Coral			√			PZC, PRAC, BC
Perrin, Gerald		√				
Provenzano, Frank		√				
Robbins, Frank		√				
Saloman, Charles			√			PZC, BC
Sanders, Anthony		√				
Schmitz, Rhonda		√				
Wright, Kim						LAB, PRAC, PZC

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1729

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING THREE INDIVIDUALS TO FILL EXPIRING TERMS AS REGULAR MEMBERS ON THE AIRPORT ADVISORY BOARD; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS AN ALTERNATE MEMBER ON THE AIRPORT ADVISORY BOARD

WHEREAS, the Airport Advisory Board has vacancies due to the expiration of terms, and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that have acquired relevant experience, and

WHEREAS, it is prudent to fill the vacancies for both regular and alternate member on the Board for the purpose of maximizing opportunities for a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint _____, _____, and _____ as regular members with a term that expires in January, 2020 and does hereby appoint _____ as an alternate member with a term expiring in January, 2020.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1730

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE REGULAR PLACE 2 MEMBER ON THE BOARD OF ADJUSTMENT; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE REGULAR PLACE 4 MEMBER ON THE BOARD OF ADJUSTMENT; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE SENIOR ALTERNATE MEMBER ON THE BOARD OF ADJUSTMENT; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE JUNIOR ALTERNATE MEMBER ON THE BOARD OF ADJUSTMENT;

WHEREAS, the Board of Adjustment has vacancies due to the expiration of terms, and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that have acquired relevant experience, and

WHEREAS, it is prudent to fill the vacancies for both regular and alternate member on the Board for the purpose of maximizing opportunities for a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint _____ as the regular place 2 member with a term expiring in January, 2020; and does hereby appoint _____ as the regular place 4 member with a term expiring in January, 2020; and does hereby appoint _____ as the senior alternate member with a term that expires in January, 2020; and does hereby appoint _____ as the junior alternate member with a term expiring in January, 2020.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1731

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE REGULAR PLACE 2 MEMBER ON THE BUILDING COMMITTEE; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS THE REGULAR PLACE 4 MEMBER ON THE BUILDING COMMITTEE; APPOINTING AN INDIVIDUAL TO FILL AN EXPIRING TERM AS AN ALTERNATE MEMBER ON THE BUILDING COMMITTEE

WHEREAS, the Building Committee has vacancies due to the expiration of terms, and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that have acquired relevant experience, and

WHEREAS, it is prudent to fill the vacancies for both regular and alternate member on the Board for the purpose of maximizing opportunities for a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint _____ as the regular place 2 member with a term expiring in January, 2020; and does hereby appoint _____ as the regular place 4 member with a term expiring in January, 2020; and does hereby appoint _____ as an alternate member with a term that expires in January, 2020.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1732

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING FOUR INDIVIDUALS TO FILL EXPIRING TERMS AS MEMBERS ON THE PLANNING & ZONING COMMISSION;

WHEREAS, the Planning & Zoning Commission has vacancies due to the expiration of terms, and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that have acquired relevant experience, and

WHEREAS, it is prudent to fill the vacancies on the Commission for the purpose of maximizing opportunities for a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint _____, _____, _____, and _____ as members with a term that expires in January, 2020.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this _____ day of _____, 20____.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1733

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING THREE INDIVIDUALS TO FULL TERMS AS MEMBERS ON THE LIBRARY ADVISORY BOARD

WHEREAS, the Library Advisory Board has vacancies due to the expiration of terms earlier this year, and

WHEREAS, it is prudent to reappoint expired Library Advisory Board Members with experience on the Library Advisory Board as members, and

WHEREAS, it is prudent to fill the remaining vacancy on the Board for purposes of maximizing a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint
_____ to members with terms expiring in January, 2020.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

Attest:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION 18-1734

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING FOUR INDIVIDUALS TO FULL TERMS AS MEMBERS ON THE PARKS AND RECREATION ADVISORY COMMITTEE

WHEREAS, the Parks and Recreation Advisory Committee has vacancies due to the expiration of terms, and

WHEREAS, it is prudent to appoint Parks and Recreation Advisory Committee Members with experience on the Parks and Recreation Advisory Committee as members, and

WHEREAS, it is prudent to fill the remaining vacancy on the Committee for purposes of maximizing a quorum and conducting business

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

THAT, the City Council of the City of Lago Vista, Texas, does hereby reappoint previous Committee Members _____, _____, _____ to members with terms expiring in January, 2020 and does hereby appoint _____ as a member with a partial term expiring in January, 2019.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

Attest:

Sandra Barton, City Secretary

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

CITY OF LAGO VISTA, TEXAS

RESOLUTION NO. 18-1735

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS
APPOINTING MEMBERS TO THE GOLF COURSES ADVISORY COMMITTEE.**

WHEREAS, City of Lago Vista Ordinance 17-11-16-02 reestablishing a Golf Courses Advisory Committee and provided for the appointment of members to the Committee.

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

THAT, the City Council of the City of Lago Vista, Texas does hereby appoint _____,
_____ and _____ as members to the Golf Courses Advisory
Committee with terms expiring January, 2020, and

THAT, the City Council of the City of Lago Vista, Texas does hereby appoint _____,
_____, _____ and _____ as members to the Golf Courses Advisory
Committee with terms expiring January, 2021

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of January, 2018.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

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

MEETING DATE: January 4, 2018

AGENDA ITEM: Approval of the November 16, 2017 Regular Council meeting and December 7, 2017 Special Called meeting.

Comments:

A draft of the minutes are attached.

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Williams _____; Sullivan _____; Davila _____; R. Smith _____;

Tidwell _____; Weatherly _____; Bland _____

Motion Carried: Yes _____; No _____

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
NOVEMBER 16, 2017**

BE IT REMEMBERED that on the 16th day of November, A.D., 2017, the City Council held a Regular Meeting at 6:30 p.m. at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL, INVOCATION AND PLEDGE OF ALLEGIANCE

Dale Mitchell	Mayor	Josh Ray	City Manager
Ed Tidwell	Mayor Pro Tem	Danny Smith	Police Chief
Ron Smith	Council Member	Sandra Barton	City Secretary
Kevin Sullivan	Council Member	Barbara Boulware-Wells	City Attorney
Stephanie Smith	Council Member	Starr Lockwood	Finance Director
		Roy Jambor	Dev. Svcs. Director

Mayor Mitchell called the regular meeting to order and recognized that all Council Members were present except for Mark Tippetts and Suzanne Bland and introduced our new City Manager, Josh Ray. Other Staff present: Dave Street, IT Director. Reverend Dale Chrisman, Trinity Anglican Church provided the Invocation and Mayor Mitchell led the Pledge of Allegiance.

1. Mayor's recognition of City's employees.

Mayor Mitchell recognized City employees and thanked them for all they do.

2. Discussion and consideration of Ordinance No. 17-11-16-01; An Ordinance by the City Council of the City of Lago Vista, Texas providing for an order canvassing the returns of the City of Lago Vista's November 7, 2017 General Election for the Office of Mayor, Council Member Place 1, Council Member Place 3, and Council Member Place 5, all offices of which are elected on an at large basis.

On a motion by Councilwoman Smith, seconded by Councilman Sullivan, the Council voted unanimously to approve Ordinance No. 17-11-16-01 as presented. Motion passed.

3. Receive comments from outgoing Mayor Dale Mitchell, Councilman Tippetts and Councilwoman Smith.

Mayor Mitchell provided remarks to citizens, Staff and Council.

Councilwoman Smith provided outgoing remarks to citizens, Staff and Council.

4. City Secretary to administer the Statement of Officer and Oath of Office to newly appointed Mayor and Council Members.

City Secretary, Sandra Barton, administered the Statement of Officer and Oaths to new Mayor and Council Members and each signed the documents.

5. Receive comments from newly elected Mayor Tidwell, Councilmembers Arch Davila, Dick Weatherly and David Williams.

Each newly elected official provided comments to citizens, Staff and Council.

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.

Richard Starie, 21405 Coyote Trail, made comments regarding concerns on how to build unity in the City and what is the process to change Council decisions.

ACTION ITEMS

6. Discussion and consideration of Resolution No. 17-1722; A Resolution by the City Council of the City of Lago Vista, Texas declaring various property and/or equipment to be Surplus Property and authorizing the City Manager to dispose of such property in a matter which is beneficial to the City of Lago Vista.

Chief Smith provided a brief overview of the proposed Resolution. He has salvaged everything off of these cars that he could and asked for approval.

On a motion by Councilman Williams, seconded by Councilman Weatherly, the Council voted unanimously to approve Resolution No. 17-1722 as presented. Motion passed.

7. Discussion and consideration of Ordinance No. 17-11-16-02; An Ordinance by the City Council of the City of Lago Vista, Texas, reestablishing a Golf Course Advisory Committee of the City and providing for the appointment and removal of members, qualifications, terms and membership, defining their functions and duties; repealing all conflicting ordinances; providing for a severability clause and an effective date.

Mayor Tidwell made opening statements. We have one golf course that is temporarily idle and need to figure out the future of that course. The Lago Vista Golf Course is still operational and needs a lot of work going forward.

Council and City Manager discussed options for the committee regarding qualifications of members and committee functions and duties. Mayor Tidwell recommended to amend Section 9.2007 Duties, (2) to read “ the function of the committee to advise the City Manager concerning the operation” instead of City Council.

Council and City Manager discussed an amendment to Section 9.2005 Qualifications of members adding a line to say Committee members shall consist of three (3) current members of the Lago Vista Golf Course, three (3) business people from the Lago Vista Community and one (1) non-golfer from the community.

On a motion by Councilman Davila, seconded by Councilman Weatherly, the Council voted four (4) ayes (Williams, Davila, Tidwell, Weatherly to two (2) nays (Sullivan, Smith) to adopt Ordinance No. 17-11-16-02 as amended above to include all amendments. Motion passed.

8. Discussion and possible action regarding the possible leasing or purchase of Golf Course maintenance equipment, Effluent Department maintenance equipment and golf carts.

Chris Godwin, Interim Golf Course Manager provided an oral and written presentation to Council with an overview of options regarding equipment and golf carts and addressed questions from Council. Chris stated that the golf course budget will save \$70,000 by not having to pay Mark's salary, health benefits and car allowance and plans on using this money to offset the costs.

Josh asked for approval from Council to enter into the lease agreements.

On a motion by Councilman Williams, seconded by Councilman Davila, the Council voted unanimously to give the City Manager the option to make a decision with his staff on which is the best option to go with. Motion passed.

Mayor Tidwell asked that staff have an asset management plan in place that covers the life of your assets.

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.

9. Approval of the following minutes:

October 19, 2017 Regular meeting;

October 24, 2017 Joint LVISD Board of Trustees and City Council meeting

On a motion by Councilman Sullivan, seconded by Councilman Smith, the Council voted unanimously to approve the consent agenda. Motion passed.

WORK SESSION

10. Discussion concerning the creation of a Youth Advisory Committee.

Mayor Tidwell asked that this be placed on the agenda for discussion and asked Council to consider and research and provide feedback. Staff will send information to Council as well.

He would like to get teenagers involved and open up communication.

11. Departmental Reports

A. Development Services

B. Golf Course

C. Municipal Court

D. Police Department

Councilman Smith made comments regarding expanding staff to support the backlog of taps.

12. Reports/Minutes from City Boards, Committees and Commissions

- a. October 9, 2017 Veteran's Memorial Advisory Committee minutes

Mayor Tidwell recognized the Veteran's Advisory Committee on doing an outstanding job in putting together the dedication ceremony of the Veterans Park.

FUTURE MEETINGS

13. Consider schedule and items for future Council meetings.

Councilman Smith requested the Water Conservation Plans for the HLGC, LVGC and City in one of the December meetings; requested the political signs to be resolved by the Building Committee; Dark Skies; and appointments of Council Liaisons to reflect the Comprehensive Master Plan.

Councilman Sullivan advised that he will not be at the December 21 Council meeting. He hopes that the Airport Rules and Regulations through the Airport Board and then to Council. Council will consider the need for a second December meeting.

Council Liaison assignments to all City Boards/Commissions/Committees.

December 7 meeting - Elect a Mayor Pro Tem.

Councilman Davila recommended a review of the City Charter and forming a Charter Review Committee.

EXECUTIVE SESSION

14. At 8:33 p.m., Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.
- D. Consultation with Legal Counsel concerning Airport property.
- E. Consultation with legal counsel related to Tessera on Lake Travis Public Improvement District.

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

15. At 9:27 p.m., Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino, L.P. v. City of Lago Vista*, Travis County 200th District Court.

No action

B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

No action

C. Consultation with Legal Counsel concerning LVISD Interlocal Agreement.

No action

D. Consultation with Legal Counsel concerning Airport property.

No action

E. Consultation with legal counsel related to Tessera on Lake Travis Public Improvement District.

No action

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved this 4th day of January, 2018.

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, DECEMBER 7, 2017**

BE IT REMEMBERED that on the 7th day of December, A.D., 2017, the City Council held a Special Called Meeting at 6:30 p.m. in the City Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

Ed Tidwell	Mayor	Josh Ray	City Manager
David Williams	Council Member	Thomas Franco	Lieutenant
Kevin Sullivan	Council Member	Barbara Boulware-Wells	City Attorney
Arch Davila	Council Member	Sandra Barton	City Secretary
Ron Smith	Council Member	Gary Graham	Public Works Director
Dick Weatherly	Council Member	Roy Jambor	Dev. Services Director
Suzanne Bland	Mayor Pro Tem	Dave Street	IT Manager
		Chris Godwin	Golf Course Manager

Mayor Tidwell called the Special Called Meeting to order and recognized that all Council Members were present. Mayor Mitchell led the Pledge of Allegiance.

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE

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.

Gina Williams, 20703 Deede Drive, appeared to make comments regarding the lack of signage on the Highland Lakes Golf Course and the lack of the Police Department begin able to enforce. Also, thanked City and staff for the tree lighting.

ACTION ITEMS

1. Discussion and consideration of Resolution No. 17-1723; A Resolution by the City Council of the City of Lago Vista, Texas; providing for the Election of a Mayor Pro Tem.

Mayor Tidwell explained the need to select a Mayor Pro Tem at a Special Called Meeting instead of the regular meeting.

On a motion by Mayor Tidwell, seconded by Councilman Weatherly, the Council voted unanimously to elect Councilwoman Suzanne Bland as the Mayor Pro Tem. Motion passed.

PUBLIC HEARINGS AND POSSIBLE ACTION

3. The City Council to hold a Public Hearing on the levy of assessments against benefited property within Improvement Area #2 of the Tessera on Lake Travis Public Improvement District for a portion of the costs of authorized improvements.

- Staff presentation – Jana Edwards appeared to provide an oral overview to Council and addressed questions from Council.
- Open Public Hearing – The Public Hearing was opened at 6:47 p.m.
- Close Public Hearing – The Public Hearing was closed at 6:48 p.m.
- Council discussion – No discussion
- City Council to consider Ordinance No. 17-12-07-01; “An Ordinance Levying Assessments for the Cost of Certain Improvements To Be Provided in the Tessera on Lake Travis Public Improvement District; Fixing a Charge and Lien Against All Properties within Improvement Area #2 of the District, and the Owners Thereof; Providing for the Manner and Method of Collection of Such Assessments; Making a Finding of Special Benefit to Property in Improvement Area #2 of the District and the Real and True Owners Thereof; Approving a Service and Assessment Plan as updated for Improvement Area #2; Providing a Severability Clause; and Providing an Effective Date” and take any necessary action.

On a motion by Mayor Pro Tem Bland, seconded by Councilman Weatherly, the Council voted unanimously to approve Ordinance No. 17-12-07-01 as presented. Mayor Pro Tem Bland read the Ordinance heading for the record. Motion passed.

2. The City Council will hold a Public Hearing on the issuance of special assessment revenue and refunding bonds for the purpose of improvement to property within Improvement Area #2 of the Tessera on Lake Travis Public Improvement District.

- Staff presentation – Tom Lawrence, Financial Advisor for the City and Tripp Davenport, Underwriter, appeared to provide an oral overview for Council and addressed questions from Council.
- Open Public Hearing – The Public Hearing was opened at 7:06 p.m.
- Close Public Hearing – The Public Hearing was closed at 7:07 p.m.
- Council discussion – No discussion by Council.
- City Council to consider Ordinance No. 17-12-07-02; “An Ordinance authorizing the Issuance of the City of Lago Vista, Texas Special Assessment Revenue and Refunding Bonds, Series 2018 (Tessera on Lake Travis Public Improvement District Improvement Area #2 Project); Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, an Escrow Agreement, an Official Statement, a Continuing Disclosure Agreement and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of Such Bonds; and Providing an Effective Date” and take any necessary action.

On a motion by Councilman Weatherly, seconded by Councilman Davila, the Council voted unanimously to approve Ordinance No. 17-12-07-02 as presented. Councilman Weatherly read the Ordinance heading for the record. Motion passed.

8. Discussion and consideration of Resolution No. 17-1726; A Resolution by the City of Lago Vista, Texas repealing the Veteran’s Memorial Advisory Committee; providing open meetings and effective date clauses; and providing for related matters.

Richard Bohn, Committee Chair and Jimmy Thornton, Committee Member appeared to address Council and address any questions from Council. He stated that the Committee has fulfilled everything that the original Resolution stated, however, there is money in the liability

account that has been donated by families of Veteran's and Club's within the City. He has discussed with the City Manager to use this money to purchase two more lamp posts and install them, a complete irrigation system, complete landscaping, flag replacements and if there is money left, it should be used for the removal of the telephone pole. If there is any money left after that, it should go to the general fund account, but not until these five obligations are complete.

City will be in charge of replacing the bricks and all other maintenance for the park.

Dale Mitchell, appeared and wanted to commend the Committee for their work and City Council for providing funds. There are still items that need to be completed by the contractor. On a motion by Councilman Davila, seconded by Councilman Williams, the Council voted unanimously to approve Resolution No. 17-1726 as presented. Motion carried.

4. The City Council will hold a Public Hearing on the adoption of a Water Conservation Plan for Highland Lakes Golf Course.

- Staff presentation – Dave Stewart provided an overview of the proposed Plan and addressed questions from Council. Councilman Smith and Dave have worked on these plans for the past six weeks. Councilman Sullivan requested that on page 480 regarding the definition of “rough area” within the golf course be amended to the “longer grass surrounding the fairway on a golf course.”
- Open Public Hearing – The Public Hearing was opened at 7:41 p.m.
- Close Public Hearing – The Public Hearing was closed at 7:42 p.m.
- Council discussion – Weatherly suggesting special recognition to Dave and Ron for the special effort they put forward working on this.
- City Council to consider Ordinance No. 17-12-07-03; An Ordinance of the City of Lago Vista, Texas, adopting a Water Conservation Plan for the Highland Lakes Golf Course; providing for conflicting ordinances, severability, and open meetings; and providing for related matters.

On a motion by Councilman Williams, seconded by Councilman Weatherly, the Council voted unanimously to approve Ordinance No. 17-12-07-03 subject to the change in definition of “rough area”. Motion passed.

5. The City Council will hold a Public Hearing on the adoption of a Water Conservation Plan for Lago Vista Golf Course.

- Staff presentation – Dave Stewart gave a brief overview.
- Open Public Hearing – The Public Hearing was opened at 7:44 p.m.
- Close Public Hearing – The Public Hearing was closed at 7:45 p.m.
- Council discussion – No discussion by Council.
- City Council to consider Ordinance No. 17-12-07-04; An Ordinance of the City of Lago Vista, Texas, updating a Water Conservation Plan for the Lago Vista Golf Course; providing for conflicting ordinances, severability, and open meetings; and providing for related matters.

On a motion by Councilman Weatherly, seconded by Councilman Sullivan, the Council voted unanimously to approve Ordinance No. 17-12-07-04 with amendments to the altered definition for the “rough”. Motion passed.

6. Discussion and consideration of Resolution No. 17-1724; A Resolution by the City Council of the City of Lago Vista, Texas to reapprove an Interlocal Agreement for Public Safety Answering Point, maintenance, equipment and training provided by and through the Capital Area Emergency District for the provision of 911 services within the district of which the City is a part.

On a motion by Councilman Davila, seconded by Councilman Williams, the Council voted unanimously to approve Resolution No. 17-1724 as presented. Motion passed.

7. Discussion and consideration of Resolution No. 17-1725; A Resolution by the City Council of the City of Lago Vista, Texas, confirming the appointment of Robert R. Durbin as the Presiding Municipal Judge for the City of Lago Vista, Texas.

Josh Ray gave a brief overview and background information. He has spoken with all three Judges and they recommend Judge Durbin as Presiding Judge.

On a motion by Councilwoman Bland, seconded by Councilman Davila, the Council voted unanimously to approve Resolution No. 17-1725 as presented. Motion passed.

9. Discussion and consideration of Resolution No. 17-1727; A Resolution by the City Council of the City of Lago Vista, Texas canceling the regular City Council meeting scheduled for December 21, 2017.

Josh Ray provided brief comments. Council discussed agenda items and Committee appointments which will be placed on a January agenda.

On a motion by Councilman Williams, seconded by Councilman Weatherly, the Council voted unanimously to approve Resolution No. 17-1727 as presented. Motion passed.

10. Discussion and consider Contingent Award of Contract for construction of the Safe Routes to Schools Project. Project Award is contingent on TxDOT confirmation.

Gary Graham provided a brief introduction and the bid tabulations and addressed questions from Council. He recommends award of the contract to the low bid of \$685,285.32 to Capitol Concrete Contractor's Inc. This item is over budget and requests that the remaining bond funds from the completed Camille/Dawn project in the amount of \$90,310 be used and the remaining amount of \$17,345.57 be out of reserve funds.

Josh Ray also addressed questions from Council regarding the additional costs and using reserves for these costs.

On a motion by Councilman Williams, seconded by Councilwoman Bland, the Council voted unanimously to award the bid to Capitol Concrete Contractor's Inc. contingent on TXDOT confirmation. Motion passed.

11. Discussion and consider award of contract for Construction of Traffic Signal at Lohman Ford and Boggy Ford Intersection.

Gary stated two bids were received on November 1. Low bid was Alpha Paving Industries in the amount of \$373,866.00. There is \$344,103.00 remaining in the 2017 bond funds for this project. He recommends awarding the contract to Alpha Paving and negotiate a change order to be within the budget. The changes include eliminating the illuminated roadway name signs, eliminating the opticon feature and reduction of the square yardage of asphalt pavement to be milled.

On a motion by Councilman Sullivan, seconded by Councilman Weatherly, the Council voted unanimously to award the contract to Alpha Paving in the amount of \$373,866.

12. Consider approval of Change Order #1 on the Boggy Ford Lohman Ford Intersection Project.

Gary provided a brief overview of the proposed changes and addressed questions from Council. He recommends approval and will amend the change order as requested.

On a motion by Councilman Sullivan, seconded by Councilman Weatherly, the Council voted unanimously to approve the change order adding the opticon feature back in and necessary additions for the opticon to work. Motion passed.

13. Discussion and consideration of recommended City Liaison appointments.

Mayor Tidwell provided a brief overview and provided a sheet for appointments.

Council discussed and filled out the cheat sheet provided by Mayor Tidwell.

On a motion by Councilwoman Bland, seconded by Councilman Sullivan, the Council voted unanimously to appoint City Liaisons as discussed.

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.

14. Approval of the following minutes:

November 2, 2017 Special Called meeting minutes

On a motion by Councilman Smith, seconded by Councilman Sullivan, the Council voted unanimously to approve the November 2 as presented. Motion passed.

FUTURE MEETINGS

15. Consider schedule and items for future Council meetings.

Councilwoman Bland requested the Turnback Trail Conservancy be on a future agenda, Meredith to give an update on the website and future events and a budget review with Starr possibly in February or March.

Councilman Sullivan requested the Airport Rules and Regulations on the January agenda. Appointing Board/Committee/Commission members.

State Firewise will be at the January 4 meeting to present the City with a plaque.

Councilman Davila requested a Charter Review Committee.

Mayor Tidwell requested setting a date for a retreat and at the January 4 meeting would like to discuss a Solid Waste Grant from CAPCOG.

EXECUTIVE SESSION

16. At 8:57 p.m., Council convened into Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel concerning Airport property.
- D. Consultation with Legal Counsel concerning Tessera on Lake Travis Public Improvement District.

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

17. At 9:25 p.m., Council reconvened from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.

No action taken.

- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

No action taken.

- C. Consultation with Legal Counsel concerning Airport property.

No action taken.

- D. Consultation with Legal Counsel concerning Tessera on Lake Travis Public Improvement District.

No action taken.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 9:27 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved this 4th day of January, 2018.

DRAFT

MEETING DATE: January 4, 2018

AGENDA ITEM: Consider schedule and items for future Council meetings.

Comments:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Williams _____; **Sullivan** _____; **Davila** _____; **R. Smith** _____;

Tidwell _____; **Weatherly** _____; **Bland** _____

Motion Carried: Yes _____; No _____

MEETING DATE: January 4, 2018

AGENDA ITEM: EXECUTIVE SESSION

Comments:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.
- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.
- C. Consultation with Legal Counsel concerning Airport property.
- D. Consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.

MEETING DATE: January 4, 2018

AGENDA ITEM: RECONVENE FROM EXECUTIVE SESSION

Comments:

- A. Pending or threatened litigation pertaining to Cause No. D-1-GN-16-002483, *Villa Montechino L.P. v. City of Lago Vista*, Travis County 200th District Court.

- B. Consultation with Legal Counsel concerning possible real estate acquisition, management or divestiture and attendant matters thereto.

- C. Consultation with Legal Counsel concerning Airport property.

- D. Consideration of applicants for appointment to the Airport Advisory Board, Board of Adjustment, Building Committee, Planning and Zoning Commission, Library Advisory Board, Parks and Recreation Advisory Committee and the Golf Course Advisory Committee.