

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, MARCH 18, 2021**

BE IT REMEMBERED that on the 18th day of March, A.D., 2021, the City Council held a regular meeting at 5:34 p.m. via Go to Meeting, there being present via videoconferencing and acting the following:

Ed Tidwell	Mayor	Chelaine Marion	Council Member
Arch Davila	Mayor Pro Tem	Dick Weatherly	Council Member
David Williams	Council Member	Paul Prince	Council Member
Kevin Sullivan	Council Member		

CALL TO ORDER, CALL OF ROLL, INVOCATION

EXECUTIVE SESSION

1. At 5:35 p.m., Council convened into a closed Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Section 551.087 (Economic Development), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:
 - A. Consultation with Legal Counsel and possible action concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).
 - B. Consultation with Legal Counsel regarding pending or threatened litigation pertaining to Cause No. D-1-GN-20-007701 *David Stewart vs. City of Lago Vista*, Travis County 98th District Court.
 - C. Consultation with Legal Counsel regarding pending or threatened litigation pertaining to EEOC Charge #451-2020-01813 *Brittany Henry v. Lago Vista Police Department*.
 - D. Consultation with Legal Counsel regarding Lago Quality Foods LLC, DBA Baker's Bar and Grill Concession Services Contract.
 - E. Consultation with Legal Counsel regarding Committee applications.

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

2. At 6:34 p.m., Council reconvened from Executive Session into open session and recessed until 6:40 p.m., to act as deemed appropriate in City Council's discretion regarding:
 - A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).
No action. Erin Selvera provided legal advice regarding items on the agenda.

- B. To take any necessary action regarding pending or threatened litigation pertaining to Cause No. D-1-GN-20-007701 *David Stewart vs. City of Lago Vista*, Travis County 98th District Court.

No action taken. Erin Selvera provided updates to Council in Executive Session.

- C. To take any necessary action regarding pending or threatened litigation pertaining to EEOC Charge #451-2020-01813 *Brittany Henry v. Lago Vista Police Department*.

No action taken. Erin Selvera provided updates to Council in Executive Session.

- D. To take any necessary action regarding Lago Quality Foods LLC, DBA Baker's Bar and Grill Concession Services Contract.

No action taken. Erin Selvera provided and update and discussion regarding legal options for addressing the amount that remains due from Baker's Bar and Grill. Direction from Council was given to the City Attorney.

- E. To take any necessary action regarding Committee applications.

No action taken. There was discussion regarding the process and information that is in our current Resolution regarding excepting applications and requirements for the applications for those who want to serve on our Boards and Commissions.

Mayor Tidwell led the Pledge of Allegiance to the American and Texas Flags.

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.

John and Bernadette Moody made comments regarding a house and cars parked on Boggy Ford and the house being used as a business.

Don Swayze made comments regarding this being a business or residence and concerns with parking at this residence.

Mr. Barthlow made comments regarding fraud and City spending.

ITEMS OF COMMUNITY INTEREST: Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expressions of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations
Councilor Marion recognized two members of the Lago Vista High School baseball team for assisted her.
- d. Reminders regarding City Council events.
April 1 is next City Council meeting
Working on getting next brush drop off event, tentatively it will be April 1 and April 3, it should be at Sunset Park. This information is on the City website.
- e. Reminders regarding community events.
Mayor working on organizing an Emergency Response Plan Committee.
Councilor Sullivan stated that the Lions Club and St. Vincent DePaul raised close to \$6,000 to assist people affected by the storm.

Mayor asked that everyone reach out to neighbors who do not have a computer and may still need help.

- f. Health and safety announcements.

ACTION ITEMS

- 3. Discussion, consideration, and possible action regarding Resolution No. 21-1881; A Resolution by the City Council of the City of Lago Vista, Texas accepting from Singleton, Clark & Company, PC., the audit for Fiscal Year 2020.

Mayor Tidwell provided the staff summary.

Robert Gattilia with Singleton, Clark & Company presented the audit and addressed questions from Council.

Erin Selvera, City Attorney addressed questions from Council and provided information regarding concerns regarding bidding laws.

Mr. Barthlow made comments regarding whistle blowers going to him and problems with the City's procurement process, the sports complex, picking and choosing contractors.

Jane Brunclik asked questions regarding the road projects and the total amount that was bid out.

On a motion by Councilmember Weatherly, seconded by Councilmember Sullivan, Council voted unanimously that we accept the audit. Motion passed.

- 4. Discussion, consideration, and possible action regarding Ordinance No. 21-03-18-01; An Ordinance of the City Council of the City of Lago Vista, Texas pursuant to Vernon's Texas Codes Annotated, Local Government Code, Chapter 102, Section 102.007(b) providing for amendments to Ordinance No. 20-09-17-02, for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; amendments to said budget by department are set forth in "Exhibit A" attached to this Ordinance.

Mayor Tidwell provided the staff summary.

Roy Jambor addressed questions from Council.

Paul Roberts made comments in favor of this position.

Ms. Tjon-Joe-Pin made comments regarding the salary scale.

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously to approve Ordinance No. 21-03-18-01. Motion passed.

- 5. Discussion, consideration, and possible action regarding Resolution No. 21-1879; A Resolution by the City Council of the City of Lago Vista, Texas appointing individuals to serve as members on the Charter Review Committee.

Mayor Tidwell provided the staff summary.

Mayor Pro Tem Davila nominates Frank Robbins, Paul Roberts, and Gage Hunt as members to the Committee.

Councilmember Marion nominates Christina Lucero, Carter Tannehill and Robert Durbin as members to the Committee.

Letha Guy made comments regarding candidates to the Charter Review Committee.

Mayor Tidwell read aloud comments from Laurie Dick expressing her opposition to Frank Robbins application to the Charter Review Committee being considered.

Mayor Tidwell read aloud comments from Anna Johndrow, in favor of Christina Lucero serving on the Charter Review Committee.

Ms. Tjon-Joe-Pin made comments in favor of Christina Lucero.

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, Council voted unanimously to appoint the six folks that have been named by Councilor Marion and Councilor Davila. Motion passed.

6. Discussion, consideration, and possible action regarding Resolution No. 21-1880; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member serving on the Economic Development Advisory Committee; and to otherwise provide with respect thereto.

Councilmember Williams thanked Clive Rutherford for his service on the Committee.

On a motion by Councilmember Williams, seconded by Councilmember Marion, Council voted unanimously to approve Resolution No. 21-1880 appointing Russell Murphy to the Economic Development Committee. Motion passed.

7. Discussion, consideration, and possible action regarding the request by Lago Vista Village for an extension of the Chapter 380 Agreement for a period of 3 months.

Mayor Tidwell provided the staff summary.

Eric Zeno, Economic Development Director provided additional information.

Erin Selvera, City Attorney provided legal advice and addressed questions.

On a motion by Councilmember Williams, seconded by Councilmember Sullivan, Council voted unanimously to extend the contract with Lago Vista Village on the Chapter 380 Agreement for a period of 3 months. Motion passed.

8. Discussion, consideration, and possible action regarding a construction contract award for Sunset Park bathroom facility and authorize the City Manager to execute the contract.

Mayor Tidwell provided the staff summary.

Mr. Roberts made comments regarding Council needing additional information.

On a motion by Councilmember Marion, seconded by Councilmember Williams, Council voted unanimously to reject all bids relevant to the award of the contract for Sunset Park bathroom facility. Motion passed.

9. Discussion, consideration, and possible action regarding library expansion project.

Mayor Tidwell provided the staff summary.

Erin Selvera, City Attorney provided additional information and addressed questions.

Roy Jambor provided additional information and addressed questions from Council.

Ms. DeVough had questions regarding costs.

Mr. Roberts made comments regarding the need for a library expansion.

Ms. Tjon-Joe-Pin made comments in favor of the library.

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, Council voted unanimously that we approve this addition of \$13,600 for the architect to do the MEP work for the library and City Hall expansion. Motion passed.

10. Discussion, consideration, and possible action regarding Concession Services Agreement with Dustin and Chelsea Martin, dba The Bunker Bar and Grill.

Mayor Tidwell provided the staff summary.

Roger Chan, Interim City Manager provided additional information.

Ms. Tjon-Joe-Pin made asked if they had a 380 agreement and has the City seen his revenues and made comments in favor of the City being flexible with him.

Mr. Roberts made comments made comments regarding PPP loans.

Mr. Durbin made comments regarding the contract and the history of prior restaurants at this location.

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Davila, Council voted six (6) ayes (Mayor, Williams, Sullivan, Davila, Weatherly, Prince) to one (1) nay (Marion) that we forgive the Martin's the \$1700 they owe for January and February but that we maintain the rent at \$2850 through the balance of the lease. Motion passed 6 to 1.

11. Discussion, consideration, and possible action regarding the purchase of ½ strip of property located at 20813 Peacemaker Trail.

Mayor Tidwell provided the staff summary.

Councilmember Sullivan requested clarification regarding the square footage.

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, Council voted unanimously that we sell the strip abutting 20813 Peacemaker Trail to the petitioners in the amount of \$3359.30. Motion passed.

12. Discussion, consideration, and possible action regarding the 380 Agreement with Lago Property Development L.P.

Mayor Tidwell provided some background information and asked for clarification of the contract.

Erin Selvera, City Attorney addressed these questions.

Roy Jambor and Eric Belaj provided additional information and addressed questions.

Ms. Tjon-Joe-Pin had questions and made comments regarding the contract.

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, Council voted unanimously that we table this item for the contract to be reviewed and amended and brought back at a future Council meeting. Motion passed.

DISCUSSION ITEM

13. Discussion regarding detail of Council minutes.

Councilmember Sullivan provided the Staff summary.

Council discussed and provided their preference.

Mr. Durbin made comments regarding relying on the video recordings.

Mr. Roberts made comments regarding including time stamps in the minutes and is in favor of more detailed minutes.

Ms. Tjon-Joe-Pin made comments in favor of time stamp of the video.

No action taken.

FUTURE MEETINGS

14. Consider schedule and items for future Council meetings.

April 1 – winter storm after action report, bid for household hazardous waste, postal service discussion, Youth Advisory Committee, and applications for other committees, water rates discussion, Nature's Point 380 agreement

April 15 – Council Liaisons discussion, animal cruelty discussion, City Hall annex building

Work sessions for the park – April 5

CIP projects work session – April 27

Water subcommittee recommendations and CMP subcommittee report – May 20

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 10:52 p.m.

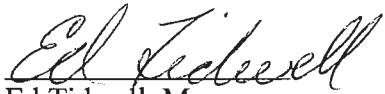
Respectfully submitted,

ATTEST:



Sandra Barton, City Secretary




Ed Tidwell, Mayor

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, the above and foregoing instrument was passed and approved this 6th day of May 2021.