

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, APRIL 1, 2021**

**BE IT REMEMBERED** that on the 1<sup>st</sup> day of April, A.D., 2021, the City Council held a regular meeting at 5:32 p.m. via Go to Meeting, there being present via videoconferencing and acting the following:

|                |                |                |                |
|----------------|----------------|----------------|----------------|
| Ed Tidwell     | Mayor          |                |                |
| 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 5:34 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 98<sup>th</sup> 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 Development Agreement with Austin JSB, Ltd.
  - E. Discussion regarding purchase of property on Lohman Ford Rd.

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

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

2. At 6:20 p.m., Council reconvened from Executive Session into open session and recessed until 6:31 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).

Erin Selvera addressed questions from Council regarding item 6 on the agenda and provided advice regarding the need for an application on file.

No action taken.

- 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 98<sup>th</sup> District Court.

Erin Selvera provided Council with an update.

No action taken.

- 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*.

Erin Selvera provided Council with an update.

No action taken.

- D. To take any necessary action regarding Development Agreement with Austin JSB, Ltd.

Erin Selvera provided Council an overview of the project and the legal issues that are involved and received some direction regarding the City's involvement.

No action taken.

- E. To take any necessary action regarding purchase of property on Lohman Ford Rd.

On a motion by Councilmember Weatherly, seconded by Councilmember Prince, Council voted unanimously that we authorize Mr. Sullivan to work with our City Manager, Mr. Chan to contact the individual trying to sell this property to get us a 60-day extension on final commitment so that we have appropriate time to vet this offer.

Councilmember Prince suggested an amendment to the motion to say that we're requesting an option fee period of 60 days on the property and authorizing that.

Councilmember Weatherly accepted that change. Motion passed.

**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 Moody made comments regarding the sign on Firefly and visibility.

Dale Owens made comments regarding a sign making him uncomfortable.

Don Barthlow made comments regarding fraud, accountability in local government and named the people who knew about the fraudulent spending of taxpayer money.

Darci DeVough made comments regarding the change of the City logo and about a whistleblower.

Paul Roberts asked if the City still had pallets of water.

**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

- Mayor Tidwell read aloud the proclamation for Motorcycle safety & awareness month.
- d. Reminders regarding City Council events.
    - April 5 – Council special work session.
    - April 14 – Special called Executive Session meeting with SGR
    - April 15 – Regular Council meeting
    - Comprehensive master plan subcommittee meeting in April.
    - Water rate subcommittee also meeting in April
    - CapMetro subcommittee meeting by phone.
  - e. Reminders regarding community events.
    - Brush drop off – all information is on the City website.
    - KLVB is having a litter pickup event on the 10<sup>th</sup>.
    - The Lions club is doing the Lohman Ford cleanup on April 10<sup>th</sup>.
    - Lions Club and boy scouts troop 198 to do brush clean up around town.
    - Blood drive possibly on April 17.
    - Emancipet will be in Lago Vista on April 27<sup>th</sup>.
    - Lago Vista elementary PTO is holding a fundraising golf tournament on April 10<sup>th</sup>.
  - f. Health and safety announcements.
    - April 12 – emergency plan review volunteer committee meeting.

## **DISCUSSION**

3. Discussion regarding USPS delivery in Southwest Lago Vista.
  - Mayor Tidwell provided an update and addressed questions.
  - No action taken.

## **PRESENTATION**

4. After action report and follow-on activities regarding the February winter storm.
  - Mayor Tidwell advised Council that this item will be tabled until April 15.

## **PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)**

5. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for Lot 6, Lot 7, and Lot 8 of Canyon Oaks Subdivision and Lots 3M and 4M of Lago Vista Travis Plaza, save and except a 75 by 85-foot tract from the northwest corner of lot 3M, and generally described as being located at 5919 Lago Vista Way, from the “Sunset Harbor PDD” (Planned Development District) to R-1T (Single-Family, Tall) residential zoning district; and providing for related matters.
  - Open public hearing
  - Mayor’s presentation
  - Applicant’s presentation
  - Close public hearing
  - Council discussion and possible decision (continue public hearing if no decision results)Mayor Tidwell advised Council that there issues with this item.

Erin Selvera, City Attorney advised Council that there was an issue with the notice, and this is being remanded back to Planning and Zoning Commission and will come back to Council at a later date.

## **ACTION ITEMS**

6. Discussion, consideration, and possible action regarding Resolution No. 21-1882; 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.  
On a motion by Councilmember Williams, seconded by Councilmember Weatherly, Council voted unanimously to nominate Don Johndrow to be added to the Economic Development Committee replacing Elaine Hughes. Motion carries.
7. Discussion, consideration, and possible action on a contract award for the disaster related waste services and authorize the City Manager to execute the contract.  
Mayor Tidwell provided the staff summary and addressed questions from Council.  
Darci DeVough had questions regarding the price and concerns regarding the site of the dumpsters.  
On a motion by Councilmember Sullivan, seconded by Councilman Weatherly, Council voted unanimously that we authorize the Mayor and/or the City Manager to execute this contract with Waste Connections. Motion carries.
8. Discussion, consideration, and possible action regarding Ordinance No. 21-04-01-01; 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.  
Council discussed and provided feedback and concerns.  
Darci DeVough asked about construction at the airport for new hangars and personnel questions.  
Ms. Tjon-Joe-Pin made comments in favor of this item.  
On a motion by Mayor Pro Tem Davila, seconded by Councilman Prince, Council voted unanimously to adopt Ordinance No. 21-04-01-01. Motion carries.
9. Discussion, consideration, and possible action regarding an Ordinance of the City Council of the City of Lago Vista, Texas, amending Chapter 9 Personnel, Article 9.700 Youth Advisory Committee to add an adult member to serve as a mentor and Project Manager and to amend membership requirements for youth members, providing codification and publication, an effective date, repealer, severability, proper notice and open meetings clause and discussion and possible action regarding acceptance of applications for all committees for use as needed to fill vacancies.  
Mayor Tidwell provided the staff summary.  
Gina Williams made comments in favor of the Committee and asked community service credit.  
On a motion by Councilmember Weatherly, seconded by Councilmember Williams, Council voted unanimously that we approve the ordinance to re-establish the Youth Advisory

Committee and that language be brought back to us to include that a background check will be done on the mentor or adults other adults involved in the committee.

Mayor asked that the motion be amended to include opening up applications for all, not just the youth, but for all committees. Councilmember Weatherly and Councilmember Williams both approved the amendment. Motion carries.

10. Discussion, consideration, and possible action regarding the winter averaging process for establishing the wastewater billing rate for utility customers.

Mayor Tidwell provided the staff summary.

Council discussed the different options provided by staff and provided feedback.

Mr. Roberts made comments in favor of Councilor Prince's ideas.

Ms. Tjon-Joe-Pin made comments regarding the different options.

On a motion by Mayor Pro Tem Davila, seconded by Councilman Sullivan, Council voted three (3) ayes (Williams, Sullivan, Davila) to three (3) nays (Mayor, Weatherly, Prince) that we use the winter averaging process to be taking the four (4) consecutive months that we have used; November, December, January, and February and drop the highest one (1). Motion fails. Councilmember Prince made a motion to amend that we drop the highest two (2) rather than the highest one (1).

Mayor Pro Tem Davila did not accept this amendment.

On a motion by Councilmember Prince, seconded by Councilmember Weatherly, Council voted five (5) ayes (Williams, Sullivan, Mayor, Weatherly, Prince) to one (1) nay (Davila) that we do an averaging on the four (4) months; November, December, January, and February and drop the highest two (2) months. Motion carries.

11. Discussion, consideration, and possible action regarding past due and unpaid utility bills, disconnects and the process for addressing individual situations.

Mayor Tidwell provided the staff summary.

Council discussed, asked Mayor questions, and voiced their concerns.

Mr. Durbin made comments regarding the collection efforts and an announcement.

Ms. DeVough asked if Council has investigated the Cares bill money.

Ms. Tjon-Joe-Pin made comments regarding federal money.

Mr. Roberts made comments regarding citizens paying their debts.

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, Council voted unanimously that we reinstitute our policies around cut-offs and so forth so that we can engage with our citizens and discuss how we're going to work things out with them. Motion carries.

12. Discussion, consideration, and possible action regarding revised Airport vehicle parking lease agreement.

Mayor Tidwell provided the staff summary.

Erin Selvera provided additional information to Council.

Council discussed and provided feedback for different options.

Mr. Durbin made comments regarding the parking lease agreement.

Council's consensus was to not have a lease but provided staff with direction for a proposed policy that will be brought back to Council for consideration.

No further action taken.

13. Discussion, consideration, and possible action regarding revised Airport Tie Down Lease Agreement.

Mayor Tidwell provided the staff summary.

Starr Lockwood provided additional information and addressed questions from Council.

Council discussed and provided feedback for different options.

Erin Selvera provided additional information and options.

Darci DeVough made comments in agreement with Kevin.

On motion by Councilmember Sullivan, seconded by Councilmember Williams, Council voted five (5) ayes (Williams Sullivan, Davila, Tidwell, Weatherly) to one (1) nay (Prince) that we direct Mrs. Selvera to draft the lease underneath the terms that you specified, annual with renewals up to three (3) years, \$50 a month if you pay monthly and \$600 a year with the 10% discount if you pay annually. Motion carries.

14. Discussion, consideration, and possible action regarding an Ordinance of the City Council of the City of Lago Vista, Texas, amending Appendix A Fee Schedule of the Code of Ordinances, Article 1.000 General and Administrative Fees and Article 9.000 to consolidate and add Airport related fees, providing codification and publication, an effective date, repealer, severability, proper notice, and open meetings clause.

Mayor Tidwell provided the staff summary.

Erin Selvera provided additional information and addressed questions.

On a motion by Mayor Tidwell, seconded by Councilmember Sullivan, Council voted five (5) ayes (Williams, Sullivan, Davila, Tidwell, Weatherly) to one (1) nay (Prince) that we amend Appendix A, Fee Schedule, Article 1 General Aviation and Article 9 to consolidate and add Airport related fees setting the tie down fees, we're adding the tie down fees of \$50 with an annual discount of 10% for prepayment and removing the Airport vehicle parking from the fee schedule. Motion carries.

## **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.

15. Approval of the following Council meeting minutes:

February 4, 2021 regular meeting minutes

February 25, 2021 special called meeting minutes and

March 10, 2021 special called meeting minutes

On a motion by Councilmember Weatherly, seconded by Councilmember Sullivan, Council voted unanimously that we accept the consent agenda. Motion carries.

## **FUTURE MEETINGS**

16. Consider schedule and items for future Council meetings.

April 15 – City Hall space annex building discussion, animal cruelty discussion, Nature's Point 380 agreement, after action report, bids for the household hazardous waste, Lohman Ford

property for Executive Session, airplane maintenance, water rates, replace member to LAB, Fire Marshall services.

April 14 – SGR meetings

May 6 – roles of Liaisons and roles of committee members, golf course signage proposal

April 27, work session regarding street project and CIP

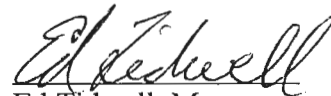
May 20 – Comprehensive Master Plan

## ADJOURNMENT

Mayor Tidwell adjourned the meeting at 10:24 p.m.

Respectfully submitted,



  
Ed Tidwell, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, the above and foregoing instrument was passed and approved this 20<sup>th</sup> day of May 2021.