

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, SEPTEMBER 2, 2021**

BE IT REMEMBERED that on the 2nd day of September, A.D., 2021, the City Council held a regular meeting at 5:30 p.m. in City Council Chambers and 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

Mayor Tidwell called the meeting to order at 5:33 p.m.

EXECUTIVE SESSION

1. At 5:36 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. Update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - C. Update on pending litigation *Brittany Henry vs. City of Lago: Vista*, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - D. Update on pending litigation *David Stewart v City of Lago Vista*: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - E. Consultation with City Attorney regarding sale of property at 2805 Bonanza (Sections 551.071 Consultations with Attorney and 551.072 deliberations about Real Property, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - F. 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). (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

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

2. At 6:33 p.m., Council reconvened from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).

No action taken.

B. To take any necessary action regarding update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

No action taken.

C. To take any necessary action regarding update on pending litigation *Brittany Henry vs. City of Lago Vista*, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

No action taken.

D. To take any necessary action regarding update on pending litigation *David Stewart v City of Lago Vista*: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

No action taken.

E. To take any necessary action regarding sale of property at 2805 Bonanza (Sections 551.071 Consultations with Attorney and 551.072 deliberations about Real Property, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

No action taken.

F. To take any necessary action concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed). (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

No action taken.

Mayor Tidwell called the regular session to order and led the Pledge of Allegiance and Pledge to the Texas Flag.

8:44 – 15:23

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Talitha Wheatley made comments regarding mailboxes and lack of delivery of mail.

15:26 – 19:07

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

- a. Expressions of thanks, gratitude, and condolences.
Councilor Williams expressed condolences to Councilor Marion and Tracie Hlavinka.
Congratulations to the football team.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations
- d. Reminders regarding City Council events.
City Hall will be closed on Monday, September 6 for Labor Day.
- e. Reminders regarding community events.
Councilor Sullivan advised that the Lions are having their barbecue fund raiser this weekend.
- f. Health and safety announcements.

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.

19:10 – 20:28

3. Approval of the July 22, 2021, and July 29, 2021, special called meeting minutes.
4. Acceptance of an easement from Brohn Homes and authorize the Mayor to sign the documents.
On a motion by Councilor Sullivan, seconded by Councilor Williams, Council voted unanimously to approve the consent agenda as modified by Mrs. Barton during the week from some errors that were in one of the meeting minutes. Motion carries.

DISCUSSION ITEM

20:31 – 23:42

5. Discussion of golf carts on city streets, and a possible creation of a City Ordinance to address unlawful operation of golf carts within the Lago Vista city limits by unlicensed persons.
On a motion by Mayor Pro Tem Davila, seconded by Councilor Prince, Council voted unanimously to table this item. Motion carries.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

23:45 – 1:23:38

6. 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 regarding the current "Planned Development District" (PDD) known as "Firefly Cove" and previously described as "Tusikanni Cove" in Ordinance Number 07-10-04-04, to approve an amended concept plan for the entire development consisting of approximately 281.45 acres and to approve a detail plan for everything except the area designated as the location of approximately 45 estate lots; and providing for related matters.

- Open public hearing
The public hearing was opened at 6:54 p.m.
- Mayor's presentation
- Applicant's presentation
Dirk Gosda appeared and provided an oral presentation.
- Close public hearing
The public hearing was closed at 7:48 p.m.
- Council discussion and possible decision
Councilor Sullivan made a motion that we approve this application and the conditions that were set forth in the ordinance that was drafted by staff and one last capsule that it would be inclusive of the changes that I had requested Mr. Jambor earlier in the week, there were three typographical changes that he made that's the one that we're going to approve, this motion was seconded by Councilor Williams.
Councilor Prince made a suggested amendment around this maximum number of homes under the 1500 square foot level and based on that conversation I kind of raised your number a little bit to 20, if it was 25% of the 280 under, that would be 70 units maximum that are under 1500 square feet. I see Mr. Gosda is comfortable with that so I would suggest that as an amendment to the conditions.
Councilor Sullivan and Councilor Williams agree to the amendment. Motion carries unanimous.

1:23:59 – 1:52:16

7. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for approximately 2.183 acres of land that is not platted, but located within the boundaries of Lago Vista Travis Plaza, a subdivision of record in Book 39, Page 50 of the Plat Records of Travis County, Texas and generally described as being located at 20806 Bonanza Street, from P-2 ("Park and Greenbelt District, Passive") to R-4 ("Multifamily Residential District"); and providing for related matters.

- Open public hearing
The public hearing was opened at 7:53 p.m.
Dian Tjon-Joe-Pin made comments regarding the rezoning.
Christina Lucero made comments to put this on hold.
Mayor Tidwell read a letter from Laurie Dick.
Mayor Tidwell read a letter from Darci DeVough
Mayor Tidwell read a letter from Letha Guy.
Sarah Teal made comments regarding the rezoning.
Ron Cordsen made comments regarding the rezoning.
- Mayor's presentation
- Applicant's presentation
- Close public hearing
The public hearing was left open.
- Council discussion and possible decision (continue public hearing if no decision results)
No action taken.

ACTION ITEMS

1:52:20 – 1:55:17

8. Discussion, consideration, and possible action regarding Resolution No. 21-1897; A Resolution by the City Council of the City of Lago Vista, Texas cancelling the regular City Council meeting scheduled for October 7, 2021.

On a motion by Councilor Sullivan, seconded by Councilor Williams, Council voted unanimously to cancel the October 7, 2021, Council meeting. Motion carries.

1:55:18 – 2:01:43

9. Discussion, consideration and possible action regarding the taps and line extension construction contract award and authorize the City Manager to execute the contract.

On a motion by Councilor Sullivan, seconded by Councilor Williams, Council voted unanimously that we award unit price 3-year contract to Cordsen Construction as a primary contractor and that we authorize either yourself or the City Manager to sign that contract once it's been completed properly by staff. Motion carries.

2:01:46 – 2:10:33

10. Discussion, consideration, and possible action regarding a Complaint alleging Ethics Policy violations by Charter Review Committee Chairman, Robert Durbin.

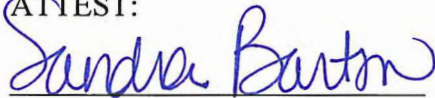
On a motion by Councilor Sullivan, seconded by Councilor Weatherly, Council voted unanimously that we table this item for now and that the staff work with Council and Mr. Durbin to schedule a preliminary hearing. Motion carries.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 8:37 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 21st day of October 2021.