



**AGENDA  
CITY COUNCIL REGULAR MEETING  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX  
MAY 4, 2023 AT 5:30 PM**

**JOIN MEETING VIA VIDEO CONFERENCE**

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

<https://meet.goto.com/290864813>

You can also dial in using your phone.

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

United States: +1 (312) 757-3121

- One-touch: <tel:+13127573121,,290864813#>

**Access Code: 290-864-813**

**CALL TO ORDER, CALL OF ROLL**

Ed Tidwell, Mayor

Paul Prince, Mayor Pro-Tem

Gage Hunt, Council Member

Kevin Sullivan, Council Member

Rob Durbin, Council Member

Chelaine Marion, Council Member

Paul Roberts, Council Member

**EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071)

B. Update on pending litigation Brittany Henry vs. City of Lago Vista: Civil Action No. 1:21-CV-723-RP; in the United States District Court for the Western District; Austin Division. (Government Code Section 551.071)

C. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 and Government Code Section 551.072)

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

PO Box 4727, Lago Vista, TX 78645 • 512.267.1155 • [www.lagovistatexas.org](http://www.lagovistatexas.org)

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071)

B. Update on pending litigation Brittany Henry vs. City of Lago Vista: Civil Action No. 1:21-CV-723-RP; in the United States District Court for the Western District; Austin Division. (Government Code Section 551.071)

C. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 and Government Code Section 551.072)

## **PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG**

### **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.

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

[Citizen Participation Registration Form](#)

### **ITEMS OF COMMUNITY INTEREST**

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

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

### **STAFF AND COUNCIL LIAISON REPORTS**

1. Routine Reports from City staff.
2. Routine Reports from City Council Board/Commission/Committee Liaisons.

### **WORK SESSION**

3. Discuss creation of a policy specific to Non-Profit Organizations requesting funding assistance from the City of Lago Vista.
4. Discussion on Comprehensive Plan Scope of Work.

PO Box 4727, Lago Vista, TX 78645 • 512.267.1155 • [www.lagovistatexas.org](http://www.lagovistatexas.org)

## **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.

5. Consider approval of the April 20, 2023, meeting minutes.
6. Consider approval of Resolution 23-1995, a resolution of the City Council of the City of Lago Vista to continue participating in Travis County's Community Development Grant program in fiscal years 2024 - 2026.

## **PUBLIC HEARING AND POSSIBLE ACTION**

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 paragraph titled "Residential Land Use Types Defined" on page 33 of Chapter 3 within the 2030 Lago Vista Comprehensive Plan adopted by Ordinance No 16-05-05-02 and as subsequently amended, to clarify that a primary purpose of the land use density designations is to help ensure compatibility of existing and proposed adjacent land uses.

## **ACTION ITEMS**

8. Discussion, consideration, and possible action on Resolution 23-1996, a resolution by the City Council of the City of Lago Vista, Texas establishing an interim Growth Management Policy pending the update of the comprehensive plan.

## **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 6:20 p.m. on the 27th day of April 2023.

---

Lucy Aldrich, City Secretary

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

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

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



# **Item Cover Page**

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** May 4, 2023

**SUBMITTED BY:** Lucy Aldrich, City Secretary

**SUBJECT:** Routine Reports from City staff.

**FINANCIAL IMPACT:** N/A



# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** May 4, 2023

**SUBMITTED BY:** Lucy Aldrich, City Secretary

**SUBJECT:** Routine Reports from City Council  
Board/Commission/Committee Liaisons.

**FINANCIAL IMPACT:** N/A



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** May 4, 2023

**SUBMITTED BY:** Tracie Hlavinka, City Manager

**SUBJECT:** Discuss creation of a policy specific to Non-Profit Organizations requesting funding assistance from the City of Lago Vista.

**BACKGROUND:** The City of Lago Vista has non-profit organizations request funding during the budget process each year. During last year's budget process, Councilor Roberts requested staff develop a more formal format process for these funding requests. In year's past, these entities would make presentations during a budget meeting when making their request for funding.

When staff asked the City Auditors if they had any concerns regarding the current decision-making process, they noted that the funding is minimal and does not require more documentation from their standpoint.

**FINDINGS:** Staff with the assistance of a contracted employee, has drafted a Charitable Contributions and Non-Profit Funding Application to provide detailed information to the Council for making funding decisions. This application would allow additional back-up for these requests. A draft application has been provided in the packet.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**  
[Non-Profit Funding Policy and Application](#)



## CHARITABLE CONTRIBUTIONS AND NON-PROFIT FUNDING APPLICATION

The City of Lago Vista evaluates funding applications for projects and programs that address community needs.

Applications are due by **June 30<sup>th</sup> of each year**. Deliver the completed application to the Finance Department located at 5803 Thunderbird Street, Lago Vista, TX, 78645. Applications will be provided to the Council for review and to determine the amount of funding during the budget process. If you have any questions or need additional information, please contact the City Clerk.

Please provide information on all funding sources for your proposed budget so that the City can evaluate this information.

The City of Lago Vista accepts funding requests for projects or programs that meet one or more of the following:

- Are likely to have an impact on the quality of life of a substantial number of people in the Lago Vista community.
- Address issues or problems that the City of Lago Vista as a governmental agency does not currently address.
- Propose practical ways to address community issues and problems.
- Stimulate others to participate in addressing community problems.
- Are cooperative efforts and minimize or eliminate duplication of services.
- Are sustainable over time.

There are restrictions on the scope of the activities the City of Lago Vista can support. In general, the City does NOT provide funding for:

- The use of and payment for services of a fiscal agent.
- Endowment funds.
- Religious organizations for religious purposes.
- Fundraising activities or events.
- Umbrella funding organizations that intend to distribute funds at their discretion.
- Political lobbying or legislative activities.
- Brick and mortar projects.



City of Lago Vista  
Charitable Contribution and Non-Profit  
Funding Application

Name of Agency/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Project Title: \_\_\_\_\_

Amount of Funds Requested: \_\_\_\_\_

Project Status: (check one)    ☐ Existing    ☐ Expansion    ☐ New

**Briefly describe the program:**

**Describe the services the program provides:**

If organization received support from the City of Lago Vista previously, provide the following information:

|                   |       |               |       |
|-------------------|-------|---------------|-------|
| Year Received:    | _____ | Dollar Amount | _____ |
| Project Supported | _____ |               |       |

## Charitable Contributions and Nonprofit Funding Request Application Questionnaire

---

The City strongly requests that all answers be typed.

Submission of a completed questionnaire is required for application consideration.

1. What is the agency's mission?

2. What are the goals of the program for which you are requesting funding?

3. How will you know you met these goals by the end of the funding year?

4. Describe the impact of services on the community

*Questionnaire Page 2*

5. If the request for funding for the proposed fiscal year is an increase from the previous fiscal year, please justify such increase:

6. If the request for funding for the proposed fiscal year is an increase from the previous fiscal year, please justify such increase:

7. What additional funding is your agency requesting for this project?  
(For example, what is your agency requesting from other cities or counties)

Funding Source

Dollar Amount

City of Lago Vista  
Charitable Contribution and Non-Profit  
Funding Application

Submitted By:

\_\_\_\_\_  
Signature of Executive Director (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Executive Director (if applicable)

Approval:

\_\_\_\_\_  
Signature of Organization Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name Organization Representative

For Office Use Only

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

Submit for Board Review: Yes \_\_\_\_\_ Council Meeting Date: \_\_\_\_\_

Ineligible? Yes \_\_\_\_\_ Reason: \_\_\_\_\_

Council Decision: Approve \$ \_\_\_\_\_ Date: \_\_\_\_\_

Council Comments: \_\_\_\_\_

Finance Officer Reviewer: \_\_\_\_\_ Fund Distribution Date: \_\_\_\_\_



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** May 4, 2023

**SUBMITTED BY:** Roy Jambor, Development Services

**SUBJECT:** Discussion on Comprehensive Plan Scope of Work.

**BACKGROUND:** During the Strategic Planning Meeting in February, the Council reviewed three (3) Request for Qualification (RFQ) to perform an update to the Comprehensive Plan. The Council expressed a preference for Halff Consulting. During the same Strategic Planning meeting, the Council also discussed a Park Master Plan. Halff Consulting also performs Park Master Plans. Halff Consulting has provided a draft scope of work for both the Comprehensive Plan and the Park Master Plan.

**FINDINGS:** The staff considers it responsive and within the originally projected budget. This draft scope however includes a relatively lengthy list of potential services that were not included in the base scope. In order to avoid asking them to price each item on that list, notwithstanding the desire of the Council, the staff would appreciate some input, feedback or direction. In addition, there might be extra services that are not currently on the list that the Council would like to consider, if they determine the cost to be justified. It is recommended to provide those additional items now to help curb additional cost after work has already begun.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**  
[Comprehensive Plan DRAFT Scope of Work](#)

## EXHIBIT 'A'

### SCOPE OF SERVICES

#### Comprehensive Plan + Park Master Plan – City of Lago Vista, TX

The primary purpose of this planning effort is to prepare a comprehensive plan and park master plan for the City of Lago Vista. These plans will provide guidance for the physical development, redevelopment, and future direction of growth and governance within Lago Vista's planning area. This planning process and the resulting policies will be critical to the City's ability to promote and manage growth, protect, and enhance key areas of importance while accommodating future trends. This includes identifying what makes the City of Lago Vista unique, establishing the vision of how the city will continue to grow, and determining how the city achieves that vision through ongoing execution of the implementation action plan. Undertaking these two plans at the same time will result in more coordinated plan development and implementation efforts.

The plans listed below will each be a standalone document delivered in PDF format; however, the planning process utilized for development of these plans is combined, as shown in this scope of services.

1. 2024 Comprehensive Plan
2. 2024 Park Master Plan

#### ASSUMPTIONS

This scope of services has been prepared using the following assumptions as a basis for its preparation:

- The planning area will encompass the existing Lago Vista City Limits and the City's statutory extraterritorial jurisdiction (ETJ)
- The City will appoint a contact person, "Project Administrator", to work with Halff to act as an intermediary between City staff, City Council, the committees, outside consultants, and other City, county and state government staff persons as required. Halff will take direction from the City's Project Administrator, Parks and Recreation Director, or City Manager only.
- Deliverables will be produced throughout the process to show progress. The deliverables will build upon each other to lead to the final deliverable.
- Halff will provide draft/interim deliverables as prepared for each phase of the project. These deliverables will be used for public outreach and input, to facilitate meetings and receive feedback, and to complete the project. All draft/interim deliverables will be provided to the City in an electronic format (e.g., Adobe PDF) for ease of file transfer, reproduction, and distribution.
- Halff deliverables include one consolidated round of revisions from the City. Halff will provide flexibility to address changes beyond the round of revisions, as needed. Major changes that shift the plan direction or require significant re-work will be an add-service.
- It is the responsibility of the City's Project Administrator to coordinate, compile, and forward in a consolidated manner all review comments, feedback, and/or requested/suggested revisions to such draft/interim deliverables.

- Only minor revisions will be made following adoption of the plans to produce the final plan documents. Substantive revisions after adoption may require additional services depending on their nature and the current budget status.
- The City will provide information from all previous planning studies and master plans that may influence the outcome of this planning effort. This information will be provided in digital format when possible and available. If no digital information is available, the City will create a reproduction, wherever possible, that will not have to be returned at the conclusion of the project. This information may include, but not be limited to, existing land-use plans and GIS data; existing transportation and street master plans; existing water or sanitary sewer planning documents; economic and demographic studies; park, trail, and open space plans; or other pertinent planning or policy documents. Prompt compilation and delivery of these documents to Halff is an essential prerequisite for the initiation of work and timely forward progress on individual tasks and deliverables.
- The City will provide Halff with the most recently updated digital base map of the planning area with City limit and extraterritorial jurisdiction (ETJ) lines, school district lines, municipal utility district boundaries, roadway centerlines and rights-of-way (if available), water and sewer facilities; dry utilities; public facilities (including police, fire, hospital, library and other major public facilities); park and open space facilities; sidewalks and trails; rivers, lakes and floodplain information; and other GIS available that may be pertinent to this planning process. These files will be in the form of GIS shapefiles.
- Input and feedback derived from the public engagement process will be assessed and incorporated into the various plan elements rather than compiled as stand-alone documents.
- Additional printing or publication expenses will be charged in accordance with Exhibit B, *Basis of Compensation*. Expenses incurred by the consultant team, such as mileage, materials, food, etc., are integrated into the Base Plan cost in the scope of services.
- Any additional meetings beyond those shown in the scope of work will be considered an additional service and are not included in this scope of services.
- Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may deviate from the sequence shown in this Scope of Services document.

## PHASE ONE: PROJECT MANAGEMENT AND INITIATION

*The following tasks are related to on-going project management and project initiation tasks needed to successfully set-up a good foundation for the planning process.*

### Task 1.1 | Project Management

- Halff's PM Commitment – Halff will manage the project to ensure that it proceeds according to the professional services agreement and this scope of services. This includes timely communication with the City, coordination and scheduling of meetings and deliverables, preparing invoices and progress reports, etc.
- PM Coordination Calls – The Halff Project Manager and City's Project Administrator will hold check-in calls twice per month at an agreed upon time. The purpose is general project coordination, review of action items, and ensure the project schedule is maintained.

### Task 1.2 | Project Initiation

- Project Kick-Off Meeting – Halff will coordinate a project kick-off with City staff to discuss project logistics and communication expectations, establish key milestones, request needed information, refine the planning process and calendar, establish project goals, discuss advisory committee, and initiate the creation of the public engagement strategy.
- Public Engagement Plan – Halff will develop a Public Engagement Plan (PEP), in coordination with the City's Public Information Office, that outlines key milestones, dates, strategies, and input targets.

### Task 1.3 | Pre-Planning and Background Information

- Request for Information and Data Collection – Halff will prepare a Request for Information (RFI) for the City to provide important background data, files, photos, plans, and other pertinent information to the project. The RFI will also include information from City staff documenting progress implementing prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
- Background Analysis – Halff will review and prepare the following to set up a foundation for the planning projects:
  - o Prepare associated base maps (GIS files)
  - o Review and analyze previous studies, plans, and other documentation (from the City or regional efforts) that may influence, affect, or impact this planning effort and identify existing recommendations from other sources that may support this planning effort or its post-adoption implementation actions.
- Driving Tour - The City of Lago Vista will coordinate a windshield driving tour with city staff of key areas of the city as related to the comprehensive plan and the parks master plan. This windshield tour will allow the project team to analyze the existing built environment and character of the community that will assist in the future preparation of future land use districts and representative building, architectural, urban, and social space characteristics.
- Departmental Questionnaires and Meetings – Halff will prepare and distribute questionnaires to City departments to understand existing conditions and near- and long-term needs. These surveys will also help to create departmental buy-in to the project. As a follow-up to the surveys, Halff will meet with representatives from each of the departments in a one hour meeting. Specific departments will be determined as project kick-off, but could include:
  - o City Administration
  - o Development Services
  - o Economic Development
  - o Finance Management
  - o Police Department
  - o Public Works
  - o Parks and Recreation

## PHASE TWO: COMMUNITY ENGAGEMENT

*The following community engagement tasks are related to both the comprehensive plan and the parks master plan. Combining the engagement is of cost-savings to the City and leads to better engagement with the community. The entire engagement process will be led by the Public Engagement Plan, which is developed on Phase One of the project. This will be further outlined in the Public Engagement Plan.*

### Task 2.1 | City Council Interviews

- Purpose – Halff will conduct individual 1-hour virtual or in-person interviews with all City Council members and Mayor (seven total) during the beginning phase of the project. These interviews are viewed as an opportunity to identify specific concerns individual members of the city council has pertaining to development characteristics within the community and big ideas, they have for the future of Lago Vista.

### Task 2.2 | Advisory Committee

- Purpose – The purpose of the advisory committee will be to guide the planning efforts and plan development. The committee will serve as a sounding board to Halff and City staff, while being representative of the community and their desires.
- Committee Structure – As this committee will serve as a guiding voice for the plan and future of Lago Vista, Halff suggests the members of the committee have a balance of demographics in terms of age, tenure in Lago Vista, race, gender, etc. to reflect an accurate representation of current and future community members. The suggested composition for the committee is 15 members and should include representatives from the following groups.
  - o One (1) City Council member and/or one (1) P&Z member
  - o Two (2) members from the Parks and Recreation Advisory Committee
  - o Large property owners
  - o Major employers
  - o School district representative
  - o Community groups and organizations
  - o Real estate professionals
  - o Developers and builders
  - o General residents and others with an invested interest in Lago Vista's city-wide growth and development
- Meetings – The committee will meet up to four (4) times, as follows, with specific dates and times determined with the PEP. Meeting topics may follow the outline below or change as needed.
  - o *Meeting #1 – Visioning and Kick-Off*
  - o *Meeting #2 – Preliminary Recommendations*
  - o *Meeting #3 – Draft Plan Review*
  - o *Meeting #4 – Revised Draft Review*

### Task 2.3 | Stakeholders

- Listening Sessions – Halff will conduct up to five (5) listening sessions with pre-identified stakeholders (1 hour sessions) through the first half of the project to learn more about issues and opportunities. The City will determine the final participants in the PEP. It is preferred that the meetings are small (8 to 10 people per session), in-person groups, but can be conducted virtually if needed. Recommended stakeholders are as follows, but the representatives should differ from the committee members:
  - o Large property owners
  - o Major employers and Chamber of Commerce representatives
  - o School district representative
  - o Golf Course Advisory Committee representatives
  - o Airport Advisory Board representatives
  - o Community groups and organizations
  - o Real estate professionals
  - o Developers and builders
  - o General residents and others with an invested interest in city-wide growth and development

### Task 2.4 | Online and Digital Engagement

- Educational Social Media Campaign – Halff will prepare up to three (3) social media posts with the purpose of educating the public about planning, why it is important to them, and how they can get involved. The intent is that these would be released weekly by the City in the weeks leading up to the public open house kick-off. The exact format of these posts will be determined in the PEP. The media will be formatted in a manner that it can be reused for sharing beyond a digital format (newspaper, utility bill, mailers, etc.)
- Online Surveys – Halff will create and administer up to two (2) online surveys created using SurveyMonkey. The City will lead the promotion of the surveys through email blasts, mailers, social media. The exact promotion plan will be agreed upon in the PEP. Surveys can be printed and should be made available to the public at places like City Hall and the library. If needed, the City can mail the paper surveys to target audiences.

### Task 2.5 | Public Open Houses

- Halff will conduct a community kick-off event introducing the community to the planning process and utilize creative engagement activities to extract the “big ideas” the residents of Lago Vista seek for their future growth and development. The event will be grounded in an educational format to introduce planning to the community and educate them throughout the activities.
- Halff will hold two (2) open houses during the beginning of the project. The exact dates and format will be determined in the PEP. Halff will prepare the necessary materials and activities, while City staff will assist with securing a location, advertising, and staffing the open houses.

## PHASE THREE: COMPREHENSIVE PLAN ELEMENTS

*Although all City priorities will be covered in the plan document, various plan elements may be combined into consolidated chapters for ease of use. Final chapter titles and arrangements may vary based on public input and desired strategic directions. The proposed plan element framework will include:*

### Task 3.1 | Existing Conditions

- Previous Planning Efforts - Halff will review previous planning efforts, including the existing comprehensive plan to analyze key community trends and gain an understanding work that was completed in the past. A review of action items from previous planning efforts will also be conducted.
- “State of the City” Report – Halff will prepare a “State of the City” report as a summary of existing conditions. The report will include:
  - o City-wide key issues, threats, and opportunities; growth, land use, and development; natural Infrastructure; transportation infrastructure; utility infrastructure; and civic infrastructure.
  - o Update to pertinent baseline demographic and socioeconomic data from the U.S. Census Bureau and other sources as may be applicable.

### Task 3.2 | Vision and Goals

- Halff will collect information from City staff documenting progress implementing the prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
- Halff will confirm and update the community vision and facilitate a set of overarching plan goals based on community engagement and the existing conditions analysis.

### Task 3.3 | Future Land Use

- Halff will update the future land use map and associated descriptions and create new land use recommendations. The updates will utilize the character framework to provide more guidance for specific areas of the community. The recommendations will align with community input, recent development trends, and industry trends.

### Task 3.4 | Economic Development Analysis and Growth Analysis

- Growth Analysis - From population data provided by the City of Lago Vista and based on the Census data or other project census information, Halff will analyze current population trends, past growth patterns, and future growth forecasts.
- Economic Development Analysis - Halff will utilize the available economic data to guide the development of the comprehensive plan, including:
  - Market and housing trends
  - Strategic target areas for economic opportunity

#### Task 3.5 | Transportation

Halff will provide transportation recommendations that incorporate previous and on-going planning efforts, including:

- Policy guidance
- Adjustments to thoroughfare plan to facilitate the new future land use map's relationship with the future street plan

#### Task 3.6 | Implementation

- Halff will prepare a work program of recommended implementation actions that categorizes actions by implementation types and responsible entities. Action types may include operational changes, capital investments, operational investments, regulations, future studies, etc. Both short-term and long-range actions will be considered.
- Using the recommendations from each plan element, Halff will draft an implementation action plan that details near-, mid-, and long-term prioritization; type of action; and person, group, or entity responsible for implementation.

### PHASE FOUR: PARK MASTER PLAN ELEMENTS

*Although all City priorities will be covered in the plan document, various plan elements may be combined into consolidated chapters for ease of use. Final chapter titles and arrangements may vary based on public input and desired strategic directions. The proposed plan element framework will include:*

#### Task 4.1 | Existing Conditions

- Site Conditions and Connectivity Assessment – Using base mapping and an on-site analysis of conditions and connectivity, develop an understanding of the opportunities and constraints of such things as, but not limited to, infrastructure, pedestrian and vehicular connectivity, natural and cultural resources, and land uses.
- Update Park Maps – Update park inventory data, to be provided by City Staff. This will include the number and type of facilities in each park. From this data, Halff will map the general geographic location of all park facilities in Lago Vista. Facilities to be shown include:
  - o Existing parks, recreation facilities, and open spaces

- o Existing recreation/civic facilities
  - o Private or quasi-private recreation facilities (as identified by Staff)
  - o City owned properties, including undeveloped properties
- Park Condition Assessment - Halff will prepare an assessment of existing park conditions for all publicly accessible parks, public grounds, and open spaces maintained by the City. The park conditions assessment relies on a visual survey to evaluate the general condition of park buildings, structures, facilities, and surfacing. Conditions assessments consider apparent signs of facility deterioration, and perceptions of functional obsolescence. Numerical rankings are applied to each facility and composite scores are applied to each park property to determine where facility replacement, rehabilitation, or reconstruction is most warranted. Additional on-site time by Halff staff members is required to undertake the park-by-park condition assessment. *(Note: The park conditions assessment does not include structural, mechanical, electrical, HVAC or plumbing inspections of park department administrative buildings, community centers, recreation centers, aquatics facilities, or similar.)*

#### Task 4.2 | Level of Service and Park Needs

- Level of Service – Halff will evaluate needed updates to level of service for parks
  - o *Calculate current level of service (CLOS)* – Review the previously adopted Master Plan to identify existing standards and to determine if recommend adjustments or new standards are appropriate to identify the CLOS.
  - o *Refine target levels of service (TLOS)* – Refine TLOS for park land, amenities, and facilities to meet the needs of current and future populations. Use NRPA standards or similar area standards as starting points for comparison only.
  - o *Compare recommended to actual* – Compare recommended spatial facilities to actual number of facilities and develop tables that illustrate deficiencies in each category.
- Parks Needs Assessment - Halff will prepare a written summary of needs, to include areas of significant deficiencies, in terms of land area and specific types of facilities. Halff will compare recommended standards to actual conditions to determine deficiencies. Halff will update maps as appropriate that demonstrate key needs.

#### Task 4.3 | Park Recommendations and Strategies

Based on the current and anticipated growth in the City, Halff shall consider and provide recommendations to address the specific needs and goals identified during this phase of the Parks, Recreation, and Open Space Master Plan. Recommendations may be either citywide or targeted to specific sectors of the City. These recommendations and strategies will generally be categorized as follows:

- Park & Facility Development
- Recreational Programming Opportunities
- Trail Opportunities
- Park Improvements
- Policy Recommendations

### PHASE FIVE: DRAFT PLANS



*The following are recommended structures for the planning documents. These structures will be further developed by Halff and agreed upon with City staff before the development of the document begins.*

#### Task 5.1 | Comprehensive Plan

For this plan, it is recommended that the existing independent element-based plan format be transitioned to a more contemporary existing city/future city format. This means that all the existing conditions and analysis for all elements will be grouped together, and all the goals, objectives, and actions will be grouped together. The benefit of this is that it allows the more commonly used resources (e.g., the actions) to be consolidated into a single, more usable resource.

#### Task 5.2 | Park Master Plan

For this plan, the following structure is recommended. Additionally, the parks master plan will be developed according to Texas Parks and Wildlife (TPWD) guidelines and will be submitted to TPWD following plan adoption.

- Introduction and Existing Conditions
- Community Vision (engagement, vision, goals and objectives)
- Inventory & Needs Assessment (inventory, standards, and needs)
- Plan Recommendations
- Implementation (priorities and phasing)
- Appendices, as needed

### PHASE SIX: ADOPTION OF PLANS

*The following is a summary of the process to review and adopt the plans. Halff will prepare all documents and presentations needed to present before elected and appointed officials. It is anticipated that staff will lead these presentations. Halff anticipates being present at the review workshops.*

#### Task 6.1 | Final Document Review

- The information compiled in each of the tasks above will be combined into a high-quality printed report, suitable for review and approval by the City Staff, City Council and citizens of Lago Vista.
  - o Preparation of Report and Submittal of Parks Master Plan Draft to Planning and/or Parks Department for Review;
  - o Preparation of Report and Submittal of Comprehensive Plan Draft to Planning and Zoning Commission for Review;
  - o One (1) briefing presentation / hearing to include both plans to the City Council;
  - o Revisions based on comments received and preparation of a final adoption version; and
  - o Approval of the plans by the City Council will be led by staff.

#### Task 6.2 | Final Adopted Plan Package

- Final deliverables package
    - o All Adobe InDesign, Adobe PDF, JPG, and ArcGIS files related to the final, adopted plans
- End of Attachment 'A' – Scope of Services



## EXHIBIT 'B' BASIS OF COMPENSATION

### Comprehensive Plan + Park Master Plan – City of Lago Vista, TX

Base Scope of Work – Halff Associates will provide labor and personnel to perform the base services outlined in Exhibit 'A' on a lump sum basis. Fees for services will be billed monthly, based on the percentage of work completed.

- Project Initiation and Management = \$20,000
- Community Engagement = \$40,000
- Comprehensive Plan Development = \$75,000
- Park Master Plan Development = \$60,000
- Adoption and Final Deliverables = \$20,000
- Direct Costs = \$5,000

BASE FEE = \$215,000\*

*\* As a standalone effort the park master plan would be \$90,000. Combining the park master plan effort with the comprehensive plan effort created a savings of \$30,000.*

### ADDITIONAL OR CONTINUING SERVICES

During the course or at the conclusion of the project, the City may deem it necessary to schedule more meetings, request further research, or otherwise engage Halff in additional work efforts or subsequent phases not anticipated at project initiation or as set out in Exhibit A, *Scope of Services*. Any such additional services shall be specifically authorized by the City Council, as appropriate, and documented through a written amendment to Exhibit A, *Scope of Services*, or set out as follow up additional phase services. This will include a corresponding modification to the maximum not-to-exceed amount set out in Exhibit B, *Basis of Compensation*, and, if necessary, the time of performance as set out in Exhibit C, *Anticipated Schedule for Completion*.

Halff also offers several potential additional scopes of work which may be considered concurrent or following the comprehensive planning process. These are included in the following pages.

### ADDITIONAL MEETINGS

Each additional meeting or visit beyond those described in the scope will require additional fees to accommodate the request. These will be charged on an hourly rate schedule. Required expenses to facilitate such meetings will be invoiced according to the contract for services.

### PARKLAND DEDICATION ORDINANCE

As a follow up to the Park Master Plan, Halff can facilitate the process of updating the parkland dedication ordinance, including text amendments.

## DEVELOPMENT CODE ASSESSMENT

Halff could prepare an assessment providing suggested improvements to the development regulations. Comprehensive planning efforts generally result in necessary code updates to align and implement the vision of the new plan. Since our core team has worked as public sector planners and code consultants as well, we know how the plan informs the development code in its daily usage. We have the ability to perform an assessment of the current development code to identify deficiencies and necessary updates that will realize the comprehensive plan vision.

## DEVELOPMENT CODE AMENDMENTS

As a follow up to the Comprehensive Plan, Halff can assist City staff in drafting amendments or re-writing of the City's development code (zoning and subdivision regulations) as part of the Implementation Action Plan of the Comprehensive Plan. In many cases, the adoption of a Comprehensive Plan (and a new or revised community vision for the future) provides the right momentum and opportunity to update the City's regulations. Moreover, while the state does not require a Comprehensive Plan, it does require a municipality's zoning regulations to be adopted in accordance with the Comprehensive Plan (§ 211.004, *Compliance with Comprehensive Plan*, of the Tex. Local Gov't. Code). Halff's staff include a long history of developing zoning, subdivision, and other development-related regulations from simple ordinance modifications to preparation of entire unified development codes (UDCs).

## CIP/COMPREHENSIVE PLAN INTEGRATION

As a follow up to the Comprehensive Plan, Halff can prepare an updated capital improvements program to coordinate the location, timing, and financing of capital projects over at least a five (5) year period beginning with the fiscal year following Comprehensive Plan adoption. This additional service will identify specific facility, transportation and other capital projects to be undertaken by the City; and more closely tie capital project prioritization to Comprehensive Plan goals and objectives. This task will generate the following two (2) products:

- *Capital Improvements Program* – A report that documents the process used to generate the Five-year Capital Improvement Plan (CIP). Serves as a procedural template for preparing capital improvement plan updates in subsequent fiscal years. Will include program parameters, project categories, ranking criteria, project prioritization steps, annual CIP timeline, CIP oversight, project nomination, funding options, etc.
- *Five-year Capital Improvement Plan (CIP)* – A list of prioritized capital projects to be included in the City's capital budget for the next five-year period. CIP materials will include project lists (including a supplementary list of unfunded projects not incorporated into the final five-year CIP), project forms, and ranking criteria and matrices in a database format for use by the City during subsequent fiscal years.

In partnership with the City, development of these products may include the following task activities:



- Establish program parameters and project categories.
- Update project ranking criteria, decision-making considerations, scores, and weights.
- Prepare an updated project form template and project ranking database.
- Facilitate a project prioritization process.
- Develop a realistic financial plan that includes both the anticipated available funding resources and the anticipated project cost for all prioritized projects.
- Meetings with a Capital Improvement Advisory Committee at key points during the process.
- Preparation of Preliminary Financing Plan for downtown TIRZ

## CONCEPTUAL PLANS

Conceptual plans or renderings demonstrate how areas of the community could be developed. This can include parks, small areas, corridors, downtown, and/or catalytic sites. These conceptual plans can be used to generate excitement in the community and as a tool for encouraging private development. They can be illustrative in a way that shows intent without detail or regulatory impact.

## GRANT WRITING

As a follow-up to the comprehensive plan, Halff could offer a variety of services to support funding identification for prioritized projects. Once the plan is complete, Halff can help bring projects to life with an experienced team of funding resources specialists to identify funding for design and construction. Halff's funding resources team can identify the most relevant grant programs, provide information about funding cycles and requirements, and help the City plan and pre-position projects for grant funding. Halff's team has years of experience winning grants, from funding agencies at the local, state and federal levels, and can work with City staff to identify how to phase projects for funding according to competitive project elements, grant specifications and City funding constraints. Halff has the ability to develop grant applications turn-key, or provide guidance and support to City staff applying for funding in-house. Halff can also assist the City with post-award administration, including quarterly reporting and funding regulation compliance, taking the burden of managing grant dollars off of City staff.

## FISCAL ANALYSIS AND SCENARIO EVALUATION

Halff has numerous working relationships with economic development firms which specialize in fiscal sustainability analysis and forecasting. A specialized firm could be brought into this planning process to develop financial tools that may including modeling.

## COMPREHENSIVE PLAN HOW-TO-GUIDE (FOR THE DEVELOPMENT COMMUNITY)

A new comprehensive plan often takes some adjustment for the development community to understand the new plan and effects on development process and approvals. The Comprehensive Plan How-to Guide is an easy-to-digest summary of the City's growth and character vision and strategic direction written specifically for those interested in developing in Del City. The intent of this document is



to help provide clarity to interested parties regarding desired growth patterns, to be used to assist staff and elected officials in the development process and future land-use decisions.

#### PRINTING EXPENSES

Printing expenses of additional plan copies are not included in base fee in this scope of services.

End of Attachment 'B' – Basis of Compensation



EXHIBIT 'C'  
ANTICIPATED SCHEDULE FOR COMPLETION

Comprehensive Plan + Park Master Plan – City of Lago Vista, TX

Halff expects to perform the base services outlined in Exhibit 'A' within 16 calendar months from the date of the notice to proceed, pending further discussion with staff regarding appropriate timing and pace. Following staff confirmation of schedule during the Project Initiation Phase, schedule adjustments to meet specific City needs can be developed in conjunction with City staff if deemed necessary. As each effort is initiated, a more detail schedule will be developed.

End of Attachment 'C' – Anticipated Schedule for Completion



# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** May 4, 2023

**SUBMITTED BY:** Lucy Aldrich, City Secretary

**SUBJECT:** Consider approval of the April 20, 2023, meeting minutes.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**  
[Minutes 04-20-2023](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, APRIL 20, 2023**

**BE IT REMEMBERED** that on the 20th day of April A.D., 2023, the City Council held a regular meeting at 5:30 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

|                |                |                 |                |
|----------------|----------------|-----------------|----------------|
| Ed Tidwell     | Mayor          | Chelaine Marion | Council Member |
| Gage Hunt      | Council Member | Paul Roberts    | Council Member |
| Kevin Sullivan | Council Member | Paul Prince     | Council Member |
| Rob Durbin     | Council Member |                 |                |

**CALL TO ORDER, CALL OF ROLL**

Mayor Tidwell called the meeting to order at 5:30 p.m. and announced that all council members are present.

**EXECUTIVE SESSION**

1. At 5:31 p.m., Council convened into a closed Executive Session pursuant to;
  - A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071)

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

2. At 6:02 p.m., Council reconvened from Executive Session into open session and recessed until 6:30 p.m., to act as deemed appropriate in City Council’s discretion regarding:
  - A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071)No action taken.

**PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG**

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

**03:00 – 05:55**

**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.

Mr. Russell Barnes spoke about adding armed police officers to serve at the Lago Vista schools during school hours.

**05:57 – 15:15**

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

- a. Expressions of thanks, gratitude, and condolences.  
Thanked everyone involved in hosting and setting up the Egg Drop event.  
Thanked everyone who came out and helped with the Lion's Blood Drive.
- b. Information regarding holiday schedules.  
None.
- c. Recognition of individuals, i.e., Proclamations.  
Superintendent Darren Webb was available to recognize Lago Vista ISD students for their recent accomplishments.  
Mayor Tidwell read a proclamation issued by Texas Governor Abbott recognizing Lago Fest.
- d. Reminders regarding City Council events.  
None.
- e. Reminders regarding community events.  
Lago Fest, April 22, 2023, 1:00 p.m. to 7:30 p.m.  
Lago Vista Golf Tournaments are scheduled for May 2, 2023.  
Business Round Table scheduled for April 25, 2023, 9:00 a.m. to 10:00 a.m. in Council Chambers.  
Coffee with Veterans, April 21, 2023, 8:00 a.m. to 10:00 a.m. at the Hope Center.  
Lion's Club is holding a Golf Tournament on May 5, 2023.
- f. Health and safety announcements.  
Lake Travis remains below normal levels.  
Mayor announced that there are interior areas in the building that can be used in the event the outside storms call for taking safety.

## **STAFF AND COUNCIL LIAISON REPORTS**

### **15:21 – 17:30**

1. Routine Reports from City Staff.  
No action taken.

### **17:35 – 23:52**

2. Routine Reports from City Council Board/Commission/Committee Liaisons.  
No action taken.

## **DISCUSSION ITEMS**

### **23:57 – 38:55**

3. Discussion regarding proposed extension of water and wastewater lines to property outside the City limits and possible annexation of a platted lot of approximately 5.393 acres of land located at 20100 Alfalfa Drive.  
Mr. Bruce Lawless presented City Council with a written petition for annexation of a portion of his property. Staff will follow up as necessary with Mr. Lawless.  
No action taken.

### **38:57 – 49:38**

4. Receive an update regarding the CapMetro Bill.  
Mr. Shane Saum provided City Council with an update on the CapMetro Bill.  
No action taken.

*Mayor Tidwell announced that agenda item #12 would be next on the agenda.*

## **ACTION ITEMS**

### **50:10 – 1:23:20**

12. Discussion, consideration and possible action on Resolution No. 23-1994, a Resolution of the City Council of the City of Lago Vista authorizing opposition to Legislative changes relating to H.B. 866, 1489, 2127, 2266, 2970, 3921, and S.B. 175, 814, 1412, 1421, 1786, 1787.

Mr. Shane Saum was available to answer questions and provide additional information.

As a result of losing power during a severe thunderstorm, Mayor Tidwell called for a recess at 7:34 p.m.

Mayor Tidwell reconvened the meeting at 7:42 p.m.. after the power was restored.

Ms. Rachael Rich provided comments regarding this agenda item.

Mr. Chaz Reichert provided comments regarding this agenda item.

During discussions and due to power being lost from a lightning strike, City Council requested that Councilor Hunt's statement be added to the meeting minutes in the event his comments were not captured in the video recording. The statement is attached following the signature page.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously, to approve Resolution No. 23-1994 as written with the following amendments: 1) add the City Attorney's suggested comments that were distributed to City Council to Section 4 and Section 7 of the resolution; 2) add language to the resolution that would include exclusions from all bills for cities under the size of 85,000 in population; 3) as Resolution No 23-1994 is delivered to the legislature, the memo that Councilor Hunt read should be attached to the resolution; and 4) that a supporting cover letter from the city be drafted that would include language thanking the legislature for good work on state wide issues such as: addressing water supply, electric grid issues, and property tax reduction, and requesting that the legislature acknowledge the need for small cities to maintain the ability to govern well - close to the people, and to give authorization to the Mayor and City Manager to determine final language for the cover letter. Motion carried.

*Mayor Tidwell announced that agenda item #7 would be next on the agenda.*

### **1:23:23 – 1:37:23**

7. Discussion, consideration and possible action regarding a request from Lago Vista Independent School District for the City to review the permit fee price for the construction of the Student Activity Center permit and reconsider the quoted fee price.

Roy Jambor, Development Services Director, was available to answer questions and provide additional information.

Mr. Darrin Webb, LVISD Superintendent, spoke in support of the school district's request.

On a motion by Councilor Roberts (as amended), seconded by Councilor Marion (as amended), City Council voted unanimously, to approve agenda item #7 and amending the motion to approving the request made by Lago Vista ISD waiving the entirety that exceeds \$10,789.56, exclusive of any required future re-inspection fees (caused by failed inspections). Motion carried.

*Mayor Tidwell announced that agenda item #5 (Consent Agenda) would be next on the agenda.*

## **CONSENT AGENDA**

### **1:37:50 – 1:38:55**

5. Consider approval of the April 6, 2023, meeting minutes.
6. Consider approval of Ordinance 23-04-20-01, an Ordinance of the City Council of the City of Lago Vista repealing Ordinance 22-09-01-01.  
On a motion by Councilor Hunt, seconded by Councilor Sullivan, City Council voted unanimously to approve the consent agenda items. Motion carried.

## **ACTION ITEMS**

### **1:38:57 – 1:56:53**

8. Discussion, consideration, and possible action regarding an application to the City Council for a variance in the maximum display area resulting from the conversion of the base of an existing monument sign located at 6400 Lohman Ford Road (Lago Vista Subdivision, Section 2, Lot 6A) into an additional multitenant display area and for relief from the required minimum setback for that existing sign base.  
Roy Jambor, Development Services Director, was available to answer questions and provide additional information.  
On a motion by Councilor Sullivan, seconded by Mayor Pro-Tem Prince, City Council voted 6 ayes to 1 nay, with Councilor Hunt in opposition, to approve the set back variance that has been requested and that the other variance request should be dealt with by staff through the master sign ordinance and, in addition, provide staff with direction that staff needs to indicate to the applicant that they have 60 days to resolve all code violations on their property and if the violations are not taken care of in the given time period the applicant will begin to get daily notices for fines associated with the code violations. Motion carried.

### **1:56:55 – 2:43:54**

9. Discussion, consideration, and possible action authorizing the City Manager to begin preparing documents needed for the issuance of certificate of obligation bonds related to effluent disposal and wastewater treatment.  
Taylor Whichard, Public Works Director, was available to answer questions and provide additional information.  
No action was taken.

### **2:43:57 – 3:01:48**

10. Discussion, consideration, and possible action on approving the paving plan for City streets and authorizing staff to start preparing it for inclusion in a future proposed certificate of obligation issuance.  
Taylor Whichard, Public Works Director, was available to answer questions and provide additional information.  
On a motion by Mayor Pro-Tem Prince (as amended), seconded by Councilor Marion (as amended), City Council voted unanimously, authorizing the City Manager to prepare a bond package to cover the streets that are listed in the document presented in city council packets with staff having the flexibility to remove some streets that do not need to be on the list due to lack of building or infrastructure and that staff would also have the flexibility to add streets that may have been missed or brought to their attention by citizens as needing attention and

amending the motion to include accomplishing this project in three years would be the objective. Motion carried.

**3:01:53 – 3:29:11**

11. Discussion, consideration and possible action regarding a future election for a General Obligation Bond to renovate the Lago Vista Golf Course.

Sean Vance, Golf Course Superintendent, was available to answer questions and provide additional information.

No action was taken.

**3:29:15 – 3:48:31**

13. Discussion, consideration, and possible action authorizing the City Manager to enter into an agreement with LCRA for the purchase of raw or untreated water.

Taylor Whichard, Public Works Director, was available to answer questions and provide additional information.

On a motion by Councilor Sullivan, seconded by Mayor Pro-Tem Prince, City Council voted 6 ayes to 1 nay, with Mayor Tidwell in opposition, to approve staff moving forward with signing the agreement with LCRA and reserving 4500-acre feet on an annual basis for 20 years.

**ADJOURNMENT**

Mayor Tidwell adjourned the meeting at 10:25 p.m.

Respectfully submitted,

---

Ed Tidwell, Mayor

ATTEST:

---

Lucy Aldrich, City Secretary

On a motion by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_, the above and foregoing instrument was passed and approved this 4th day of May 2023.

Thomas Jefferson said, “The government closest to the people serves the people best.”

Home Rule was established by Texas voters by amendment to our State Constitution in 1912. Its purpose is to give cities with over 5,000 inhabitants the power to adopt their own charter, thereby giving them the power of self- government. A Home Rule city, such as Lago Vista, can pass any regulations or laws it deems necessary unless the state law specifically prohibits it.

Over the past few years, a powerful contingent of State lawmakers has demonstrated their disagreement with Jefferson and the spirit of our State Constitution. They have taken it upon themselves to severely restrict the ability of local citizens to control the living environment of their local community. These State Representatives and Senators have demonstrated little or no concern about:

- how dense our local population should be;
- little/no concern about how our community is designed to best serve the needs and wishes of our citizens, including consideration of the unique characteristics of our community, such as topography;
- little/no concern about what demands on our local services and infrastructure unwanted growth may require. However, they do want to limit how we can finance this forced excessive spending, paid for with your tax dollars;
- little/no concern about local measures designed to protect our citizens from unscrupulous and/or irresponsible business practices;
- little/no concern about our ability to join with other communities to speak with a common voice against excessive micromanagement of local matters by the State;

Often, these State-mandated limitations on local authority are disguised as protection of individual landowner rights. But when that thin veil of disguise is removed, what we find is legislation designed to encourage the maximization of profit by developers and land speculators at the expense of communities to determine the nature of their local living environment.

What Jefferson said was right – government closest to the people serves the people best. Your city officials are right here with you in Lago Vista, every day, day in and day out. We are your neighbors and friends. We see you at our local markets, restaurants and businesses. We attend church together. Your public schools are our public schools. This is your Council, elected exclusively by the citizens of Lago Vista. It meets every two weeks in public and invites your participation and advice. We provide you with a forum at our meetings to present your thoughts on any matter you desire to raise. Local government is by far the most responsive level of government to the will of the people. Matters may not always be resolved consistent with an individual citizen’s position on a particular issue, but the voices of our community are always taken into consideration. Local government’s sensitivity to community opinion is far more robust than a State legislature that meets for five months every two years, conducts few, if any, local hearings on issues and makes no meaningful effort to consider your opinion on matters that will greatly effect your everyday life in Lago Vista.

It is for these reasons that I vigorously support this resolution tonight as drafted and I humbly ask that you and my fellow Council members do the same.



# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** May 4, 2023

**SUBMITTED BY:** Tracie Hlavinka, City Manager

**SUBJECT:** Consider approval of Resolution 23-1995, a resolution of the City Council of the City of Lago Vista to continue participating in Travis County's Community Development Grant program in fiscal years 2024 - 2026.

**BACKGROUND:** The City of Lago Vista entered into a Community Development Block Grant (CDBG) cooperative agreement with Travis County in June 2020 for fiscal years 2021-2023. This agreement allows low-to-moderate income residents to access the CDBG-funded projects. Projects may include owner occupied home rehabilitation program, septic system repairs, infrastructure improvements, or other programs that may be in place at the time. Furthermore, by participating the City is able to submit project proposals for consideration.

**FINDINGS:** On April 17, 2023, the City Manager's office received notice from Travis County of the City's option to be excluded from or included in the urban county CDGB Program. To remain eligible to receive CDBG funds, the City of Lago Vista has to notify Travis County of its intent by May 15, 2023.

Once the county has received the city's intent to continue in the program, the county will provide the city with a Cooperation Agreement that will need to come back before the city council for consideration. Staff anticipates that to occur either the second meeting in May or the first meeting in June dependent upon receipt of the agreement.

A copy of the notice received on April 17, 2023, and a copy of the 2021-2023 Cooperative Agreement is attached to the agenda item.

**FINANCIAL IMPACT:** There is no fiscal impact notifying Travis County of the City's intent.

**RECOMMENDATION:** It is recommended that the City of Lago Vista be considered for continued participation in the Travis County Community Development Grant program in fiscal years 2024-2026.

**ATTACHMENTS:**

Resolution 23-1995 Notice of Intent - Travis County CDBG  
2023 CDBG Urban County Renewal Notice  
FY 2021-2023 CDBG Cooperative Agreement

## **RESOLUTION NO. 23-1995**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, NOTIFYING TRAVIS COUNTY OF THE CITY'S INTENT TO CONTINUE PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the City Manager's office received a letter from Travis County providing notice of the Travis County Urban County 3-year requalification period for the Community Development Block Grant (CDBG) Program; and,

**WHEREAS**, the County has received CDBG funding for the past seventeen years and has allocated those funds to assist low- and moderate-income individuals and households residing in the unincorporated areas of the County and small participating cities; and,

**WHEREAS**, thus far, projects include the planning for and the improvement of infrastructure, including streets and water access; acquisition of land necessary for increasing affordable housing; rehabilitation of homes to improve the safe and decent housing stock; parks; homebuyer assistance to respond to the tightening mortgage credit market; increasing access to fair housing and tenant's rights counseling; and improving access to social services; and,

**WHEREAS**, the City of Lago Vista has been included in the CDBG service area since 2003; and,

**WHEREAS**, the City of Lago Vista last entered into a CDBG Cooperative Agreement with Travis County in June 2020 for participation for fiscal years 2021-2023; and,

**WHEREAS**, Travis County is requesting notification from the City of its intent to continue participating in the CDBG program; and,

**WHEREAS**, the City Council of the City of Lago Vista desires to continue in the CDBG program.

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

**SECTION 1.** That the findings and recitations set out in the preamble to this Resolution are found and declared to be true and correct and are incorporated by reference and expressly made a part thereof, as if copied verbatim.

**SECTION 2.** The City Council hereby authorizes the Mayor to submit notice to Travis County of the City's intent to continue participation in the Travis County Community Development Block Grant Program.

**SECTION 3.** This Resolution shall take effect immediately, upon execution by the Mayor.

**PASSED AND APPROVED this the 4th day of May 2023.**

**CITY OF LAGO VISTA:**

\_\_\_\_\_  
Ed Tidwell, Mayor

**ATTEST**

\_\_\_\_\_  
Lucy Aldrich, City Secretary  
City of Lago Vista

On a motion by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_, the above and foregoing Resolution was passed and approved.



**TRAVIS COUNTY HEALTH and HUMAN SERVICES and AgriLife Extension**

**5325 Airport Blvd.  
P. O. Box 1748  
Austin, Texas 78767**

**Pilar Sanchez  
County Executive  
(512) 854-3460  
Fax (512) 854-4115**

**SENT VIA EMAIL AND MAIL**

April 17-21, 2023

City Manager  
Tracie Hlavinka  
City of Lago Vista  
P.O. Box 4727  
Lago Vista, TX 78645

**Re: Travis County Urban County 3-Year Requalification Period Notice (FY 2024-2026)**

Dear Tracie Hlavinka:

In 2006, Travis County was identified as an Urban County Entitlement for the Community Development Block Grant (CDBG) Program through the U.S. Department of Housing and Urban Development (HUD). The County has received CDBG funding for the past seventeen (17) years and has allocated those funds to assist low- and moderate-income individuals and households residing in the unincorporated areas of the County and small participating cities. As of 2023, the Villages of Webberville and San Leanna as well as the cities of Bee Cave, Creedmoor, Lago Vista, and West Lake Hills are included in the CDBG service area. Thus far, projects include the planning for and the improvement of infrastructure, including streets and water access; acquisition of land necessary for increasing affordable housing; rehabilitation of homes to improve the safe and decent housing stock; parks; homebuyer assistance to respond to the tightening mortgage credit market; increasing access to fair housing and tenant's rights counseling; and improving access to social services.

In accordance with HUD regulations, every three (3) years urban counties receiving CDBG funds must re-affirm their urban county entitlement status. As part of the qualification process, Travis County notifies cities and villages within Travis County of the opportunity to participate in the Travis County CDBG program.

To remain eligible to receive CDBG funds, Travis County is in the process of renewing its urban county status for fiscal years 2024-2026. The timeline for completion of this work is as follows:

| <b>Timeline for Urban County Participation Response Timeframe</b>                                                                                                                                                    |                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Action Needed</b>                                                                                                                                                                                                 | <b>Due Date</b>                    |
| <b>Notification to All Cities: Opportunity to Participate</b> <ul style="list-style-type: none"> <li>• Notices emailed to all cities on 4/17/23</li> <li>• Notices mailed to cities no later than 4/21/23</li> </ul> | <b>April 17-21, 2023</b>           |
| <b>Response Due from all Cities</b> <ul style="list-style-type: none"> <li>• Metropolitan City Response Due</li> <li>• Standard Small City Response Due</li> <li>• Split Place City Response Due</li> </ul>          | <b>May 15, 2023</b>                |
| <b>Elections to be Included/Excluded</b> <ul style="list-style-type: none"> <li>• Elections via Smartsheet Responses Forms Due</li> </ul>                                                                            | <b>May 15, 2023</b>                |
| <b>Letter of Intent from Mayor</b> <ul style="list-style-type: none"> <li>• Required for all cities seeking to be Included</li> </ul>                                                                                | <b>May 15, 2023</b>                |
| <b>Travis County to Provide Cooperation Agreements to Cities</b> <ul style="list-style-type: none"> <li>• Provided only to cities seeking to be Included</li> </ul>                                                  | <b>May 16, 2023</b>                |
| <b>Council Approval and Execution of Cooperative Agreement by Cities/Villages</b>                                                                                                                                    | <b>No later than June 12, 2023</b> |
| <b>Certified/Approved Minutes from Council Meeting</b>                                                                                                                                                               | <b>No later than June 30, 2023</b> |
| <b>Execution of Cooperative Agreement by TCCC</b>                                                                                                                                                                    | <b>No later than July 11, 2023</b> |
| <b>Travis County submits all required documents to HUD</b> <ul style="list-style-type: none"> <li>• Survey Responses</li> <li>• Notice Letters</li> <li>• Legal Opinion</li> <li>• Cooperation Agreements</li> </ul> | <b>August 4, 2023</b>              |

\*Travis County Commissioners Court (TCCC)

For those cities and villages that choose to participate with Travis County, doing so will allow low-to-moderate income residents to access the CDBG-funded projects. These projects may include owner occupied home rehabilitation program, septic system repairs, infrastructure improvements, or other programs that may be in place at the time. Furthermore, participating cities will be able to submit project proposals for consideration. Finally, participation will prevent those municipalities from applying to the State for CDBG funds, and possibly other state funding sources. For more information on the County's CDBG Program, please see the attached handout.

The execution of a Cooperation Agreement is required to join Travis County's Urban County. Further, your jurisdiction will be included in the County's efforts to Affirmatively Further Fair Housing. The Cooperation Agreement is currently under review by the County Attorney's Office and will be ready soon so it may be sent shortly after the form and signed letter from the Mayor and City Council is provided. A signed letter from an interested city's Mayor and City Council is required to ensure each city's governing body or decision-makers are aware, in agreement, and have given consent for the execution of a Cooperation Agreement. Once approved, certified approved minutes from each participating city must be provided before a cooperation agreement will be placed before the Travis County Commissioners Court for consideration and approval.

If you have questions about this notice, please contact Isabel de Katona, CDBG Senior Planner for more details. Ms. de Katona can be reached via email at [cdbg@traviscountytx.gov](mailto:cdbg@traviscountytx.gov) or by phone at 512-854-1877. **Please complete the urban county election response using the link provided below to provide your city's written response to state its interest to be included or excluded from the Travis County CDBG Program.**

|                                  |                                                                                                                                                     |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Small City Response Form:</b> | <a href="https://app.smartsheet.com/b/form/b549b58ff5bb40bb95dcf9baf6bdb70f">https://app.smartsheet.com/b/form/b549b58ff5bb40bb95dcf9baf6bdb70f</a> |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|

**Please complete the response survey using the link above as soon as possible, but no later than May 15, 2023.** Ms. de Katona will follow up with each of you to confirm receipt of this letter and confirm your entity's interest in participating in the Travis County's Urban County CDBG Program.

If you have additional questions, please do not hesitate to contact Monique Coleman, CDBG Planning Manager, at 512-854-1604 or myself at 512-854-4101.

Regards,



Pilar Sanchez

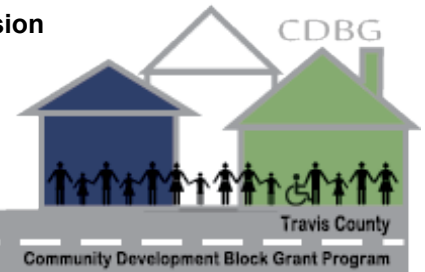
County Executive

cc: Monique Coleman, MPA, MCRP, CDBG Planning Manager



## Travis County Health and Human Services & AgriLife Extension

CDBG Program  
P.O. Box 1748  
Austin, Texas 78767  
PH (512) 854-3460  
[www.traviscountytexas.gov/cdbg](http://www.traviscountytexas.gov/cdbg)



Travis County's Community Development Block Grant (CDBG) Program has been operational since October 2006. CDBG targets low- and moderate-income areas, as defined by HUD's Area Median Income guidelines, with few exceptions. Below is a summary of the current program and the requirements for participation.

### CDBG PROGRAM OVERVIEW

The Community Development Block Grant (CDBG) initiative is a federal grant program administered by the U.S. Department of Housing and Urban Development (HUD). It provides annual grants to cities and counties to carry out community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services.

Based on its population, in 2006, Travis County qualified as an urban county, a federal designation which afforded the County the opportunity to apply for CDBG funds. That year, Travis County applied for and received CDBG funds for the first time and has continued to receive funding for the past fourteen years. The County's annual allocation is based on a HUD-designed formula that takes into account the county's population size, poverty rate, housing overcrowding, and age of housing.

Usage of CDBG funds must meet a number of parameters set nationally by HUD and locally by the County. Federal regulation requires that a minimum of 70% of the CDBG funds focus on projects for low- to moderate-income residents. Additionally, Travis County's allocation specifically targets residents living in the unincorporated areas of the county and the Villages of Webberville and San Leanna. To be eligible, the activities must meet one of the following HUD national objectives:

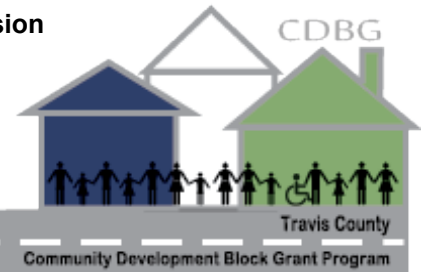
- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums and blight; or
- Address other community development needs that present a serious and immediate threat to the health and welfare of the community.

The administration of the CDBG program follows a cycle that includes the drafting of a Consolidated Plan, an Action Plan, and an annual evaluation. The Consolidated Plan (ConPlan) identifies the County's community and housing needs and outlines the strategies to address those needs over a three-, five-, or six-year period. The Annual Action Plan (AP) defines the specific activities to be undertaken during each program year (PY) to address the priorities established in the ConPlan. An evaluation is conducted annually to assess yearly accomplishments. The evaluation is called the Consolidated Annual Performance Report (CAPER). Changes made to the Consolidated Plan and Action Plans require formal amendments; if substantial enough, these amendments must go through a public input process.



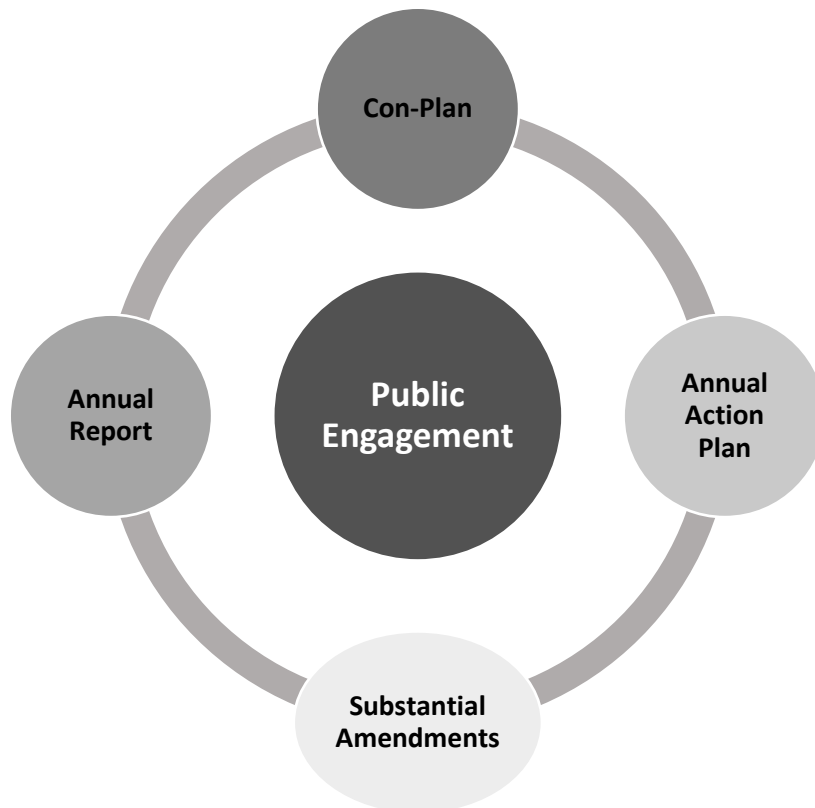
## Travis County Health and Human Services & AgriLife Extension

CDBG Program  
P.O. Box 1748  
Austin, Texas 78767  
PH (512) 854-3460  
[www.traviscountytx.gov/cdbg](http://www.traviscountytx.gov/cdbg)



The following figure is a simplified visual representation of the CDBG cycle. As shown, citizens have a central role in setting the priorities to be addressed and defining projects to tackle identified needs.

Figure 1: CDBG Cycle



Travis County Health and Human Services is the lead agency designated by the County to administer the CDBG grant and the single point of contact with HUD.

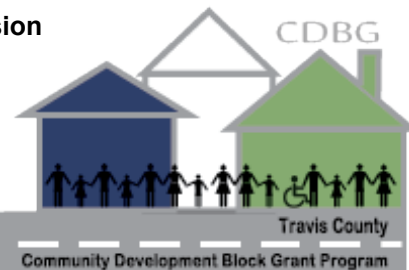
### COUNTY PRIORITIES FOR PROGRAM YEARS 2019 THROUGH 2023

At present, CDBG staff is working under the ConPlan which covers Program Years 2019-2023. The Travis County Commissioners Court (TCCC) approved the PY 19-23 ConPlan in August 2019. Planning is underway for the PY24-28 ConPlan period; priorities for this period have not been determined at this time. Categories ranked as high priority indicate areas of certain investment over the next five years, while categories ranked low priority indicate areas of possible investment. Below is a table that identifies the high and low priorities.



## Travis County Health and Human Services & AgriLife Extension

CDBG Program  
P.O. Box 1748  
Austin, Texas 78767  
PH (512) 854-3460  
[www.traviscountytx.gov/cdbg](http://www.traviscountytx.gov/cdbg)



| Prioritization of Categories for the PY 2019-2023 Consolidated Plan |          |
|---------------------------------------------------------------------|----------|
| Category                                                            | Priority |
| Infrastructure                                                      | High     |
| Housing                                                             | High     |
| Community Services                                                  | Low      |
| Populations with Specialized Needs / Services                       | Low      |
| Public Facilities                                                   | Low      |
| Business & Jobs                                                     | Low      |

Since 2006, Infrastructure and Housing have consistently been identified as high priorities. Traditionally, only high priority projects get funded, with few exceptions.

### QUESTIONS ABOUT PARTICIPATION

#### Will our municipality be guaranteed funding?

No. Projects for participating cities would go through a competitive process for consideration. That being said, low-to-moderate income residents in participating cities would be able to apply for current or future projects that are not neighborhood- or place-based. The Travis County Owner Occupied Home Rehabilitation and Septic Tank programs **are examples of such projects**. These programs will be administered by a subrecipient, who will be responsible for developing the scope of work, bidding the project, construction and contractor management, and close-out for each home.

#### When would our municipality be able to compete for funding?

The cycle begins with the Federal Fiscal Year 2024 and continues through 2026. As summarized in the table below CDBG Program Years (PY) 2023-2025 corresponds with federal Fiscal Years (FY) 24-26.

| Urban County Timeframe<br>October 1, 2023 – September 30, 2026 |                          |
|----------------------------------------------------------------|--------------------------|
| CDBG Program Year (PY)                                         | Federal Fiscal Year (FY) |
| Year 1 - PY 23                                                 | FY 23-24 (FY 24)         |
| Year 2 - PY 24                                                 | FY 24-25 (FY 25)         |
| Year 3 - PY 25                                                 | FY 25-26 (FY 26)         |

#### Would our municipality have to develop CDBG capacity and administration expertise?

We have not had a participating city apply for funding to date. Based on the complexity of the program, it is possible that the County would manage the project; however, that decision can be made on a case-by-case basis.

#### What is the County's funding history with CDBG?

|                     |                      |                     |                     |
|---------------------|----------------------|---------------------|---------------------|
| PY 2006 \$838,659   | PY 2007 \$848,245    | PY 2008 \$833,133   | PY 2009 \$866,380   |
| PY 2010 \$942,749   | PY 2011 \$790,136    | PY 2012 \$896,341   | PY 2013 \$855,534   |
| PY 2014 \$997,649   | PY 2015 \$1,075,760  | PY 2016 \$1,087,585 | PY 2017 \$1,108,778 |
| PY 2018 \$1,205,291 | PY 2019 \$1,164,241  | PY 2020 \$1,190,916 | PY 2021 \$1,264,331 |
| PY 2022 \$1,296,262 | PY 2023 \$ 1,398,407 |                     |                     |

**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**COOPERATIVE AGREEMENT BETWEEN**  
**TRAVIS COUNTY AND**  
**THE CITY OF LAGO VISTA**

This Community Development Block Grant ("CDBG") Cooperative Agreement ("Agreement") is entered into by and between Travis County ("County") a political subdivision of the State of Texas, and the City of Lago Vista, Texas ("City") (which term shall also include a village, if applicable)), an incorporated municipality within the geographical boundaries of County, referred to in this Agreement individually as "Party" or collectively as "Parties."

**RECITALS**

County has the authority to provide for the care of indigents and other qualified recipients (TEX. LOC. GOV'T. CODE, Section 81.027, and other statutes) and County has the authority to provide for public health education and information services (TEX. HEALTH AND SAFETY CODE, Chapters 121 and 122, and other statutes), and provision of the above services constitutes a public purpose.

Travis County Health and Human Services ("Department") has the authority to perform all public health functions that County can perform through TEX. HEALTH & SAFETY CODE ANN., Section 121.032.

Title I of the Housing and Community Development Act of 1974, as amended through the Housing and Community Act of 1992 ("Act"), establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for low and moderate income individuals.

County has entered into a grant agreement with the United States Department of Housing and Urban Development ("HUD") for financial assistance to conduct a CDBG grant program pursuant to Title I of the Housing and Community Development Act of 1974 ("Act"), as amended, and the rules and regulations promulgated by HUD governing the conduct of CDBG programs, 24 Code of Federal Regulations ("CFR") Part 570, as amended, ("Regulations").

County has been designated an "Urban County" by HUD, entitled to a formula share of CDBG funds provided County; and CDBG regulations require counties to re-qualify as an Urban County under the CDBG program every three years.

County has the authority to administer or otherwise engage in community and economic development projects authorized under HUD and authorized by Title I of the Act or under any federal law creating community development and economic development programs (including Texas Local Government Code, Chapter 381).

County has received and is responsible for administration of grant funds made available through the Act.

County has received certain funds from HUD under the Act for utilization in connection with its CDBG program.

Department is the County's designated administrator for HUD grants governed by regulation codified under Title 24, Code of Federal Regulations.

County has adopted Annual Action Plans for HUD as part of its Consolidated Plan.

Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities.

Through cooperative agreements, County has the authority to carry out activities funded from annual CDBG allocations from Federal Fiscal Year 2021 through 2023 appropriations and from any program income generated from the expenditure of such funds.

County is not obligated by any cooperative agreement to select projects for CDBG funding from any cooperating jurisdiction and funds will be allocated on a competitive basis as determined by County.

City desires to become a participating unit of general local government in connection with Travis County's Urban County CDBG program ("County's Program").

County desires that City becomes a participating unit of general local government in connection with County's Program.

County and City agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities under the following terms:

## **1.0 GENERAL PROVISIONS**

**1.1 County Authority.** This Agreement gives County authority to undertake, or assist in undertaking, activities that will be funded from the CDBG program and from any program income generated from the expenditure of such funds.

**1.2 City/County Cooperation.** County and City agree to cooperate, to undertake or to assist in undertaking community renewal and lower-income housing assistance activities.

**1.3 Programs.** This Agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership ("HOME") and Emergency Shelter Grants ("ESG") Programs.

**1.4 Recitals.** The Parties agree that the information in the Recitals is true and correct and a part of this Agreement.

**1.5 Authorization.** By signature of this Agreement, the governing bodies of County and City authorize this Agreement.

## **2.0 TERM**

**2.1 Effective Period.** This Agreement is effective the date it is signed by both Parties, and remains in effect until CDBG (and where applicable, HOME and ESG) funds and program income received for Federal Fiscal Years 2021 through 2023, and to any successive qualification periods provided through the automatic renewal of this Agreement are expended and the funded activities completed. Neither County nor City may terminate or withdraw from this Agreement while the Agreement remains in effect.

**2.2 Renewal.** The Parties understand and agree that this Agreement will automatically be renewed for participation in successive three-year qualification periods, unless County or City provides written notice it elects not to participate in a new qualification period.

**2.3 Notice.** County will notify City in writing of its right to make an election whether to continue participation in the County's Program on the date specified by HUD in HUD's urban county qualification notice ("HUD Notice") for the next three-year qualification period. City will notify County in writing no later than the date specified in County's notification that City elects not to participate in the County's Program for the next three-year qualification period. County will send copies of all notifications required by this Section 2.3 to the HUD Field Office by the date specified in the HUD Notice.

**2.4 Amendment to Qualification.** Any amendments or changes contained within the HUD Notice applicable for a subsequent three-year urban county qualification period must be adopted by County and City, and submitted to HUD as provided in the HUD Notice. Failure by either party to adopt such an amendment to the Agreement will void the automatic renewal of this Agreement.

### **3.0 COUNTY RESPONSIBILITIES AND AGREEMENTS**

**3.1 Fair Housing Certification.** County will not fund activities in support of any cooperating unit of general government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

**3.2 Subrecipient Agreements.** Prior to disbursing any CDBG program funds to a subrecipient, County will sign a written agreement with such subrecipient.

**3.3 Program Requirements.** County is responsible for ensuring that CDBG funds are used in accordance with all program requirements, including monitoring and reporting to HUD on the use of program income.

### **4.0 CITY RESPONSIBILITIES AND AGREEMENTS**

**4.1 City Election to Participate.** City, by executing this Agreement, gives notice of its election to participate in County's Program.

#### **4.2 City Limitation.**

**4.2.1 No Application.** By executing this Agreement, City understands and agrees that it will not apply for grants under the State CDBG Program from appropriations for the federal fiscal years during the period in which it is participating in County's Program.

**4.2.2 No Other Participation.** By executing this Agreement, City understands and agrees that it may receive a formula allocation under the HOME Program only through the County; that City will not participate in a HOME consortium except through County, regardless of whether or not County receives a HOME formula allocation; that if County does not receive a HOME formula allocation, City cannot form a HOME consortium with other local governments.

**4.2.3 Allocation.** By executing this Agreement, City understands and agrees that it may receive a formula allocation under the ESG Program only through County. Currently, it is understood that County does not receive any ESG formula allocation. This does not preclude County or City from applying to the State for ESG funds, if the State allows.

**4.3. Income Report.** City agrees to inform County of any income generated by the expenditure of CDBG funds received and that any such program income must be paid to County to be used for eligible activities in accordance with all CDBG program requirements.

**4.4 City Policies.** City agrees that it has adopted and will maintain and enforce: a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent, civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrances to or exit from a facility or location which is the subject of such non-violent, civil rights demonstrations within the jurisdiction.

**4.5 Request for Inclusion.** City supports the application for and receipt of funding from the Act, as amended, by County, and asks that its population be included for three successive years (or the remaining term of the Grant period for County, if less than three years) with that of County to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and authorizes the Mayor of City to sign such additional forms as requested by HUD pursuant to the purposes of this Agreement.

**4.6 Final Responsibility.** City understands that County will have final responsibility for selecting CDBG (and, where applicable, HOME and ESG) projects, submitting the Consolidated Plan to HUD and filing annual grant reports and requests.

**4.7 Fair Housing Support.** City agrees that CDBG funding for activities in, or in support of City are prohibited if City does not affirmatively further fair housing within its own jurisdiction or impedes County actions to comply with its fair housing certification.

**4.8 City Plan.** City will develop a community development plan for the period of this Agreement which identifies community development and housing needs, enumerated as eligible activities under 42 U.S.C. Sec. 5305, and specifies both short and long-term community development objectives.

**4.9 Subrecipient Requirements.** In accordance with 24 CFR 570.501(b), City agrees that City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

**4.10 Good Faith Performance.** City agrees to act in good faith and with due diligence in performance of City obligations and responsibilities under this Agreement and under any subrecipient agreements. City further agrees that it will fully cooperate with County in all things required and appropriate to comply with the provisions of any grant agreements received by County pursuant to the Act and its Regulations.

**4.11 Citizen Participation.** City agrees to comply with applicable federal citizen participation requirements, including those in 24 CFR 570.301.

**4.12 City Records.** City agrees to maintain records of activities for any projects undertaken pursuant to the program and said records shall be open and available for inspection by auditors assigned by HUD and/or County on reasonable notice during the normal business hours of City.

## **5.0 JOINT RESPONSIBILITIES AND AGREEMENTS**

**5.1 Certification Compliance.** County and City shall take all actions necessary to ensure compliance with County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing (see 24 CFR 91.225(a) and 5.105(a)), Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 of Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.

**5.2 County Requirements.** In accordance with 24 CFR 570.501(b), the Parties agree that Travis County is responsible for ensuring that CDBG funds are used in accordance with all program requirements, including monitoring and reporting to HUD on the use of program income, and that, in the event of close-out or change in status of City, any program income that is on hand or received subsequent to such close-out or change in status, shall be paid to County; and that the use of designated public agencies, subrecipients or contracts does not relieve Travis County of the responsibility for ensuring that CDBG funds are used in accordance with all program requirements.

**5.3 Adequacy of Performance.** The Parties agree that, Travis County is responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in 24 CFR 570.910; and that, where a city is participating with, or as part of Travis County Urban County, as a participating unit, or as part of a metropolitan city, the County is responsible for applying to the unit of general local government the same requirements as are applicable to subrecipients, except that the five-year period identified under 24 CFR 570.503(b)(8)(i) shall begin with the date that the unit of general local government is no longer considered by HUD to be a part of the metropolitan city or urban county, as applicable, instead of the date the subrecipient agreement expires.

**5.4 Compliance.** County and City will comply with the applicable provisions of the Act and those federal regulations promulgated by HUD pursuant to the Act, as the same currently exists or as may be amended. County and City will take all actions necessary to assure compliance with County's certifications required by Section 104(b) of Title I of the Act. County and City will comply with the provisions of the following: National Environmental Policy Act of 1969; Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968; and Title 24 Code of Federal Regulations part 570; the Fair Housing Act; Cranston-Gonzales National Affordable Housing Act (Public Law 101-635); Section 109 Title I of the Housing and Community Development Act of 1974 (42 U.S.C., Section 5309) which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; Executive Order 11063, as amended by Executive Order 12259; Executive Order 11988; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C., Section 4630, et seq.); and other federal or state statute or regulation applicable to the use of CDBG or HOME Investment Partnerships Act (enacted as Title II of the National Affordable Housing Act of 1990) funds.

**5.5 Consolidated Plan.** The Parties agree that no provision of this Agreement may be interpreted to provide for veto or other restriction that would allow any Party to obstruct the implementation of the approved Consolidated Plan during the period covered by the Agreement.

**5.6 Authorization.** By executing this Agreement, the County Commissioners Court and governing body of City authorize this Agreement and the execution of this Agreement by the appropriate official.

**5.7 Transfer of Funds.** The Parties agree that any unit of local government may not sell, trade, or otherwise transfer all or any portion of funds received pursuant to this Agreement to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act. (See Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76)

## 6.0 MISCELLANEOUS TERMS

6.1 Notice. Official notice of amendments or changes applicable for a subsequent three-year urban county agreement shall be in writing and be mailed by certified mail to:

For City:

City of Lago Vista, Joshua W. Ray  
5803 Thudabind  
Lago Vista, TX 78645

For County:

Sherri E. Fleming  
County Executive, Health and Human Services  
P.O. Box 1748  
Austin, Texas 78767

6.2 INDEMNIFICATION. CITY AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS COUNTY AND ITS AUTHORIZED OFFICERS, EMPLOYEES, AGENTS AND VOLUNTEERS FROM ANY AND ALL CLAIMS, ACTIONS, LOSSES, DAMAGES AND/OR LIABILITY ARISING FROM CITY ACTS, ERRORS OR OMISSIONS AND FOR ANY COSTS OR EXPENSES INCURRED BY COUNTY ON ACCOUNT OF ANY CLAIM THEREFORE. CITY SHALL PROMPTLY NOTIFY COUNTY IN WRITING OF THE OCCURRENCE OF ANY SUCH CLAIMS, ACTIONS, LOSSES, DAMAGES AND/OR LIABILITY. CITY SHALL INDEMNIFY AND HOLD HARMLESS COUNTY AGAINST ANY LIABILITY, CLAIMS, LOSSES, DEMANDS AND ACTIONS INCURRED BY COUNTY AS A RESULT OF THE DETERMINATION BY HUD OR ITS SUCCESSOR THAT ACTIVITIES UNDERTAKEN BY CITY FAIL TO COMPLY WITH ANY LAWS, REGULATIONS OR POLICIES APPLICABLE THERETO OR THAT ANY FUNDS BILLED BY AND DISBURSED TO CITY UNDER THIS AGREEMENT WERE IMPROPERLY EXPENDED.

6.3 Entire Agreement. It is expressly agreed that this Agreement embodies the entire agreement of the Parties in relation to the subject matter hereof, and that no other agreement or understanding, verbal or otherwise, relative to this subject matter exists between the Parties.

6.4 Severability. Each provision of this Agreement is severable from each other provision, and if any provision or part thereof is declared invalid, the remaining provisions shall remain in full force and effect.

6.5 Assignment. Neither Party will assign any of the rights or duties under this Agreement without the prior written approval of the other Party.

6.6 Binding Agreement. This Agreement shall be binding upon the successors, assigns, administrators and legal representatives of the Parties.

6.7 Law and Venue. This Agreement is governed by the laws of the State of Texas and all obligations under this Agreement will be performable in the City of Austin, Texas or in Travis County, Texas. It is expressly understood that any lawsuit, litigation, or dispute arising out of or relating to this Agreement will take place in Travis County, Texas.

**6.8 Immunity or Defense.** It is expressly understood and agreed by all Parties that, neither the execution of this Agreement, nor any conduct of any representative of County relating to this Agreement, shall be considered to waive, nor shall it be deemed to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of its governmental powers and functions, nor shall it be considered a waiver of sovereign immunity to suit.

**6.9 Conflict of Interest.** City shall ensure that no person who is an employee, agent, consultant, officer, or elected or appointed official of City, or member of City's governing body, who exercises or has exercised any functions or responsibilities with respect to activities performed pursuant to this Agreement or who is in a position to participate in a decision-making process or gain inside information with regard to these activities has or may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to it, or the proceeds under it, either for him or herself or those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

**6.10 Gratuities.** City agrees that City has not and will not accept gratuities in the form of entertainment, gifts, or otherwise were offered or given by City or any agent or representative to any County official or employee with a view toward securing favorable treatment with respect to the performing of this Agreement. City's employees, officers and agents shall neither solicit nor accept gratuities, favors or anything of monetary value from subcontractors or potential subcontractors. City will establish safeguards to prohibit its employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

**6.11 Nepotism.** City agrees that it will comply with the guidelines set forth for public officials under TEX. GOVERNMENT CODE ANN, Ch. 573, by ensuring that no officer, employee or member of the governing body of City shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person without written approval by County.

**[Signature Page to Follow]**

TRAVIS COUNTY

BY: Samuel T. Biscoe  
 Samuel T. Biscoe  
 Travis County Judge  
 Chief Executive Officer, Travis County  
 Date: 7-2-20

Approved that the terms and provisions of this Agreement are fully authorized under State and local law and that this Agreement provides full legal authority for County; and that County has the authority to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

By: Momah  
 Assistant County Attorney  
 Date: 7/1/2020

CITY OF LAGO VISTA

By: Ed Tidwell  
 Authorized Representative and  
 Chief Executive Officer  
 Printed Name: Ed Tidwell  
 Title: Mayor  
 Date: 22 June 2020



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** May 4, 2023

**SUBMITTED BY:** Roy Jambor, Development Services

**SUBJECT:** The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the paragraph titled “Residential Land Use Types Defined” on page 33 of Chapter 3 within the 2030 Lago Vista Comprehensive Plan adopted by Ordinance No 16-05-05-02 and as subsequently amended, to clarify that a primary purpose of the land use density designations is to help ensure compatibility of existing and proposed adjacent land uses.

**BACKGROUND:** Following a request from the City Council, the Planning and Zoning Commission began to evaluate the language in the current comprehensive plan used to define the residential land use types employed as the basis of recommendations, specifically including the Future Land Use Map. It was becoming increasingly common for zoning change applications to propose relatively small single-family residential lots immediately adjacent to much larger lots while simultaneously asserting that the proposal was consistent with the comprehensive plan and compatible with the adjacent land uses due to common ownership of a contiguous amount of land that could not be developed or was being proposed for an associated amenity. The Planning and Zoning Commission members had long objected to what they felt were unwarranted distortions of the recommendations within the comprehensive plan to justify adjacent incompatible residential densities without employing appropriate buffers or transitions.

**FINDINGS:** Some of the delays in completing this effort were caused by the discovery of several other apparent errors within that same general section of the plan. It was the natural inclination of the Development Services Department staff to address those discrepancies. However, it soon became apparent that this related effort was delaying the completion of the more important original purpose.

Furthermore, the progress on an acceptable scope of work by

the preferred consultant for the update to the comprehensive plan made it clear that these other discrepancies would be addressed in the very near future, perhaps with a better opportunity for our citizens to participate. Even this current concern can be refined during the pending update to the plan with appropriate graphics and diagrams employed to help more fully explain the intent. Finally, it is important to realize that it is possible these discrepancies or inaccuracies might be resolved by replacing or redefining some of these land use types during the pending completion of the update.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**

[Ordinance 23-05-04-01 \(Amend Comprehensive Plan - Chapter 3\)](#)

## **ORDINANCE NO. 23-05-04-01**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE PARAGRAPH TITLED “RESIDENTIAL LAND USE TYPES DEFINED” ON PAGE 33 OF CHAPTER 3 WITHIN THE 2030 LAGO VISTA COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 16-05-05-02 AND AS SUBSEQUENTLY AMENDED, TO CLARIFY THAT A PRIMARY PURPOSE OF THE LAND USE DENSITY DESIGNATIONS IS TO HELP ENSURE COMPATIBILITY OF EXISTING AND PROPOSED ADJACENT LAND USES.**

**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 adopted and amended the 2030 Lago Vista Comprehensive Plan; and

**WHEREAS**, the City Council, staff, and members of the Planning and Zoning Commission had become aware of residential densities being proposed in zoning change applications that were asserted as consistent with the comprehensive plan and compatible with adjacent land uses by including contiguous land that could not support development or land reserved for accessory uses or residential amenities; and

**WHEREAS**, the City Council, staff, and members of the Planning and Zoning Commission agree that this type of analysis is not consistent with the purpose or the intent of the land use recommendations contained with Chapter 3 of the 2030 Lago Vista Comprehensive Plan; and

**WHEREAS**, following the specific request of the City Council, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of Chapter 3 of the 2030 Lago Vista Comprehensive Plan and subsequently conducted public hearings at their meetings on January 26, 2023, March 9, 2023, and April 13, 2023; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the paragraph on page 33 within Chapter 3 of the 2030 Lago Vista Comprehensive Plan specifically titled “Residential Land Use Types Defined” as described below; and

**WHEREAS**, the City Council at its public hearing to consider this amendment held on May 5, 2023, reviewed the recommendation, and found the changes to be warranted; and

**WHEREAS**, the City Council desires to amend the 2030 Lago Vista Comprehensive Plan as adopted by Ordinance No 16-05-05-02 and subsequently amended as described below.

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

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

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend the paragraph on page 33 within Chapter 3 of the 2030 Lago Vista Comprehensive Plan specifically titled “Residential Land Use Types Defined” as shown in **Exhibit “A.”**

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

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

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

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

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this \_\_\_\_ day of May 2023.

\_\_\_\_\_  
Ed Tidwell, Mayor

ATTEST:

\_\_\_\_\_  
Lucy Aldrich, City Secretary

On a motion by Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, the above and foregoing ordinance was passed and approved.

## **Exhibit “A”**

### ***Land Use Types and Projections***

This section of the Future Land Use Plan reviews each type of recommended land use as shown on the Future Land Use Map. Land use types are grouped into two primary categories – residential land uses and nonresidential land uses.

#### **Residential Land Use Types Defined**

The residential land use designations below define an average density that includes typical (not extraordinary) infrastructure provisions and a proportionate minimum lot size for compatibility. Land proposed as an accessory use or that will not support development because of severe topography shall be excluded, even if it is incidentally used for components such as drainage. Nonetheless, the proportionate minimum lot size should not be interpreted as prohibiting a “planned development” that proposes “cluster housing” specifically to preserve natural and environmentally sensitive features of the property such as topography and vegetation, so long as appropriate buffers, transitions, and other methods to ensure compatibility with adjacent land uses are included.



#### **Lower Density Residential**

This category is generally representative of single-family homes and some duplex units. The majority of Lago Vista’s current development is of a similar density (e.g., 3 dwelling units per acre would produce lots approximately 10,000 square feet in area). The following dwelling units per acre are appropriate within the indicated land use:

- Rural Residential: <0.2 dwelling units per acre
- Estate Residential: 0.3-1 dwelling units per acre
- Low Density Residential: 2-3 dwelling units per acre



#### **Medium Density Residential**

Medium Density Residential is generally representative of two-family, attached dwelling units. The types of developments within this category include townhomes, duplexes, condominiums and apartments. This category is intended to accommodate the City’s need for diversity of housing choices. 4 to 8 dwelling units per acre are appropriate within the land use.



#### **High Density Residential**

Traditional apartment and condominium-type units in attached living complexes generally characterize this land use. These developments may take a variety of forms. This land use has evolved from traditional garden style apartments to courtyard apartments due to the focus upon situating dwelling units around a courtyard, pool, or other common space. About 9 to 19 dwelling units per acres are appropriate within the land use.

Note: the text in green below indicates current proposed amendments while preserving in red the unmodified amendments adopted on April 20, 2017.

## Land Use Types and Projections

This section of the Future Land Use Plan reviews each type of recommended land use as shown on the Future Land Use Map. Land use types are grouped into two primary categories – residential land uses and nonresidential land uses.

### Residential Land Use Types Defined

The residential land use designations below define an average density that includes typical (not extraordinary) infrastructure provisions and a proportionate minimum lot size for compatibility. Land proposed as an accessory use or that will not support development because of severe topography shall be excluded, even if it is incidentally used for components such as drainage. Nonetheless, the proportionate minimum lot size should not be interpreted as prohibiting a “planned development” that proposes “cluster housing” specifically to preserve natural and environmentally sensitive features of the property such as topography and vegetation, so long as appropriate buffers, transitions, and other methods to ensure compatibility with adjacent land uses are included.



#### Lower Density Residential

This category is generally representative of single-family homes and some duplex units. The majority of Lago Vista's current development is of a similar density (e.g., 3 dwelling units per acre would produce lots approximately 10,000 square feet in area). The following dwelling units per acre are appropriate within the indicated land use:

- Rural Residential: <0.2 dwelling units per acre
- Estate Residential: 0.3-1 dwelling units per acre
- Low Density Residential: 2-3 dwelling units per acre



#### Medium Density Residential

Medium Density Residential is generally representative of two-family, attached dwelling units. The types of developments within this category include townhomes, duplexes, condominiums and apartments. This category is intended to accommodate the City's need for diversity of housing choices. 4 to 8 dwelling units per acre are appropriate within the land use.



#### High Density Residential

Traditional apartment and condominium-type units in attached living complexes generally characterize this land use. These developments may take a variety of forms. This land use has evolved from traditional garden style apartments to courtyard apartments due to the focus upon siting dwelling units around a courtyard, pool, or other common space. About 9 to 19 dwelling units per acres are appropriate within the land use.

Note: the text in red below are amendments adopted on April 20, 2017, approximately one year after the original plan was adopted on May 5, 2016.

## Land Use Types and Projections

This section of the Future Land Use Plan reviews each type of recommended land use as shown on the Future Land Use Map. Land use types are grouped into two primary categories – residential land uses and nonresidential land uses. ~~Note that residential densities are calculated prior to removing acreage to account for floodway. Residential and Mixed Land Uses shall be calculated as follows: A = Acreage; D = Minimum or Maximum Density; R = Result; (A x D = R). Fractional answers within letter (R) are dropped from the density count.~~

### Residential Land Use Types Defined

#### Lower Density Residential

This category is ~~generally~~ representative of single family homes and some duplex units. The majority of Lago Vista's current development is of a similar density (e.g., 3 dwelling units per acre would produce lots approximately 10,000 square feet in area). The following dwelling units per acre are appropriate within the land use:

- ~~\*Rural Residential: <0.2 dwelling units per acre~~
- ~~\*Estate Residential: 0.3-1 dwelling units per acre~~
- ~~\*Low Density Residential: 2-3 dwelling units per acre~~



#### \*Medium Density Residential

Medium Density Residential is ~~generally~~ representative of two- family, attached dwelling units. The types of developments within this category include townhomes, duplexes, condominiums and apartments. This category is intended to accommodate the City's need for diversity of housing choices. 4 to 8 dwelling units per acre are ~~appropriate within the land use.~~



#### \*High Density Residential

Traditional apartment- and condominium-type units in attached living complexes ~~generally~~ characterize this land use. These developments may take a variety of forms. This land use has evolved from traditional garden style apartments to courtyard apartments due to the focus upon situating dwelling units around a courtyard, pool, or other common space. About 9 to 19 dwelling units per acres are ~~appropriate within the land use.~~

~~\*Lots that were platted and recorded with the County on or before May 5, 2016 and cannot meet the density standards due to lot size shall be entitled to the following density standards:~~

- ~~1) Lots with Rural, Estate, and Low Density Residential or zoned R-1-M are entitled to one (1) dwelling unit.~~
- ~~2) Lots with Medium Density Residential are entitled to two (2) dwelling units.~~
- ~~3) Lots with High Density Residential are entitled to three (3) dwelling units.~~

~~Any replat after this date nullifies this standard.~~





# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** May 4, 2023

**SUBMITTED BY:** Taylor Whichard, Public Works

**SUBJECT:** Discussion, consideration, and possible action on Resolution 23-1996, a resolution by the City Council of the City of Lago Vista, Texas establishing an interim Growth Management Policy pending the update of the comprehensive plan.

**BACKGROUND:** During the Strategic Planning Meeting in February, Council provided staff with guidance on changes they would like to see made to the Growth Management Policy that was originally presented.

**FINDINGS:** In the policy being presented, the changes that have been made are as follows:

- School district section has been moved and amended.
- Dormant PDD's have been added with retroactive clauses and the workflow process has been clearly defined.
- New PDD and Zoning Change applications will be required to include land use compatibility, a gross vs. net acreage comparison, an environmental impact report, proof that a pre-application neighborhood meeting was held, and fiscal analysis be conducted.

All other items related to infrastructure remained the same.

**FINANCIAL IMPACT:** N/A

**RECOMMENDATION:** Approval.

**ATTACHMENTS:**  
[Resolution 23-1996 Interim Growth Management Policy](#)

**CITY OF LAGO VISTA, TEXAS**

**RESOLUTION 23-1996**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS  
ESTABLISHING AN INTERIM GROWTH MANAGEMENT POLICY PENDING THE  
UPDATE OF THE COMPREHENSIVE PLAN.**

**WHEREAS**, the City Council of the City of Lago Vista, Texas (the “City”) desires to develop a viable, sustainable, and prosperous community that includes expanding economic opportunities, convenient access to needed retail services, and a variety of quality and affordable housing options; and

**WHEREAS**, significant growth and management of that significant growth was not a concern during the development of the current comprehensive plan that was completed in 2016, and adopted by Ordinance No. 16-05-05-02, as amended; and

**WHEREAS**, shortly after the current comprehensive plan was adopted, the City of Lago Vista, Texas began to experience unprecedented growth that continues despite the relative economic uncertainty of the last several years; and

**WHEREAS**, there are an inordinate number of current zoning approvals within the municipal limits that have remained dormant and undeveloped for many years, in some cases decades; and

**WHEREAS**, unrestrained growth results in disorder and strains existing municipal resources and jeopardizes the City’s ability to provide adequate services consistent with current best practices; and

**WHEREAS**, current and prospective owners of undeveloped or underdeveloped property within the jurisdiction, including those with dormant approvals, frequently propose significant development; and

**WHEREAS**, in response to this potential strain to existing municipal resources the City of Lago Vista has recently commissioned municipal water and wastewater service master plans in addition to a citywide traffic safety analysis and an updated comprehensive plan with an integrated growth management policy and strategy; and

**WHEREAS**, until completion of the updates to the comprehensive plan, the City desires to provide guidance on how these issues will be addressed in light of each specific development proposal.

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

**SECTION 1.** pending completion of the update to the current comprehensive plan and the various studies to inform that update, the City Council shall consider the policy and strategy described in

the attached **Exhibit “A”** when considering development approvals of significant size and effect; and

**SECTION 2.** the City Council shall evaluate dormant approvals in light of the potential effects on infrastructure or other municipal resources and address potential negative effects in a legally authorized manner when appropriate; and

**SECTION 3.** Approvals of a significant size and impact should be considered in a consistent manner to manage growth and maintain the viability of municipal resources;

**AND, IT IS SO RESOLVED.**

**PASSED AND APPROVED** this \_\_\_\_ day of May, 2023.

\_\_\_\_\_  
Ed Tidwell, Mayor

ATTEST:

\_\_\_\_\_  
Lucy Aldrich, City Secretary

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

## **EXHIBIT “A”**

### **INTERIM GROWTH MANAGEMENT POLICY**

1. For the use by the Lago Vista City Council, the Development Services Department staff will generate and maintain a list of approved zoning changes, including Planned Development Districts that have not resulted in a sustained effort toward a recorded final subdivision plat consistent with that approval for more than two years since adoption of the relevant ordinance or any subsequent amendment.
2. City Council, in consultation with the Planning and Zoning Commission and City Attorney as appropriate, will instruct the City Manager to propose a zoning change under the authority of Section 13.20(a) of Chapter 14 of the Lago Vista Code of Ordinances for any property on that list of dormant approvals, along with any associated required amendments to the comprehensive plan that is consistent with the current development pattern and compatible with the existing adjacent land uses and recommendations within the comprehensive plan. Going forward, Council shall consider requiring that planned development districts (“PDDs”) and zoning changes be brought before City Council on a regular basis to consider the continuation or termination of such changes.
3. Pending to the completed update to the comprehensive plan, when considering a development that proposes ten or more building sites or involves ten or more acres of land, the Lago Vista City Council and City staff may consider the issues below, as applicable, including but not limited to consideration in connection with a development agreement:
  - a. **Land Use Compatibility** – All PDD and zoning change applications shall be compatible with the development standards and lot sizes of adjacent properties.
  - b. **Unbuildable Land** – Applications should include an engineered concept plan signed and sealed by a registered Professional Engineer in the State of Texas clearly showing lot layout, proposed utility layout, and land that is set aside within the proposed development, for rights of way, drainage easements, stormwater facilities, FEMA flood plain, protected trees, unbuildable terrain, or is otherwise not able to be developed.
  - c. **Environmental Impact Report** – Because City Council may consider environmental implications of the proposed development, applications should include a report identifying the number of protected trees, protected animal species and their habitats, amount of estimated cut and fill, and estimated noise pollution caused by construction with a map showing the maximum decibel level at each adjacent property boundary.
  - d. **Pre-Application Neighborhood Meeting** – Because City Council may consider the concerns of nearby residents, applications should include proof that a reasonable effort was made by the applicant to advertise for, and hold a

neighborhood meeting at an adequately sized facility open and accessible to the general public.

- e. **Fiscal Analysis** – Because City Council may consider the fiscal impact of a proposed development to the City, applications should include a fiscal analysis of all projected Sales and Property Tax Revenue generated each year until full build-out is accomplished.
- f. **Public Facilities for Development.** Council may consider the following public facility requirements for development:

- **Wastewater.**

- City Council may consider the following potential demands on the City's wastewater system: (i) demands on the system generated or projected to be generated by existing connections; (ii) buildings under construction that will be connected to the system; (iii) all other committed allocations; (iv) unexpired development agreements; (v) unexpired preliminary plans; and (vi) properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- In consideration of one or more of the listed demands, the City Council may consider the adequacy of the following components of the wastewater system: (i) collector systems to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the proposed development and other developable land within the drainage area; and (ii) interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the proposed development and other developable land within the drainage area; and (iii) pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area; and (iv) pumping stations and force mains receiving flows from interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak flow from the proposed development and other developable land within the drainage area; (v) treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development and other developable land within the drainage area; and (vi) the determination of whether a collector system, interceptor, treatment

plant, pumping station or force main described in this section has sufficient available capacity shall be made after deducting from existing capacity any portion of that capacity that was created by the City or previous development in the service area over the previous 10 years.

- City Council may consider conditional approvals and grandfathering when appropriate and in accordance with state law.

▪ **Water.**

- The following current and anticipated demands on the water system shall be evaluated to determine adequacy of the system: (i) demands on the system generated or projected to be generated by existing connections; (ii) buildings under construction that will be connected to the system; (iii) all committed allocations evidenced by payment of area charges and connection fees; (iv) all unexpired Development Agreements; (v) all unexpired preliminary plats; and (vi) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- Taking into consideration proposed demands on the system identified above, the following components of the water system must be determined to be adequate: (i) the water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development and other developable land within the drainage area, as established in the City's water and sewer design guidelines; and (ii) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development and other developable land within the drainage area; and (iii) Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development and other developable land within the drainage area; and (iv) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development and other developable land within the drainage area; the determination of whether a distribution system, booster station and/or transmission main, storage tank, or source and treatment facility described in this section has sufficient available

capacity shall be made after deducting from existing capacity any portion of that capacity that was created by the City or previous development in the service area over the previous 10 years. If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plats exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plats and site plans might not be approved.

- City Council may consider conditional approvals and grandfathering when appropriate and in accordance with state law.
- **Roads.** City Council may consider the following when determining whether road intersections are adequate for residential preliminary subdivision plans and site plans for development.

- Traffic impact analysis.
  - The developer of any project projected to generate either 25 new peak hour trips per day or 200 total trips per day using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual may be asked to submit a traffic impact analysis (TIA) to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than 25 new peak hour trips per day or 200 total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may request a TIA. The study area shall be determined by City staff, who may consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:

- Study area. The typical study area for a TIA consists of a minimum area encompassed by a radius of 1/4 mile from the site to be developed, and includes collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Lago Vista's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the TxDOT or Travis County. Coordination with these government agencies may be required.

- If the one-fourth-mile radius does not include a

collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher functioning classification road intersection as part of the study area.

- Trip generation best practices for project TIAs.
  - Existing traffic counts should be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts should be taken while school is in session.
  - Trip generation for each land use should be obtained by utilizing the current edition of the ITE Trip Generation Manual. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular land use, local trip rates may be developed; however, the data should be submitted to the City with supporting documentation prior to approval of the rates.
  - For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA should include a traffic report for a single peak hour. Operational analyses may be requested as well. Passby and diverted trip reduction factors may be considered for certain uses if City staff permits.
- Trip distribution and assignment. Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:
  - Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.
  - Utilization of demographic data.

- Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)
  - City staff shall approve the methodology to be used in the study.
- Capacity analysis in a TIA. Capacity analyses should be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis should be performed in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be requested to determine both on- and off-site situations where queuing could impact the roadway/internal site operation.
- Unsignalized intersections not meeting the adopted level of service established in this section may be asked to complete a traffic signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection may be considered as well.
- When analyzing background and future conditions, only capital projects with one-hundred percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed Development Agreement, or TxDOT highway access permit(s) may be utilized as well.
- Peak hour observations. The City may request peak hour observations performed by a qualified traffic engineer in a TIA. The observations should be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.

- Recommendations. The TIA should recommend mitigating improvements for any failing component. The improvements should be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest American Association of State Highway and Transportation Officials (AASHTO), TxDOT, or City of Lago Vista guidelines. If recommended improvements are approved by the City, the developer shall implement the recommendations in the TIA at the developer's sole expense.
  - If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer may be asked to mitigate the portion of traffic impact generated by the development to ensure that post development traffic conditions are no worse than pre-development levels.
- g. **Schools.** Council may, in conjunction with area school districts, consider the ability of area schools to adequately provide services to additional students residing in proposed developments.
- h. **Parks and open space.** Council should pursue a balanced approach to parks and open space considering both the needs for recreational amenities and the protection of open space in the City.