



**AGENDA
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
SEPTEMBER 5, 2024 AT 5:30 PM**

JOIN MEETING VIA VIDEO CONFERENCE

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CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor

Chelaine Marion, Mayor Pro-Tem

Shane Saum, Council Member

Stephanie Smith, Council Member

Rob Durbin, Council Member

Paul Roberts, Council Member

Paul Prince, 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). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel regarding the award of the Golf Course Irrigation project. (Texas Government Code Section 551.071)
- C. Receive an update from Legal Counsel regarding an employee grievance. (Texas Government Code Section 551.071)
- D. Consultation with Legal Counsel regarding an update on an option contract for the purchase of property located at 3305 Pinnacle Cove. (Texas Government Code Section 551.071 and Government Code Section 551.072)
- E. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)

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

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). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel regarding the award of the Golf Course Irrigation project. (Texas Government Code Section 551.071)
- C. Receive an update from Legal Counsel regarding an employee grievance. (Texas Government Code Section 551.071)
- D. Consultation with Legal Counsel regarding an update on an option contract for the purchase of property located at 3305 Pinnacle Cove. (Texas Government Code Section 551.071 and Government Code Section 551.072)
- E. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)

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](#)

BUDGET ITEMS

1. The City Council of the City of Lago Vista, Texas will conduct a public hearing to receive citizen comments and views regarding the proposed City of Lago Vista budget for fiscal year 2024-2025, commencing on October 1, 2024, and ending on September 30, 2025.

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.

2. Consider approval of the July 18, 2024, regular meeting minutes.
3. Consider approval of the July 25, 2024, special meeting minutes.
4. Consider approval of the August 1, 2024, regular meeting minutes.

[PO Box 4727, Lago Vista, TX 78645 • 512.267.1155 • www.lagovistatexas.gov](#)

5. Consider approval of the August 6, 2024, special meeting minutes.
6. Consider approval of the August 15, 2024, regular meeting minutes.
7. Consider approval of Resolution No. 24-2070, a resolution by the City Council of the City of Lago Vista, Texas, appointing assistant City Secretaries with the powers and duties of said office in the absence of the City Secretary; and repealing certain related resolutions.
8. Consider approval of Resolution No. 24-2071; a resolution of the City of Lago Vista accepting a resignation and appointing an individual to fill the resulting vacancy on the Golf Course Advisory Committee for an unexpired term.
9. Consider approval of Ordinance No. 24-09-05-01 an Ordinance of the City of Lago Vista, amending Code of Ordinances Article 1.1800 "Ethics Policy" by amending Section 1.1803(F)(2) "Political Activity" and providing for the following: Findings of Fact, Savings, Severability, Repealer, Effective Date, and Proper Notice and Meetings Clauses.

PUBLIC HEARING AND POSSIBLE ACTION

10. Hold a public hearing for discussion, consideration and possible action on Ordinance No. 24-09-05-02, an ordinance regarding a zoning change request to amend the existing "Nature's Point Planned Development District" (PDD) established by Ordinance No. 21-03-04-01 to modify various development standards applicable to improvements on the property (Nature's Point Subdivision, Block A, Lot 1).
11. Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-09-05-03; an ordinance amending the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 21003 Dawn Drive (Lago Vista, Section 1, Block C, Lot 1) from "Low Density Residential" to "City Park" and the designation of approximately 1.612 acres of the W. Hensley Survey No. 538, Abstract 348 and the J. Maxey Survey No. 6, Abstract 2628 from "Public/Semi-Public" to "City Park."
12. Hold a public hearing for discussion, consideration, and possible action Ordinance 2024-09-05-04, an ordinance of the City Council of Lago Vista, Texas amending Section 12.20 of the Chapter 14 of the Lago Vista Code of Ordinances to create a criminal penalty for violations of the Zoning Ordinance.

ACTION ITEMS

13. Discussion, consideration, and possible action regarding an amendment to the Halff Consultants contracts for additional services.
14. Discussion, consideration, and possible action regarding the City of Lago Vista entering into a professional services agreement with Safebuilt Texas, LLC., to provide services in accordance with construction codes, amendments and ordinances adopted by the City Council, State of Texas and regulations that are applicable to building and fire code.

15. Discussion, consideration, and possible action on Resolution No. 24-2072, a resolution by the City Council of Lago Vista, Texas approving a revocable license agreement between the City of Lago Vista and Robert W. Ruggiero and Sally Ruggiero for an encroachment into the public right-of-way on Crockett Ave and for encroachment of public infrastructure into private property located at 20117 Highland Lake Drive.
16. Discussion, consideration, and possible action on future projects to be presented by Keep Lago Vista Beautiful.
17. Discussion, consideration, and possible action on Ordinance 24-09-05-05; an ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances: Article 6.000, Sec 6.200 Utility Rates and Fees; and Article 10.000, Sec 10.100 Pool Fees.
18. Discussion, consideration, and possible action on Ordinance No. 24-09-05-06 an Ordinance of the City of Lago Vista, amending Code of Ordinances article 1.300 "City Council" adding Section 1.310 "Procedures for Personnel Interaction" and Providing for the Following: Findings of Fact, Severability, Repealer, Effective Date, and Proper Notice and Meetings Clauses.
19. Discussion, consideration, and possible action on initial draft of revised City Social Media Policy.
20. Discussion, consideration, and possible action regarding the creation of The No Taxpayer Waste Procurement Process.
21. Discussion, consideration, and possible action regarding the creation of a Voluntary Fee Program for the Lago Vista Golf Course.

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 11:10 a.m. on the 30th day of August 2024.

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: September 5, 2024

SUBMITTED BY: Tracie Hlavinka, City Manager

SUBJECT: The City Council of the City of Lago Vista, Texas will conduct a public hearing to receive citizen comments and views regarding the proposed City of Lago Vista budget for fiscal year 2024-2025, commencing on October 1, 2024, and ending on September 30, 2025.

BACKGROUND: The City Council met on August 1, August 6, and August 15, 2024, to discuss budget considerations for the FY2024-2025 Budget. These discussions have provided staff with feedback regarding expenditures and revenues for the upcoming fiscal year. At the August 29th City Council meeting, Council set a proposed tax rate not to exceed \$0.4231.

FINDINGS: The City Manager submitted a balance budget to the City Council on July 31, 2024. Balanced budgets were also presented to the Council during the August 6th and August 15th Council meetings.

An updated budget based off of Council discussion and direction on August 29th will be added to the packet and provided to the City Council on September 3rd due to the Labor Day holiday.

FINANCIAL IMPACT: N/A



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of the July 18, 2024, regular meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Minutes-CC-JULY-18-2024 DRAFT.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JULY 18, 2024**

BE IT REMEMBERED that on the 18th day of July A.D., 2024, 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:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member
Shane Saum	Council Member	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 5:30 p.m. and announced that all council members are present except Councilor Saum who will be joining the meeting via video conference during Executive Session.

EXECUTIVE SESSION

At 5:30 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). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel regarding an update on an option contract for the purchase of property located at 3305 Pinnacle Cove. (Texas Government Code Section 551.071 and Government Code Section 551.072)

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

At 6:00 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). (Texas Government Code Section 551.071)
No action was taken.
- B. Consultation with Legal Counsel regarding an update on an option contract for the purchase of property located at 3305 Pinnacle Cove. (Texas Government Code Section 551.071 and Government Code Section 551.072)
No action was taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

02:11 – 13:58

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.

Norma Owen – spoke about future 4th of July events having a drone show instead of fireworks.

Adam Benefield – recognized City Manager Tracie Hlavinka for meeting with Mayor Pro Tem Marion, Norma Owen, and himself regarding a proposed Housing for Heros program.

Lynda Aird – spoke on land use changes and the Dodge Trail extension.

Linda McCullough – spoke about a joint resolution submitted to the City from the North Shore Republicans and North Shore Democrats asking for the City to also take a stand against political violence and targeted harassment.

13:59 – 26:17

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

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

Applications for a place on the November 5, 2024, ballot will be accepted beginning July 20, 2024, through August 19, 2024, at 5:00 p.m.

Applications for a Charter Review Committee will be accepted beginning August 1, 2024, through October 30, 2024.

There are currently 8,000 pair of unused eclipse glasses that were sent to the City from all over the U.S. that are on their way to Argentina for their annular eclipse later this year.

The City submitted their 5-year Scenic City re-certification in the spring and was just awarded the highest level of Platinum.

Coffee with Veterans tomorrow 8 to 10 a.m. at the Hope Center.

Thanked local resident Coach Stephen Braggs for hosting a summer football camp.

Thanked City Manager Tracie Hlavinka, Chief Boshears, Detective Sgt Wilson, and Officer Peralta for their dedication to Public Service specifically for allowing Mayor Pro Tem Marion's son to participate in a mock traffic stop. Mayor Pro Tem Marion's son is a huge fan of police services, and it is appreciated that the team did something so special for him.

Mayor Sullivan recognized the winners of the 4th of July parade by presenting them with awards.

A very special recognition of Susan Price for picking up the 4th of July planning. She did an amazing job organizing a successful event for the community.

STAFF AND COUNCIL LIAISON REPORTS

26:22 – 33:35

1. Routine Reports from City Staff.
City Manager Tracie Hlavinka provided a brief report.
No action was taken.

33:44 – 44:10

2. Routine Reports from City Council Board/Commission/Committee Liaisons.
 - Economic Development Advisory Committee, Councilor Saum
 - Golf Course Advisory Committee, Councilor Saum
 - Governmental Affairs, Councilor Saum
 - Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate; Councilor Saum
 - Turnback Canyon Trail Conservancy, Councilor Smith
 - Airport Advisory Board, Councilor Durbin
 - Planning & Zoning Commission, Councilor Durbin
 - Board of Adjustment, Mayor Pro Tem Marion
 - Lago Vista Independent School District, Mayor Pro Tem Marion
 - Lago Vista Starry Skies, Mayor Pro Tem Marion
 - Building and Standards Commission, Councilor Roberts
 - Library Advisory Board, Councilor Prince
 - Parks & Recreation Advisory Committee, Councilor Prince
 - Lago Vista Property Owner's Association, Councilor Prince
 - Youth Advisory Committee, Mayor Sullivan
 - Keep Lago Vista Beautiful, Mayor Sullivan
 - Capital Area Council of Governments, Mayor Sullivan
 - CapMetro, Mayor Sullivan
 - Texas Department of Transportation, Mayor SullivanCouncil members provided updates from the boards, commissions, and committees they serve as liaisons to.
No action was taken.

WORK SESSION

44:13 – 48:20

3. Receive annual report from the Planning and Zoning Commission
Planning and Zoning Vice Chair Don Johndrow presented the annual report.
No action was taken.

48:20 – 59:06

4. Receive annual report from the Building and Standards Commission.
Building and Standards Commission Chair Frank Robbins presented the annual report.
No action was taken.

59:10 – 1:15:27

5. Receive annual report from the Library Advisory Board.
Library Advisory Board Vice Chair Mike Zaydel presented the annual report.
Dale Mitchell spoke on this agenda item.
No action was taken.

Mayor Sullivan announced that Agenda Item #18 would be next on the agenda.

ACTION ITEMS

Councilor Roberts recused himself from the meeting at 7:45 p.m.

1:15:35 – 1:40:08

18. Discussion, consideration, and possible action on a request from Younger Homes for a waiver of the required three building permit extension fees totaling \$19,102.50 that have been incurred during the construction of a single-family residence at 5212 Canyon Oaks. The agenda item was presented by Development Services Director Roy Jambor. He was available to answer questions and provide additional information.
Councilor Saum made a motion to approve the waiver as presented. Without a second, the motion died.
Councilor Durbin made a motion to deny the waiver request. Councilor Smith seconded the motion. Mayor Sullivan asked if Councilor Durbin would be amendable to cutting the amount in half. Councilor Durbin did not accept the amendment. City Council voted (3) ayes with Mayor Pro Tem Marion, Councilor Smith, and Councilor Durbin in favor to (3) nays with Mayor Sullivan, Councilor Saum, and Councilor Prince in opposition. The motion died 3 to 3.
Mayor Pro Tem Marion made a motion to refund an amount not to exceed \$9,000. Councilor Prince requested a specific dollar amount instead of an amount not to exceed. Mayor Pro Tem Marion amended her motion to be a refund in the amount of \$9,000. Councilor Prince seconded the motion. City Council voted (3) ayes with Mayor Sullivan, Mayor Pro Tem Marion and Councilor Prince in favor to (3) nays with Councilor Saum, Councilor Smith, and Councilor Durbin in opposition. The motion died 3 to 3.
Councilor Saum made a motion to grant a waiver in the amount of two-thirds of the total fee. Mayor Sullivan seconded the motion. City Council voted (2) ayes with Mayor Sullivan and Councilor Saum in favor to (4) nays with Mayor Pro Tem Marion, Councilor Smith, Councilor Durbin, and Councilor Prince in opposition. The motion failed.
No further action was taken and the request for a waiver was not granted.
Councilor Roberts returned to the dais.

1:40:13 – 2:13:47

19. Discussion, consideration, and possible action regarding the award of RFQ 24-05 for a Feasibility Study for New City Hall and Library, to Parkhill; and authorizing the City Manager to negotiate and execute an agreement for such services (tabled from March 7, 2024, City Council Meeting).
The agenda item was presented by Procurement Manager Eric DeLaCruz. Mr. DeLaCruz and City Manager Tracie Hlavinka were available to answer questions and provide additional information.

Michael Howard with Parkhill was also available to answer questions and provide additional information.

Norma Owen spoke on the agenda item.

On a motion by Councilor Smith, seconded by Councilor Prince, City Council voted (4) ayes with Mayor Sullivan, Councilor Smith, Councilor Roberts, and Councilor Prince in favor to (3) nays with Mayor Pro Tem Marion, Councilor Saum, and Councilor Durbin in opposition to approve awarding RFQ 24-05 for a Feasibility Study for a new City Hall and Library to Parkhill and authorize the City Manager to negotiate and execute an agreement for a phased development option allowing for incremental investment. Councilor Saum requested an amendment to the motion that the final amount would come to Council in executive session prior to contracting. Councilor Smith did not accept the amendment. Councilor Roberts requested an amendment to accept Councilor Saum's amendment. Councilor Smith and Councilor Prince accepted the amendment. Motion carried.

Mayor Sullivan announced that Agenda Item #22 would be next on the agenda.

2:13:49 – 2:34:49

22. Discussion, consideration, and possible action on Resolution No. 24-2067, a resolution by the City Council of Lago Vista, Texas approving a revocable license agreement between the City of Lago Vista and Marlene Guerrero and Milton Javier Plua-Chavez for an encroachment into the public right-of-way immediately adjacent to 21310 Choctaw Cove.

The agenda item was presented by Public Works Director Taylor Whichard.

Mr. Whichard and Development Services Director Roy Jambor were available to answer questions and provide additional information.

Marlene and Milton Plua were also available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Councilor Smith, City Council voted unanimously to approve Resolution No. 24-2067 as presented. Motion carried.

Mayor Sullivan announced that Agenda Item #21 would be next on the agenda.

2:34:58 – 2:38:55

21. Discussion, consideration, and possible action on Ordinance No. 24-07-18-05, an ordinance of the City Council of Lago Vista, Texas amending the Code of Ordinances by repealing the existing site development regulations in Chapter 10.5, reenacting new site development regulations as Chapter 3.5, and amending Sections 3.1401, 3.1402, and Section 3.501 of Chapter 3, Section 6.10 of Chapter 10, and Section 7 of Chapter 11.

The agenda item was presented by Development Services Director Roy Jambor. He was available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Mayor Pro Tem Marion, City Council voted unanimously to approve Ordinance No. 24-07-18-05 as presented. Motion carried.

Mayor Sullivan announced that Agenda Item #17 would be next on the agenda.

2:39:02 – 4:47:56

17. Discussion, consideration, and possible action regarding proposed language for an ordinance setting guidelines for interaction between staff and council, and guidelines for decorum. City Council reviewed and discussed the proposed language and provided their feedback. City Attorney Cobby Caputo was available to answer questions and provide additional information.
No action was taken.

Mayor Sullivan recessed the meeting at 11:15 p.m.

Mayor Sullivan reconvened the meeting at 11:20 p.m.

Mayor Sullivan read comments provided by Gina Williams related to Agenda Item #17.

Mayor Sullivan announced that Agenda Item #20 would be next on the agenda.

4:47:59 – 5:19:30

20. Discussion, consideration, and possible action on providing Public Works with guidance on how to proceed with the Infill, Utility Extension, and Rebate Agreement Process as currently prescribed by City Ordinance.
The agenda item was presented by Public Works Director Taylor Whichard. Mr. Whichard, City Manager Tracie Hlavinka, and City Attorney Cobby Caputo were available to answer questions and provide additional information.
Councilor Durbin made a motion to table this agenda item. Councilor Roberts seconded the motion. City Council voted (3) ayes with Councilor Saum, Councilor Durbin, and Councilor Roberts in favor to (4) nays with Mayor Sullivan, Mayor Pro Tem Marian, Councilor Smith, and Councilor Prince in opposition. Motion failed.
On a motion by Councilor Prince, seconded by Councilor Smith, City Council voted (4) ayes with Mayor Sullivan, Mayor Pro Tem Marion, Councilor Smith, and Councilor Prince in favor to (3) nays with Councilor Saum, Councilor Durbin, and Councilor Roberts in opposition to end the rebate agreement process program as presented by staff. Motion carried.

Mayor Sullivan announced that Agenda Item #16 would be next on the agenda.

PUBLIC HEARING AND POSSIBLE ACTION

5:19:31 – 5:25:21

16. Hold a public hearing for discussion, consideration, and possible action on Ordinance No. 24-07-18-04, an ordinance of the City Council of Lago Vista, Texas amending Section 10.30, Section 10.60, Section 10.80, Section 10.90, and Section 13.20 of Chapter 14 of the Lago Vista Code of Ordinances regarding the procedural requirements to approve or amend a Planned Development District (PDD).
Mayor Sullivan opened the public hearing at 11:54 p.m.
Roy Jambor, Director of Development Services presented the agenda item and was available to answer questions and provide additional information.
No one signed up to speak.

Mayor Sullivan closed the public hearing at 11:59 p.m.

On a motion by Councilor Roberts, seconded by Mayor Pro Tem Marion, City Council voted unanimously to approve Ordinance No. 24-07-18-04 as presented. Motion carried.

Mayor Sullivan announced that the Consent Agenda would be next on the agenda.

CONSENT AGENDA

5:25:28 – 5:27:19

Before taking action on the consent agenda, items #9, #10, #12, and #13 were removed for separate consideration.

6. Consider approval of the June 6, 2024, regular meeting minutes.
7. Consider approval of the June 10, 2024, special meeting minutes.
8. Consider approval of the June 20, 2024, special meeting minutes.
11. Consider approval of Ordinance No. 24-07-18-03, an ordinance ordering and establishing procedures for the 2024 General Election in the City of Lago Vista to elect officials for Council Member Place 2, Council Member Place 4 and Council Member Place 6; providing for notice of the election; providing election precinct and polling places; providing for early voting; providing an effective date and open meetings clause; and providing for related matters.
14. Consider approval of an Interlocal Agreement with the City of Austin for police radio maintenance services and authorize the City Manager to execute the agreement.
15. Consider approval of a Master Site Radio Communications System Interlocal Agreement with the City of Austin and authorize the City Manager to execute the agreement.

On a motion by Mayor Pro Tem Marion, seconded by Councilor Roberts, City Council voted unanimously to approve Consent Agenda item(s) #6, #7, #8, #11, #14, #15 as presented. Motion carried.

5:27:22 – 5:33:19

9. Consider approval of Ordinance No. 24-07-18-01, an ordinance of the City Council of Lago Vista, Texas amending Section 12.501 and Section 12.515 of Chapter 12 of the Lago Vista Code of Ordinances to authorize and establish regulations for the operation of Off-Highway Vehicles on city streets.

Chief Boshears was available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Councilor Saum, City Council voted (6) ayes to (1) nay with Councilor Durbin in opposition to approve Ordinance No. 24-07-18-01 removing the requirement for liability insurance, fix the formatting of the numbering, and remove the double use of the word “do” as identified in discussions. Motion carried.

5:33:21 – 5:40:59

10. Consider approval of Ordinance No. 24-07-18-02, an ordinance of the City of Lago Vista, Texas enacting Section 12.712 of Chapter 12 of the Lago Vista Code of Ordinances regarding the motor vehicle speed limit on Boggy Ford Road from its intersection with Lohman Ford Road to its intersection with American Drive within the corporate limits of the City of Lago Vista, Texas; and providing for the following: savings, severability, repealer, effective date, and proper notice and meeting.

Director of Public Works Taylor Whichard, Police Chief Boshears, and City Attorney Cobby Caputo were available to answer questions and provide additional information.

On a motion by Councilor Prince, seconded by Councilor Smith, City Council voted (5) ayes to (2) nays with Councilor Durbin and Councilor Roberts in opposition to approve Ordinance 24-07-18-02 as presented. Motion carried.

5:41:01 – 5:45:49

12. Consider approval of a Joint Election Agreement with Travis County for the November 2024 election and approval of the corresponding Election Services Contract.

City Manager Tracie Hlavinka and City Attorney Cobby Caputo were available to answer questions and provide additional information.

On a motion by Mayor Sullivan, seconded by Mayor Pro Tem Marion, City Council voted unanimously to approve the updated election agreement that the City Secretary provided via email. Motion carried.

5:45:51 – 5:53:49

13. Consider approval of Resolution No. 24-2066, a resolution by the City Council of Lago Vista, Texas amending the Interim Growth Management Policy established by Resolution 23-1996. Development Services Director Roy Jambor was available to answer questions and provide additional information.

On a motion by Councilor Prince, seconded by Councilor Roberts, City Council voted unanimously to approve Resolution No. 24-2066 amending the top of page 109 in the packet the second sentence should say “all property owners and/or residents within 500 feet”, striking the words “a minimum of 300 feet and a maximum of”. Motion carried.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 12:28 a.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of the July 25, 2024, special meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Minutes-CC-July-25-2024 DRAFT.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
MONDAY, JULY 25, 2024**

BE IT REMEMBERED that on the 25th day of July A.D., 2024, the City Council held a special meeting at 6:00 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member
Shane Saum	Council Member	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 6:00 p.m. and announced that all council members are present except Councilor Smith who joined Executive Session in person at 6:23 p.m. Councilor Saum participated via video conference.

EXECUTIVE SESSION

At 6:01 p.m., Council convened into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel and deliberation regarding consideration of complaint filed against the City Manager. (Texas Government Code Sections 551.071 and 551.074)
- B. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)

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

At 7:51 p.m., Council reconvened from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel and deliberation regarding consideration of complaint filed against the City Manager. (Texas Government Code Sections 551.071 and 551.074)
On a motion by Mayor Pro Tem Maion, seconded by Councilor Smith, City Council voted 6 ayes to 1 nay with Councilor Smith in opposition to approve Option 1 as discussed in Executive Session. Motion carried.
- B. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)
No action was taken.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of the August 1, 2024, regular meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Minutes-CC-AUG-01-2024 DRAFT.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 1, 2024**

BE IT REMEMBERED that on the 1st day of August A.D., 2024, 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:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member
Shane Saum	Council Member	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 5:30 p.m. and announced that all council members are present with Councilor Saum joining the meeting via video conference. Councilor Durbin arrived at 5:31 p.m.

EXECUTIVE SESSION

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). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel and deliberation regarding legal issues related to the City's Social Media Policy and Section 1.1803 of the City's Ethics Policy. (Texas Government Code Section 551.071)
- C. Discuss the employment of the Development Services Director. (Texas Government Code Section 551.074)

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

At 6:31 p.m., Council reconvened 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). (Texas Government Code Section 551.071)
No action was taken.
- B. Consultation with Legal Counsel and deliberation regarding legal issues related to the City's Social Media Policy and Section 1.1803 of the City's Ethics Policy. (Texas Government Code Section 551.071)
No action was taken.
- C. Discuss the employment of the Development Services Director. (Texas Government Code Section 551.074)
No action was taken.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

02:36 – 02:49

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.

No one signed up to speak.

Mayor Sullivan announced that Agenda Item #7 would be next on the agenda.

ACTION ITEMS

02:54 – 10:06

7. Discussion, consideration, and possible action regarding the City of Lago Vista Personnel Policies and Procedures, approved October 2016.

The agenda item was introduced by City Manager Tracie Hlavinka. Legal Counsel Teresa Hudson presented the item. She was also available to answer questions and provide additional information.

No action was taken.

Mayor Sullivan announced that Agenda Item #1 would be next on the agenda.

WORK SESSION

10:07 – 3:28:22

1. Discussion regarding fiscal year 2024-2025 proposed budget.

City Manager Tracie Hlavinka presented the proposed annual report. Ms. Hlavinka and staff members were available to answer questions and provide additional information.

No action was taken.

CONSENT AGENDA

3:28:23 – 3:29:58

Councilor Durbin stepped away from the dais.

Before taking action on the consent agenda, item #2 was removed for separate consideration.

3. Consider approval of Resolution No. 24-2069; a resolution by the City Council of the City of Lago Vista, Texas declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a matter which is beneficial to the City of Lago Vista.

On a motion by Mayor Pro Tem Marion, seconded by Councilor Prince, City Council voted unanimously 6 to 0 to approve Consent Agenda item #3 as presented. Motion carried.

3:30:02 – 3:31:44

2. Consider approval of Resolution 24-2068, a nonpartisan resolution by the City Council of the City of Lago Vista, Texas condemning all acts of political violence and targeted harassment.

Councilor Durbin returned to the dais.

On a motion by Councilor Roberts, seconded by Councilor Saum, City Council voted unanimously to approve Resolution 24-2068 as presented. Motion carried.

PUBLIC HEARING AND POSSIBLE ACTION

3:31:45 – 3:42:29

4. Hold a public hearing for discussion, consideration, and possible action on Ordinance No. 24-08-01-01, an ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for approximately 3.012 acres of land within the Mary Campbell Survey Number 98, Abstract Number 189 which is a portion of the property commonly referred to as being located at 5700 Lohman Ford Road from the TR-1 (“Temporary Restricted”) zoning district to the C-2 (“General Commercial / Retail”) zoning district.

Mayor Sullivan opened the public hearing at 10:02 p.m.

Roy Jambor, Director of Development Services presented the agenda item and was available to answer questions and provide additional information.

The applicant, Leonard Strickler, was also available to answer questions and provide additional information.

No one signed up to speak.

Mayor Sullivan closed the public hearing at 10:12 p.m.

On a motion by Councilor Roberts, seconded by Mayor Pro Tem Marion, City Council voted unanimously to approve Ordinance No. 24-08-01-01 consistent with Planning and Zoning’s recommendation. Motion carried.

3:42:34 – 3:45:29

5. Hold a public hearing for discussion, consideration, and possible action on Ordinance No. 24-08-01-02, an ordinance of the City Council of Lago Vista, Texas amending Section 22.20 of Chapter 14 of the Lago Vista Code of Ordinances to create an exemption for electrical substation security fencing.

Mayor Sullivan opened the public hearing at 10:13 p.m.

Roy Jambor, Director of Development Services presented the agenda item. He and City Attorney Cobby Caputo were available to answer questions and provide additional information.

Councilor Roberts stepped down from the dais.

No one signed up to speak.

Mayor Sullivan closed the public hearing at 10:15 p.m.

On a motion by Mayor Pro Tem Marion, seconded by Councilor Prince, City Council voted unanimously 6 to 0 to approve Ordinance No. 24-08-01-02 as presented. Motion carried.

Mayor Sullivan announced that Agenda Item #9 would be next on the agenda.

ACTION ITEMS

3:45:32 – 3:51:45

9. Discussion, consideration, and possible action on Ordinance No. 24-08-01-04, an ordinance of the City Council of Lago Vista, Texas amending Section 3.104 and Article 3.1000 of Chapter 3 of the Lago Vista Code of Ordinances related to the use of shipping containers for residential construction

Councilor Roberts returned to the dais.

The agenda item was presented by Roy Jambor, Director of Development Services. He and City Attorney Cobby Caputo were available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Mayor Pro Tem Marion, City Council voted unanimously to approve Ordinance No. 24-08-01-04 as presented. Motion carried.

Mayor Sullivan, City Council and City Manager Tracie Hlavinka recognized Mr. Roy Jambor for his years of service with the City of Lago Vista.

Mayor Sullivan announced Agenda Item #8 is next on the agenda.

3:52:54 – 4:00:35

8. Discussion, consideration, and possible action regarding Article 4.600 which states a provider of cable television service shall provide, without cost to the city, all information requested by the city in the exercise of its regulatory authority to set just and reasonable rates pursuant to this article within ten calendar days of the receipt of the request for information by the provider.

The agenda item was presented by Councilor Saum.

City Attorney Cobby Caputo was available to answer questions and provide additional information.

Norma Owen spoke on the agenda item.

On a motion by Councilor Saum, seconded by Councilor Prince, City Council voted unanimously to direct City Attorney Cobby Caputo to look into this to see if this ordinance is still relevant or not and to bring a recommendation back to City Council. Motion carried.

Mayor Sullivan called for a recess at 10:31 p.m.

Mayor Sullivan reconvened the meeting at 10:36 p.m.

4:05:44 – 5:15:32

6. Discussion, consideration, and possible action on Ordinance 24-08-01-03; an ordinance of the of the City of Lago Vista, amending Article 1.300 "City Council" adding Section 1.310 "Procedures for Personnel Interaction"; and providing for the following: Findings of Fact, Savings, Severability, Repealer, Effective Date, and Proper Notice and Meeting Clauses. The agenda item was presented by City Attorney Cobby Caputo. He was available to answer questions and provide additional information. No action was taken.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 11:46 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of the August 6, 2024, special meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Minutes-CC-August-06-2024 DRAFT.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
TUESDAY, AUGUST 6, 2024**

BE IT REMEMBERED that on the 6th day of August A.D., 2024, the City Council held a special meeting at 6:00 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member (late)
Shane Saum	Council Member (late)	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member (absent)
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 6:00 p.m. and announced that all council members are present except Councilor Prince who has an excused absence, Mayor Pro Tem Marion who joined the meeting at 6:56 via video conference and in person at 8:04 p.m.; and Councilor Saum who joined the meeting via video conference at 7:05 p.m.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

ACTION ITEMS

01:14 – 53:10

1. Discussion, consideration, and possible action on an Interlocal Agreement with the City of Austin for Public Health Services to be performed in the incorporated City limits of Lago Vista. City Manager Tracie Hlavinka presented the agenda item.
The following individuals spoke on the item:
Karen McDonald, Carol Nickels, Stephen Liebel, Norma Owen, Adam Benefield, Lynda Aird (Laurie Dick donated her time to Ms. Aird).
On a motion by Councilor Roberts, seconded by Councilor Smith, City Council voted unanimously to deny authorizing the City Manager to enter into the Interlocal Agreement with the City of Austin and asked for other options for Public Health Services to be brought back to the City Council for consideration. Motion carried.

WORK SESSION

53:13 – 4:38:57

2. Discussion regarding fiscal year 2024-2025 proposed annual budget.
Stephen Liebel spoke on the agenda item.
Norma Owen spoke on the agenda item.
City Manager Tracie Hlavinka presented the proposed budget. Ms. Hlavinka and staff members were available to answer questions and provide additional information.

Mayor Pro Tem Marion joined the meeting via video conference at 6:56 p.m.
Councilor Saum joined the meeting via video conference at 7:05 p.m.
Mayor Pro Tem Marion joined the meeting in person at 8:04 p.m.
No action was taken.

City Manager Tracie Hlavinka recognized Ms. Starr Lockwood for her years of service with the City of Lago Vista.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of the August 15, 2024, regular meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Minutes-CC-AUG-15-2024 DRAFT.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 15, 2024**

BE IT REMEMBERED that on the 15th day of August A.D., 2024, 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:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member (late)
Shane Saum	Council Member	Paul Roberts	Council Member
Stephanie Smith	Council Member (absent)	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 5:30 p.m. and announced that all council members are present except Councilor Smith who has an excused absence and Mayor Pro Tem Marion who arrived at 5:36 p.m. in Executive Session.

EXECUTIVE SESSION

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). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)

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

At 6:35 p.m., Council reconvened 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). (Texas Government Code Section 551.071)
No action was taken.
- B. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)
On a motion by Mayor Pro Tem Marion, seconded by Councilor Durbin, City Council voted (5) ayes to (1) nay with Mayor Sullivan in opposition to approve the recommended action discussed in Executive Session. Motion carried.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

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

06:17 – 20:51

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.

Lynda Aird (Laurie Dick donated her time to Ms. Aird) – spoke about Firefly Cove and water utilities concerns.

Dave Stewart signed up but did not speak.

DiAnn Tjon-Joe-Pin spoke about city staff and city council.

Rise' Johns spoke about "Open House" signs being allowed.

Nadine Wasaft spoke about traffic concerns around the Dawn Drive and Travis Drive area.

Mayor Sullivan announced that the Consent Agenda would be next on the agenda.

CONSENT AGENDA

20:55 – 22:40

6. Discussion, consideration and possible action regarding a request from Lago Vista Property Owner's Association to waive a portion of the building permit fee otherwise required by the Lago Vista Code of Ordinances for a new boat dock at Marina Park.

7. Discussion, consideration, and possible action on Ordinance 24-08-15-01, an ordinance of the City of Lago Vista, Texas, approving an annual Service Plan update and amendment to the Service and Assessment Plan for the Tessera on Lake Travis Public Improvement District.

On a motion by Mayor Pro Tem Marion, seconded by Councilor Durbin, City Council voted unanimously to approve the Consent Agenda as presented. Motion carried.

Mayor Sullivan announced that Agenda Item #1 would be next on the agenda.

WORK SESSION

22:44 – 1:39:50

1. Discussion on the draft Water Master Plan

Director of Public Works Taylor Whichard introduced the agenda item. Ms. Jessica Vassar with Freese and Nichols presented the agenda item. Both Mr. Whichard and Ms. Vassar were available to answer questions and provide additional information.

Robert Ruggiero spoke on the agenda item.

Dave Stewart spoke on the agenda item.

No action was taken.

1:39:50 – 2:06:10

2. Receive annual report from the Golf Course Advisory Committee.

Golf Course Advisory Committee Chair Larry Russell presented the committee's annual report.

Parks and Recreation Director Sean Vance was available to answer questions and provide additional information.

No action was taken.

2:06:15 – 2:15:06

3. Receive annual report from the Economic Development Advisory Committee.

Economic Development Advisory Committee Chair Norma Owen presented the committee's annual report.

No action was taken.

2:15:13 – 2:26:03

4. Receive a presentation regarding a new City brand, "Gateway to Getaway" requested by the Economic Development Advisory Committee.

Economic Development Advisory Committee Chair Norma Owen introduced Ann Johndrow who gave a brief presentation on the proposal.

City Manager Tracie Hlavinka was available to answer questions and provide additional information.

No action was taken.

2:26:10 – 4:11:18

5. Discussion regarding fiscal year 2024-2025 proposed annual budget.

Mayor Sullivan called for a recess at 9:00 p.m.

Mayor Sullivan reconvened the meeting at 9:08 p.m.

City Manager Tracie Hlavinka presented the updated budget following the August 6, 2024, City Council meeting. Ms. Hlavinka and staff members were available to answer questions and provide additional information.

The following individuals spoke on the agenda item:

Larry Russel, Norma Owen, Gene Harris, Adam Benefield.

During discussions a motion was made by Councilor Roberts to enforce the rules of procedure. Councilor Saum seconded the motion. Councilor Roberts withdrew his motion. Councilor Roberts made a motion to appeal/overrule Mayor Sullivan that Councilor Roberts had the floor. Councilor Saum seconded the motion. City Council voted (2) ayes in favor of the motion to (3) nays with Mayor Sullivan, Mayor Pro Tem Marion, and Councilor Prince in opposition. Councilor Durbin did not vote as he was away from the dais at the beginning of this motion was being made. Motion failed.

No action was taken.

Mayor Sullivan announced that Action Items would be next on the agenda.

ACTION ITEMS

4:11:24 – 4:37:23

8. Discussion, consideration, and possible action on training staff and volunteers regarding Child Abuse Awareness and Prevention with TrainRight in conjunction with Oracle Screening Services.

The agenda item was presented by Program Manager Susan Price. She was available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Councilor Durbin, City Council voted unanimously to approve allowing staff to move forward with contracting with TrainRight and Oracle Screening Services to provide training and background checks for identified staff and volunteers beginning October 1, 2024, including and limited to the descriptions mentioned on page 600 in the packet with exposure to children. Motion carried.

4:37:25 – 4:50:20

9. Discussion, consideration, and possible action regarding the creation of the Lago Vista Savings Incentive Partnership Program.

The agenda item was presented by Councilor Saum.

On a motion by Councilor Saum, seconded by Councilor Roberts, City Council voted (5) ayes to (1) nay with Mayor Sullivan in opposition to approve the creation of this Savings Incentive Partnership Program directing the City Attorney Cobby Caputo to draft language creating this program based on the discussions from tonight's meeting and bring it back on the Consent Agenda. Motion carried.

4:50:22 – 5:03:02

10. Discussion, consideration, and possible action on a proposed ordinance amending the Code of Ordinances to provide a process for petitions for release from the city's extraterritorial jurisdiction (ETJ), including the provision for an escrow deposit to cover legal fees, and amending Appendix A, "Fee Schedule," to add a fee for processing these petitions.

The agenda item was presented by Councilor Roberts.

City Attorney Cobby Caputo and City Secretary Lucy Aldrich were available to answer questions and provide additional information.

DiAnn Tjon-Joe-Pin spoke on the agenda item.

On a motion by Councilor Roberts, seconded by Councilor Saum, City Council voted unanimously to table this until the first meeting in October. Motion carried.

5:03:03 – 5:11:48

11. Discussion, consideration, and possible action on a proposed ordinance amending the Code of Ordinances Sections 4.1304 and 4.1305 for Hotel Occupancy Tax (HOT) Fund Allocation and Charitable Contributions and Non-Profit Funding Application.

The agenda item was presented by Councilor Roberts.

City Attorney Cobby Caputo was available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Councilor Saum, City Council voted (5) ayes to (1) nay with Mayor Sullivan in opposition to approve the ordinance with the suggested language provided by City Attorney Cobby Caputo. Motion carried.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 11:53 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of Resolution No. 24-2070, a resolution by the City Council of the City of Lago Vista, Texas, appointing assistant City Secretaries with the powers and duties of said office in the absence of the City Secretary; and repealing certain related resolutions.

BACKGROUND: In the absence of the City Secretary, a person or persons must be appointed with the powers and duties of said office.

The last update was in 2017 naming Robin Smith and Starr Lockwood.

FINDINGS: Robin Smith and Starr Lockwood are no longer employed with the City of Lago Vista. Staff recommends City Council approve the resolution appointing current staff members Stephanie Alff and Eric DeLaCruz as Assistant City Secretaries.

FINANCIAL IMPACT: At this time there is no financial impact to this action.

ATTACHMENTS:
[24-2070 Appoint Assistant City Secretary x2.pdf](#)

CITY OF LAGO VISTA, TEXAS

RESOLUTION 24-2070

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, APPOINTING ASSISTANT CITY SECRETARIES WITH THE POWERS AND DUTIES OF SAID OFFICE IN THE ABSENCE OF THE CITY SECRETARY; AND REPEALING CERTAIN RELATED RESOLUTIONS.

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

THAT, the City Council of the City of Lago Vista, Texas, hereby appoints Stephanie Alff and Eric DeLaCruz as Assistant City Secretaries with the powers and duties of said office in the absence of the City Secretary. Resolution Number 17-1710 is hereby repealed.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 5th day of September, 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of Resolution No. 24-2071; a resolution of the City of Lago Vista accepting a resignation and appointing an individual to fill the resulting vacancy on the Golf Course Advisory Committee for an unexpired term.

BACKGROUND: Golf Course Advisory Committee member Frank Robbins has resigned from the board creating a vacancy.

FINDINGS: City staff received notice that committee member Frank Robbins is stepping down from service on the Golf Course Advisory Committee.

A resolution accepting Mr. Robbins' resignation and appointing a new member to fill the unexpired term ending December 31, 2025 has been prepared.

Staff recommends that the City Council approve the resolution acknowledging the vacancy and appointing Jack Desjardins, as recommended by Councilor Saum, to serve the remainder of the unexpired term.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[24-2071 Resolution for GCAC Vacancy Appointment.pdf](#)

CITY OF LAGO VISTA, TEXAS

RESOLUTION 24-2071

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS
ACCEPTING A RESIGNATION AND APPOINTING AN INDIVIDUAL TO FILL THE
RESULTING VACANCY FOR AN UNEXPIRED TERM AS A MEMBER OF THE GOLF
COURSE ADVISORY COMMITTEE.**

WHEREAS, the Golf Course Advisory Committee has a vacancy due to a recent resignation;
and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that
have acquired relevant experience; and

WHEREAS, it is prudent to fill the vacancies on the Committee to maximize opportunities for
a quorum and conducting business.

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

THAT, the City Council of the City of Lago Vista, Texas, accepts the resignation of Frank
Robbins and does hereby appoint Jack Desjardins as a member with a term that begins
immediately and expires December 31, 2025.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 5th day of September 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Cobby Caputo, City Attorney
SUBJECT:	Consider approval of Ordinance No. 24-09-05-01 an Ordinance of the City of Lago Vista, amending Code of Ordinances Article 1.1800 "Ethics Policy" by amending Section 1.1803(F)(2) "Political Activity" and providing for the following: Findings of Fact, Savings, Severability, Repealer, Effective Date, and Proper Notice and Meetings Clauses.
BACKGROUND:	Councilmember Roberts previously asked for a legal review of the provisions of the Ethics Policy relating to political activity by public officers and employees. Council approved having the ordinance provision reviewed by the City Attorney.
FINDINGS:	Review by the City Attorney has resulted in this proposed amendment to Section 1.1803(f)(2). In general the revisions reflect a shift in focus from listing things that public officers and employees can do to express themselves politically, to a focus on what is prohibited, reflecting the fact that the right to political expression is a core form of protected speech under the first Amendment to the U.S. Constitution. City staff recommends approval of the ordinance as presented.
FINANCIAL IMPACT:	N/A
ATTACHMENTS:	Ordinance No. 24-09-05-01 Amendment to Ethics Policy.pdf Ethics Policy Clean 8-29-24.pdf Ethics Policy Redline 8-29-24.pdf

Ordinance No. 24-09-05-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE CITY'S ETHICS POLICY BY AMENDING ARTICLE 1.1800 "ETHICS POLICY" BY AMENDING SECTION 1.1803(f)(2) POLITICAL ACTIVITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING

WHEREAS, the City's Ethics Ordinance seeks to encourage high ethical standards in official conduct by public servants and to provide standards of ethical conduct for the city's public servants; and

WHEREAS, City officers and employees enjoy constitutionally protected rights to freedom of expression, including the right to engage in political speech and political activities; and

WHEREAS, state law prohibits the use of public resources to advocate for or against a candidate or a measure on a ballot; and

WHEREAS, the City Council seeks to ensure that public officers and employees are free to exercise their right to free speech on political matters in a manner that does not violate provisions of state law.

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

SECTION I. FINDINGS OF FACT

All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENT

Article 1 of the Code of Ordinances of the City of Lago Vista, Texas, is hereby amended by amending Section 1.1803(f)(2), as set forth in Exhibit A to this Ordinance, which is attached and incorporated herein for all purposes.

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty

accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 5th day of September, 2024.

Kevin Sullivan
Mayor

ATTEST:

Lucy Aldrich,
City Secretary

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

Exhibit A

Section 1.1803(f)

(2) Political Activity.

(A) Limitations on the political activities of city officials and employees are imposed by state law, the city charter, and city personnel rules. In addition, the ethical restrictions listed below shall apply.

(B) No employee shall solicit or receive contributions to the campaign funds of any candidate on city property.

(C) The following is a list of activities that are, except as specifically provided otherwise, prohibited:

(i) The placement of campaign signs on premises owned by the city other than when a city facility is being used as a polling place.

(ii) The placement of bumper stickers on city vehicles or vehicles supported in whole or in part by an allowance provided by the city. This prohibition does not apply to personal vehicles that are used for city business for which mileage reimbursement is provided by the city.

(iii) On-duty attendance at a political rally or function for a candidate on a ballot unless assigned to be present for legitimate city reasons, such as providing security.

(iv) An employee that is off-duty attending a political rally or function for a candidate on a ballot shall not wear any city uniform, or official city item, or clothing that identifies the employee as an employee of the city.

This subsection shall be narrowly construed and in no event shall this section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city officers or employees shall not utilize public resources to engage in such political activities. This prohibition includes, while in uniform or on duty, making public comments or statements advocating for or against any candidate or any measure on the ballot. Private verbal statements or comments made by any officer or employee of the city to any other officer or employee of the city concerning any candidate for elective city office are not subject to subsection (f), provided the individuals involved are off-duty and not in uniform.

Exhibit A

Section 1.1803(f)

(2) Political Activity.

(A) Limitations on the political activities of city officials and employees are imposed by state law, the city charter, and city personnel rules. In addition, the ethical restrictions listed below shall apply.

(B) No employee shall solicit or receive contributions to the campaign funds of any candidate on city property.

(C) The following is a list of activities that are, except as specifically provided otherwise, prohibited:

(i) The placement of campaign signs on premises owned by the city other than when a city facility is being used as a polling place.

(ii) The placement of bumper stickers on city vehicles or vehicles supported in whole or in part by an allowance provided by the city. This prohibition does not apply to personal vehicles that are used for city business for which mileage reimbursement is provided by the city.

(iii) On-duty attendance at a political rally or function for a candidate on a ballot unless assigned to be present for legitimate city reasons, such as providing security.

(iv) An employee that is off-duty attending a political rally or function for a candidate on a ballot shall not wear any city uniform, or official city item, or clothing that identifies the employee as an employee of the city.

This subsection shall be narrowly construed and in no event shall this section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city officers or employees shall not utilize public resources to engage in such political activities. This prohibition includes, while in uniform or on duty, making public comments or statements advocating for or against any candidate or any measure on the ballot. Private verbal statements or comments made by any officer or employee of the city to any other officer or employee of the city concerning any candidate for elective city office are not subject to subsection (f), provided the individuals involved are off-duty and not in uniform.

Deleted: for city office

Deleted: or take part in the management, affairs, or political campaign of any city candidate. Current members of the city council who are seeking reelection may engage in any activity on behalf of their own campaign efforts. However, the mayor and councilmembers are prohibited from taking part in the management, affairs, or political campaign of any other city candidate.

Deleted: permissible within the sole discretion of the individual employees and City Council

Deleted: public servant

Deleted: personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city

Deleted: Off

Deleted: or assigned duty

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Deleted: ,

Deleted: so long as there is no active participation by the city employee; provided that

Deleted: a

Deleted: (iv) The donation of a political contribution that does not exceed the statutory limit for nonreportable contributions; provided that a candidate for, and the occupant of, an elective city office is prohibited from soliciting contributions from city employees.¶

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Deleted: for elective city office

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Hold a public hearing for discussion, consideration and possible action on Ordinance No. 24-09-05-02, an ordinance regarding a zoning change request to amend the existing “Nature’s Point Planned Development District” (PDD) established by Ordinance No. 21-03-04-01 to modify various development standards applicable to improvements on the property (Nature’s Point Subdivision, Block A, Lot 1).

BACKGROUND: The circumstances that have resulted in the construction activities currently underway being noncompliant with the original zoning approval, the subdivision regulations, and the site development plan approval reviewed in accordance with the current Chapter 3.5 (formerly Chapter 10.5) are varied. In addition to the unauthorized changes, there were several questionable sequencing decisions and erosion control violations committed by the contractor reported by the neighboring property owners and the LCRA staff. Complaints ultimately revealed that the improvements were not consistent with the approvals and led to stop work orders and revised reviews which are continuing. Nonetheless, it was clear that an amendment to the PDD development standards is required and gave rise to this application as the initial step in resolving the various concerns.

FINDINGS: An early report from the LCRA staff to the former Development Services Director was principally related to some temporary erosion controls that had the appearance of being intentionally removed. In addition, they mentioned that it appeared that there was soil being disturbed within the critical water quality zone established by the interlocal agreement with the City of Austin that is applicable to this property.

The applicant and their engineering consultant were contacted and asked to amend the plat and have it recorded to reflect the location of that critical water quality zone as required by the subdivision regulations. However, while there is no encroachment into that water quality zone shown on the zoning

approval documents, we noted that there was an unexplained dashed line visible on the site development plan review documents.

While the proposal for restoring the critical water quality zone remains under review by the Public Works Department and their third-party consultants, resolution of that concern is not within the authority of the City Council or the Planning and Zoning Commission. That violation will have to be reported by the Development Services Department staff to the City of Austin, specifically to the Watershed Protection Department that will in turn engage all the other impacted departments.

However, it would undoubtedly be best to delay that report until the Public Works Department and their third-party consultants are prepared to endorse what they feel is the best possible solution to repair the damage that has been done. This process is still being undertaken.

On August 8, 2024, the Planning and Zoning Commission recommended denial of any amendment to the existing PDD development standards. During the meeting, the applicant presented their case and is seeking to appeal their decision to the Lago Vista City Council. There have been no major developments since the initial case, with the city and the developer.

Because P&Z commission recommended denial of the proposed PDD amendments, it will require a supermajority of Council to overturn the P&Z Commission's recommendation to deny the amendments.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[Ordinance 24-09-05-02 Marshalls Harbor.pdf](#)

[Summary of Comments by Planning and Zoning Marshall's Harbor.pdf](#)

[23-2694-PDD-MOD Staff Report.pdf](#)

[9-5-24 Council Presentation.pdf](#)

ORDINANCE NO. 24-09-05-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 18504, 18507, 18514 AND 18607 LAKESHORE POINTE, APPROXIMATELY 18.039 ACRES OF LAND IN THE W.B. CORWIN SURVEY, ABSTRACT NO. 2079, TRAVIS COUNTY, TEXAS, AND LOT 130-FS OF THE MARSHALL'S VISTA SUBDIVISION, FROM TR-1 ("TEMPORARY RESTRICTED") AND PDD ("PLANNED DEVELOPMENT DISTRICT") TO A PDD WITH DESIGN APPROVAL TO BE REFERRED TO AS THE "NATURE'S POINT PLANNED DEVELOPMENT DISTRICT;" AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Lago Property Development, LP acting by and through Keith Walters, the owner of approximately 18.039 acres of land in the W.B. Corwin Survey, Abstract No. 2079, Travis County, Texas, and Lot 130-FS of the Marshall's Vista Subdivision, as more particularly described on the attached **Exhibit "A"** (described hereinafter as the "Property"), have requested that the Property be zoned as a PDD to be known as the "Nature's Point Planned Development District," and

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

WHEREAS, the conceptual plan for the Property is set forth in this "Nature's Point PDD" Zoning Ordinance (the "Ordinance") and in **Exhibit "B"** attached hereto (the "Land Use Plan"), which identifies and designates various land uses for the Property as further described below;

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on January 14, 2021 and the City Council at its public hearing held on February 4, 2021, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

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

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

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

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 6.105, Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the "Zoning Code").

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

Section 3. Rezoned Property. The Zoning Code is hereby amended by zoning the Property being the 18.039 acre tract of land described on **Exhibit "A"** attached to this Ordinance, as a PDD zoning district. The Property is hereby zoned as the "Nature's Point Planned Development District" with the uses of individual land areas as set forth in this Ordinance.

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

Section 5. Phasing within the PDD. The Property shall be developed in no less than two phases in accordance with the Land Use Plan and as depicted in **Exhibit "B"** attached hereto and incorporated herein for all purposes. Developer has the discretion, to implement each of these phases sequentially rather than simultaneously in order to minimize disruptions to adjacent

property and existing elements or operations of the development, within the parameters as described below.

1. Phase I shall consist of the following elements and uses, as described and located in **Exhibit “B”** (1) and Section 6 below:
 - A. Wedding Venue 1 (a single facility);
 - B. Wedding Venue 2 (a single facility);
 - C. Lakeview Villas (a maximum of six separate structures);
 - D. Cove Villas (a maximum of four separate structures); and
 - E. Cabins (a maximum of fifteen separate temporary structures, to remain in use a maximum of five years from the issuance of a certificate of occupancy and removed prior to the construction of any Phase II elements).
2. Phase II shall consist of the following elements and uses, as described and located in **Exhibit “B”** (2) and Section 6 below:
 - A. Resort Hotel and Spa Complex (a single facility will multiple components that may consist of multiple attached structures or detached amenities); and
 - B. Condominiums (a single structure consisting of attached living units, not to be constructed prior to the Resort Hotel and Spa Complex).

Section 6. Zoning Requirements. The following use and site development requirements established herein shall apply to the Property:

1. **Zoning.** The use and development of the Property shall comply with the zoning requirements and development standards of the City of Lago Vista, except as specifically described below.
 - A. **Wedding Venue 1 and 2.** Two event venue structures to accommodate religious or worship activities, weddings, or corporate office retreats. The maximum enclosed area of Wedding Venue 1 shall be 14,000 square feet and the maximum enclosed area of Wedding Venue 2 shall be 15,000 square feet. Enclosed spaces are expected to include a large ballroom, a commercial or catering kitchen, a bar area, bridal and groom suites, an office, conference room and associated toilet facilities. These facilities shall comply with the development standards of the C-2 zoning district except as otherwise described herein.
 - B. **Lakeview Villas.** A maximum of six separate structures that will provide short-term lodging, prior to the construction of the hotel complex and later as a luxury extension of the hotel complex. Each structure will include a range of between two and rental units, with each rental unit including between two and four bedrooms. These facilities shall comply with the development standards of the R-4 zoning district except as otherwise described herein.

- C. Cove Villas. A maximum of four separate structures that are intended to provide short-term lodging, but might eventually be available for sale to individuals, who may elect to use them for longer term occupancies by themselves or others. Each structure will include a range of between two and rental units, with each rental unit including between two and four bedrooms. These facilities shall comply with the development standards of the R-4 zoning district except as otherwise described herein.
- D. Cabins. These units shall be temporary, short-term rental accommodations to be used prior to the construction of the Resort Hotel and Spa Complex. Limited to a maximum of 15 separate structures, these structures will be removed from the Property in no less than five (5) years from the issuance of a certificate of occupancy. Each structure will consist of two rental units of no less than 450 square feet, although 750 square feet is the anticipated size. One of the units may be used as a rental office. These facilities shall comply with the development standards of the R-4 zoning district except as otherwise described herein.
- E. Resort Hotel and Spa Complex. This single structure or series of attached structures is to serve as a resort lodging facility, with support and ancillary amenities to accommodate both wedding parties, wedding guests and potentially other short-term visitors to the area. A maximum of 150 guest rooms shall be allowed, each with a minimum area of 320 square feet. Anticipated amenities and support functions shall include, but not be limited to restaurants, wedding and hotel related retail services, a full-service spa including a hair and nail salon, fitness facilities, and staff offices. The maximum enclosed area, exclusive of any covered parking facilities, shall be 220,000 square feet. This facility shall comply with the development standards of the C-2 zoning district except as otherwise described herein.
- F. Condominiums. This single structure, expected to be final element of the development, shall consist of a maximum of 40 attached, one and two-bedroom, single-family living units and an integrated parking structure for resident required spaces. The maximum enclosed area, exclusive of the parking garage, shall be 100,000 square feet. The minimum living area of any single unit shall be 600 square feet. This facility shall comply with the development standards of the CR zoning district except as otherwise described herein.

2. Development Standards.

- A. Streets.
 - i. All streets and driveways on the Property are private and shall be maintained by the property owner. There are no public streets on the Property.
 - ii. Paving width for the newly reconstructed Lakeshore Pointe (within an existing dedicated access easement) shall be a minimum of 24 feet wide

and otherwise meeting the City of Lago Vista design standards and specifications.

- iii. All fire lanes shall be a minimum of 24 feet wide and constructed in accordance with the City of Lago Vista design standards and specifications, but may include the use of prior-approved paving products such as “grasscrete” or “grassblock” if tested to meet or exceed the design capacity required by the applicable Travis County Emergency Services District.
- B. Sidewalks. Sidewalks are not required anywhere on the property, including along Lakeshore Boulevard or Lakeshore Pointe (a private drive) except as otherwise required by the Americans with Disabilities Act. Other sidewalks shall be provided throughout the Property at the discretion of the owner.
- C. Parking. Required off-street parking shall comply with the Lago Vista Zoning Ordinance except as described below:
 - i. A minimum of 120 surface parking spaces shall be constructed for Phase I. Parking spaces may consist of approved pavers such as “grasscrete” or “grassblock” but all driveways, lanes or other parking spaces within the surface parking lot shall meet the City of Lago Vista design standards and specifications. These spaces shall be deemed to satisfy the parking requirements for the wedding venues and as otherwise described herein.
 - ii. A minimum of 60 additional surface parking spaces shall be constructed for Phase II. Parking spaces may consist of approved pavers such as “grasscrete” or “grassblock” but all driveways, lanes or other parking spaces within the surface parking lot shall meet the City of Lago Vista design standards and specifications. These spaces shall be deemed to satisfy the parking requirements for the wedding venues, guest parking for the condominium units, and as otherwise described herein.
 - iii. Parking requirements for the Resort Hotel and Spa Complex (including all associated amenities or components) shall be calculated at a rate of one space for each hotel room. Sixty (60) percent of the surface parking spaces shall be assumed to be shared spaces available to meet the requirements of the Resort Hotel and Spa Complex. The remainder of the requirements shall be met by an enclosed parking garage included with the Resort Hotel and Spa Complex.
 - iv. Cove Villa parking shall consist of a minimum of 2 surface parking spaces for each living unit (not structure) adjacent to the unit or added to Phase I surface parking lot.
 - v. Lakeview Villa parking shall consist of a minimum of 2 spaces for each living unit (not structure). These spaces may be provided for in an adjacent detached garage, an adjacent attached garage, adjacent surface

spaces, or spaces added to any other existing parking facility on the Property.

- vi. Required parking for the condominium structure shall be provided for in an integrated parking garage with a minimum of 50 spaces on the lower levels of the structure. Required parking shall be calculated at a rate of one space for each one-bedroom unit and two spaces for each unit that includes two or more bedrooms.

D. Setbacks and Buffers.

- i. The minimum setback along Lakeshore Boulevard shall be fifty (50) feet. No other buffer along Lakeshore Boulevard is required except as otherwise required by the landscaping provisions of the Lago Vista Zoning Ordinance.
- ii. All other perimeter property lines shall include a fifty (50) foot buffer and setback in which no structure as defined by the Lago Vista Zoning Ordinance shall be allowed.
- iii. When there is a service drive or any parking within that buffer, that paving shall be no closer than twenty (20) feet from the property line.
- iv. Whenever there is an existing residence within twenty (20) feet of a adjoining property line, the owner shall construct a six-foot masonry wall along that property line as part of Phase I.

E. Signage. All signage shall be in accordance with the applicable requirements (including lighting) of the City of Lago Vista, except as described in the Signage Plan and standards included in **Exhibit "B"** (17) attached hereto.

F. Maximum Building Heights.

- i. Resort Hotel and Spa Complex and Condominiums: These structures shall not exceed four (4) stories in height from the level of the fire lane at the front of the building. The maximum height of each structure shall be sixty-five (65) feet above grade, measured from the lowest adjacent paving elevation of the front driveway. Basements or below grade portions of these structures shall not be considered in determining the maximum height or included as a floor level in determining the number of stories.
- ii. All Other Structures: No other structure shall exceed three (3) stories in height from the level of the fire lane or emergency access drive at the front of or adjacent to the building. The maximum height of each structure shall be forty-two (42) feet above grade, measured from the lowest adjacent paving elevation of the front or nearest adjacent driveway. Basements or below grade portions of these structures shall not be considered in determining the maximum height or included as a floor level in determining the number of stories. Structures may include basements with excavations up to 15 feet deep.

- G. Temporary Sales and Construction Office. The owner shall be allowed to place one mobile or modular office for use as a temporary construction and sales office for a period not to exceed ten (10) months from the date of its installation. The mobile or modular office shall include bathroom facilities that will be used to meet that requirement during construction. The office may also include an attached temporary banner no greater than five (5) feet in height or fifteen (15) feet in length to serve as a project sign.
 - H. Tree Preservation. No later than the submittal of either the preliminary plat or the site development plan application, the owner shall provide a tree survey which identifies all hardwood trees on the parcel with a diameter of ten (10) inches or above, measured at forty (40) inches above grade. The owner shall plant new replacement trees for any trees removed with a diameter of between ten (10) and nineteen (19) inches, measured forty (40) inches above grade, matching the total quantity of caliper inches removed. For any trees removed that are greater than nineteen (19) inches in diameter, measured at forty (40) inches above grade, the total caliper inches of the replacement trees shall double the caliper inches of the removed trees. At the discretion of the owner, a fee in lieu of replacement may be paid to the City of Lago Vista for the planting of replacement trees on property owned by the City in accordance with the current scheduled at the time of the removal. No fee or replacement shall be required for any tree certified by an arborist as diseased or severely damaged. Replacement trees on the Property shall be located in accordance with an approved landscape plan. Nonmaterial movement of buildings. from the original site plan shall not require updated Tree Preservation planning or additional tree mitigation fees.
 - I. Impervious Cover. The impervious area covered by the principal and accessory structures, patios, parking areas and any other impervious cover of the ground shall comply with requirements of the Highland Lakes Watershed Ordinance and shall not exceed forty (40) percent of the gross site area. Exceptions or reductions to the impervious cover calculation, such as for porous paving, shall be permitted in accordance with the Highland Lakes Watershed Ordinance.
 - J. Exterior Lighting. All exterior lighting shall comply with the Article 3.800 of the City's Code of Ordinances.
 - K. Other Applicable Regulations. Design and construction shall comply with all applicable regulations of other agencies or jurisdictions, including but not limited to the American with Disabilities Act, the Texas Accessibility Standards, TCEQ and LCRA.
3. Traffic. The Developer shall submit to the City at the time of site development plan review a Traffic Impact Analysis for approval that includes any improvement or cost sharing required of the Developer to mitigate any adverse impact. With the express

written approval of the City, specific required improvements and cost sharing may be attributed to a specific phase of the development.

4. The appropriate departments of the City, the Planning & Zoning Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 6.105, Section 10.20, and Section 13.20 of the Zoning Ordinance as well as the Comprehensive Master Plan of the City of Lago Vista. The City Council finds that this Ordinance serves as both a concept plan and a detail plan approval and that no additional detail plans are required by the Zoning Ordinance and thus the requirements of Section 10.20(e) have been met.
5. Land Use Plan. The depiction of the “Nature’s Point Planned Development District” in **Exhibit “B”** is not intended to reflect the level of detail and finality associated with construction permit documents. Non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan shall be administratively authorized in writing by the Development Services Director. Conversely, substantive changes in the detail plan shall be considered in accordance with the requirements of Section 10 of the Zoning Ordinance.

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the “Nature’s Point Planned Development District” as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

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

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government*

Code and the City's Charter.

Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. 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, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 5th day of September, 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

EXHIBIT "A"

Legal Description

BEING a tract of land situated in the W.B. Corwin Survey, Abstract Number 2709, City of Lago Vista, Travis County, Texas and being all that tract of land conveyed to Lago Property Development, LP, according to the document filed of record in Document Number 2019185691 and Tract 2 – Lot 130-FS conveyed to KSW Holdings, LP, according to the document filed of record in Document Number 2016179507 Official Public Record, Travis County (O.P.R.T.C.) and being more particularly described as follows:

BEGINNING at a point for the southeast corner of said Lago tract;

THENCE North 68°04'51" West, a distance of 318.23 feet to a point for corner;

THENCE South 70°01'06" West, a distance of 35.55 feet to a point for corner;

THENCE South 57°46'26" West, a distance of 381.01 feet to a point for corner;

THENCE North 12°13'05" East, a distance of 204.99 feet to a point for corner;

THENCE North 2°50'01" East, a distance of 177.51 feet to a point for corner;

THENCE South 73°20'20" West, a distance of 10.16 feet to a point for corner;

THENCE North 12°55'16" West, a distance of 331.51 feet to a point for corner;

THENCE North 10°45'07" West, a distance of 325.95 feet to a point for corner;

THENCE North 71°39'28" East, a distance of 102.83 feet to a point for corner;

THENCE South 72°18'09" East, a distance of 3.75 feet to a point for corner;

THENCE North 85°34'27" East, a distance of 364.04 feet to a point at the beginning of a tangent curve to the left having a central angle of 58°46'58", a radius of 210.00 feet, a chord bearing and distance of North 56°10'57" East, 206.12 feet;

THENCE in a northeasterly direction, with said curve to the left, an arc distance of 215.45 feet to a point for corner;

THENCE South 26°47'25" West, a distance of 100.22 feet to a point for corner;

THENCE South 58°35'07" East, a distance of 653.69 feet to a point for corner;

THENCE South 61°10'45" West, a distance of 54.29 feet to a point for corner;

THENCE South 32°18'08" West, a distance of 52.70 feet to a point for corner;

THENCE South 12°37'41" West, a distance of 51.59 feet to a point for corner;

EXHIBIT "A"
Legal Description

THENCE South 56°46'36" West, a distance of 36.60 feet to a point for corner;

THENCE South 69°43'40" West, a distance of 73.06 feet to a point for corner;

THENCE South 20°28'27" West, a distance of 29.85 feet to a point for corner;

THENCE South 14°43'47" East, a distance of 59.02 feet to a point for corner;

THENCE South 1°44'53" West, a distance of 52.66 feet to a point for corner;

THENCE South 44°39'05" West, a distance of 81.17 feet to a point for corner;

THENCE South 65°13'26" West, a distance of 59.73 feet to a point for corner;

THENCE South 0°13'03" East, a distance of 38.35 feet to a point for corner;

THENCE South 6°13'22" West, a distance of 73.75 feet to a point for corner;

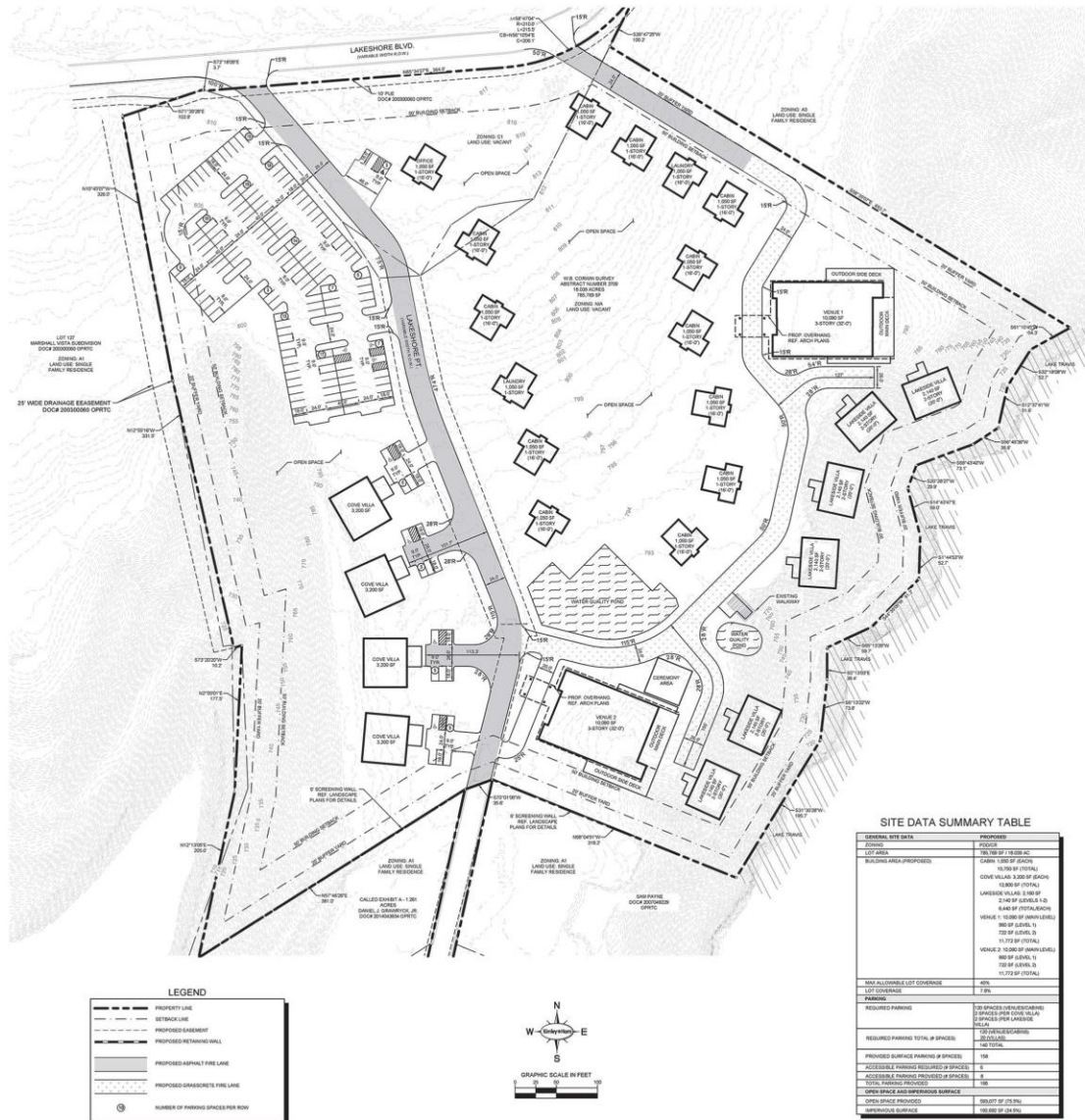
THENCE South 31°30'28" West, a distance of 195.70 feet to the **POINT OF BEGINNING** and containing 18.039 acres or 785,769 square feet of land, more or less.

Legal Description



EXHIBIT "B"

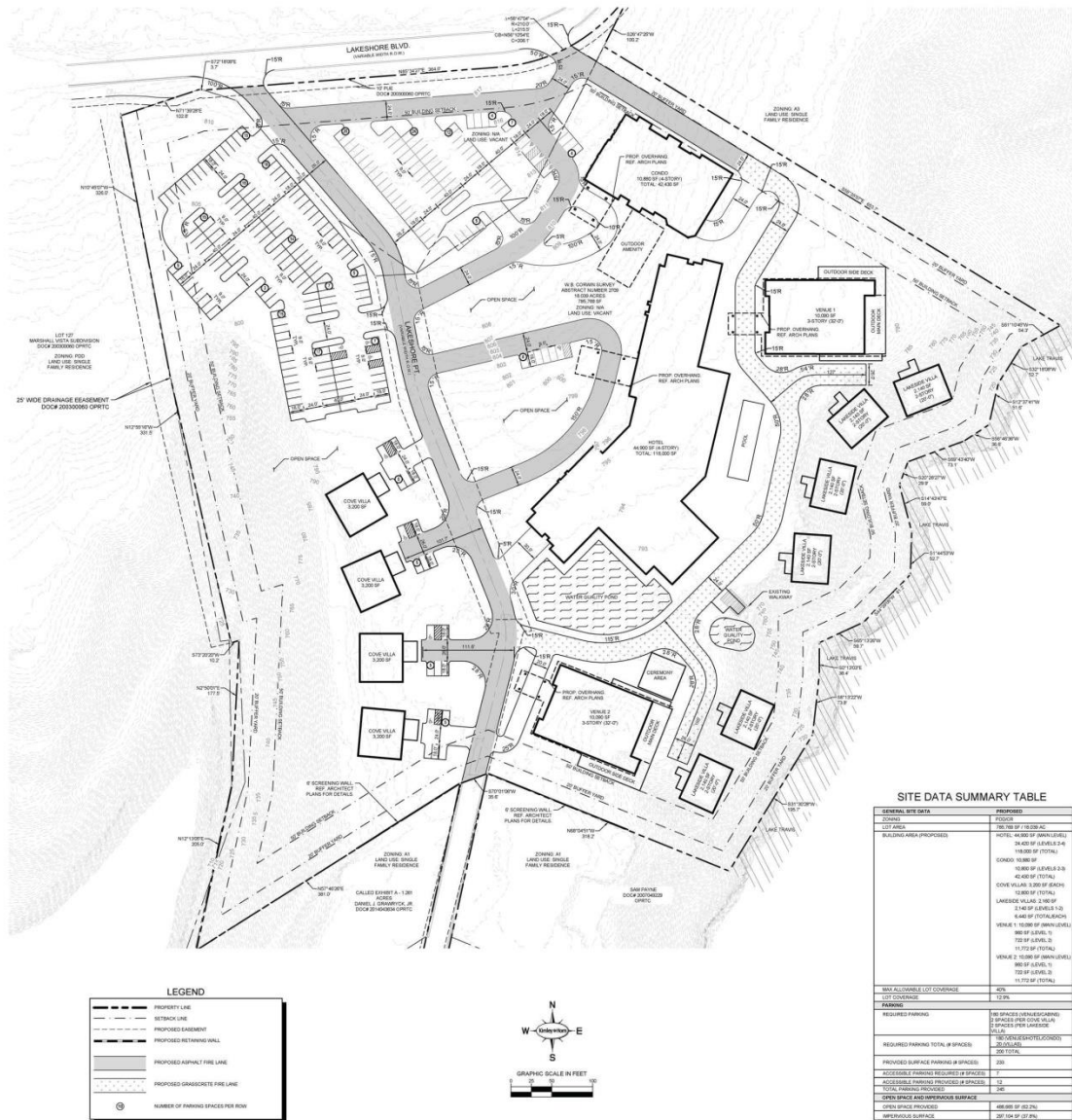
Land Use Plan



Phase I

EXHIBIT “B”

Land Use Plan



Phase II

EXHIBIT “B”
Land Use Plan



Phase I
Landscape Plan

EXHIBIT “B”
Land Use Plan



Phase II Landscape Plan

EXHIBIT “B”
Land Use Plan



Phase I Tree Preservation Plan

Land Use Plan

NOTE: MITIGATION PLANS & CALCULATIONS ARE PRELIMINARY IN NATURE AND WILL BE UPDATED AS THE SITE PLAN AND ASSOCIATED GRADING & UTILITIES ARE FINALIZED IN CONSTRUCTION DOCUMENTS. MITIGATION METHODS TO BE DETERMINED IN CONSTRUCTION DOCUMENTS.

Phase I

Tree Preservation Table

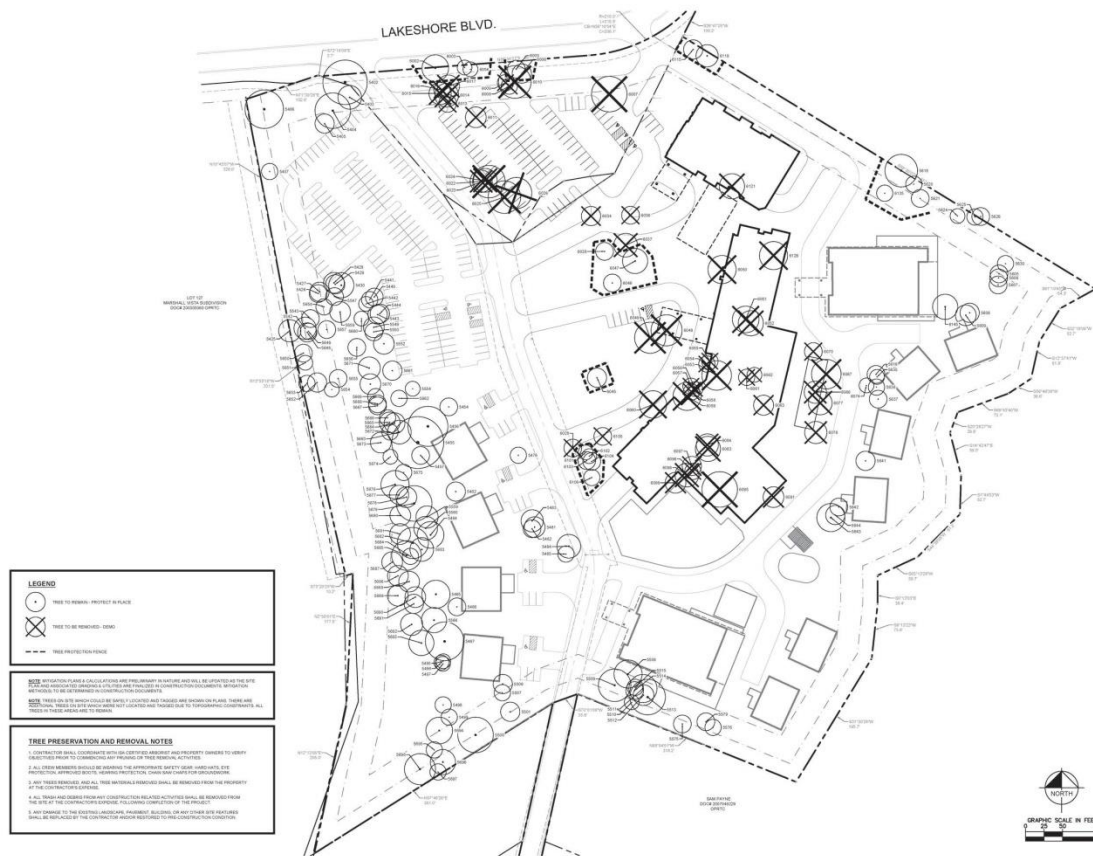
EXHIBIT “B”
Land Use Plan

[illegible]

NOTE: ABOVE MITIGATION CALCULATIONS ARE BASED ON THE FOLLOWING: TREES WITHIN THE ALLOWABLE BUILDING AREA ARE TO BE MITIGATED FOR ON A 1:1 BASIS PER LAGO MISTA CODE (DENOTED IN YELLOW). TREES 10' OR GREATER BUT LESS THAN 15' SHALL BE MITIGATED FOR ON A 1:1 BASIS PER PD. TREES 15' OR GREATER SHALL BE MITIGATED FOR ON A 2:1 BASIS PER PD.

**Phase I
Tree Preservation Table
(continued)**

EXHIBIT “B”
Land Use Plan



Phase II
Tree Preservation Plan

EXHIBIT “B”
Land Use Plan

ALC	TAI	NO	COMMUNE	SCIENTIFIC NAME	CONDITION	MULTI-PLA	STATUS	MITIGATION	NO.	TAI	NO	COMMUNE	SCIENTIFIC NAME	CONDITION	MULTI-PLA	STATUS	MITIGATION
4462	1	20	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5663	460	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4463	2	20	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5664	460	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4464	3	24	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5665	462	14	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0
4465	4	24	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5666	462	14	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0
4466	5	25	CEZARUL	Cedrus sap.	HEAL TAY	MULTI	REMANO	0	5667	464	12	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4467	6	25	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0	5668	464	12	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4468	7	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5669	466	13	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4469	8	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5670	466	13	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4470	9	25	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0	5671	468	13	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4471	10	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5672	468	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4472	11	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5673	468	10	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4473	12	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5674	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4474	13	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5675	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4475	14	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5676	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4476	15	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5677	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4477	16	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5678	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4478	17	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5679	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4479	18	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5680	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4480	19	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5681	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4481	20	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5682	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4482	21	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5683	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4483	22	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5684	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4484	23	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5685	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4485	24	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5686	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4486	25	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5687	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4487	26	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5688	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4488	27	27	CEZARUL E	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5689	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4489	28	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5690	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4490	29	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5691	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4491	30	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5692	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4492	31	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5693	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4493	32	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5694	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4494	33	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5695	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4495	34	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5696	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4496	35	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5697	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4497	36	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5698	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4498	37	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5699	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4499	38	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5700	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4490	1	20	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5663	460	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4491	2	20	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5664	460	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4492	3	24	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5665	462	14	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0
4493	4	24	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5666	462	14	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0
4494	5	25	CEZARUL	Cedrus sap.	HEAL TAY	MULTI	REMANO	0	5667	464	12	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4495	6	25	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0	5668	464	12	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4496	7	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5669	466	13	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4497	8	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5670	466	13	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4498	9	25	LIVE CANE	Quercus agrifolia	HEAL TAY	SMALL	REMANO	0	5671	468	13	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4499	10	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5672	468	10	CEZARUL	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4500	11	25	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5673	468	10	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0
4501	12	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	MULTI	REMANO	0	5674	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4502	13	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5675	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4503	14	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5676	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4504	15	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5677	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4505	16	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5678	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4506	17	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5679	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4507	18	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5680	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4508	19	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5681	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4509	20	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5682	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4510	21	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5683	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4511	22	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5684	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4512	23	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5685	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4513	24	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5686	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4514	25	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5687	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4515	26	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5688	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4516	27	27	CEZARUL E	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5689	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4517	28	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5690	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4518	29	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5691	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4519	30	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5692	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4520	31	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5693	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4521	32	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5694	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4522	33	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5695	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4523	34	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5696	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4524	35	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5697	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4525	36	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5698	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4526	37	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5699	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4527	38	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5700	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4528	39	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5701	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4529	40	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5702	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4530	41	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5703	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4531	42	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5704	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4532	43	27	CEZARUL EUSZ	Ulmus campestris	HEAL TAY	SMALL	REMANO	0	5705	471	10	CEZARUL	Cedrus sap.	HEAL TAY	SMALL	REMANO	0
4533	44</																

NOTE: ABOVE MITIGATION CALCULATIONS ARE BASED ON THE FOLLOWING: TREES WITHIN THE ALLOWABLE BUILDING AREA ARE TO BE MITIGATED FOR ON A 1:1 BASIS PER LAJO VISTA CODE (SHOWN IN YELLOW). TREES 10" OR GREATER BUT LESS THAN 10" SHALL BE MITIGATED FOR ON A 1:1 BASIS PER TREES 10" OR GREATER SHALL BE MITIGATED FOR ON A 2:1 BASIS PER PD.

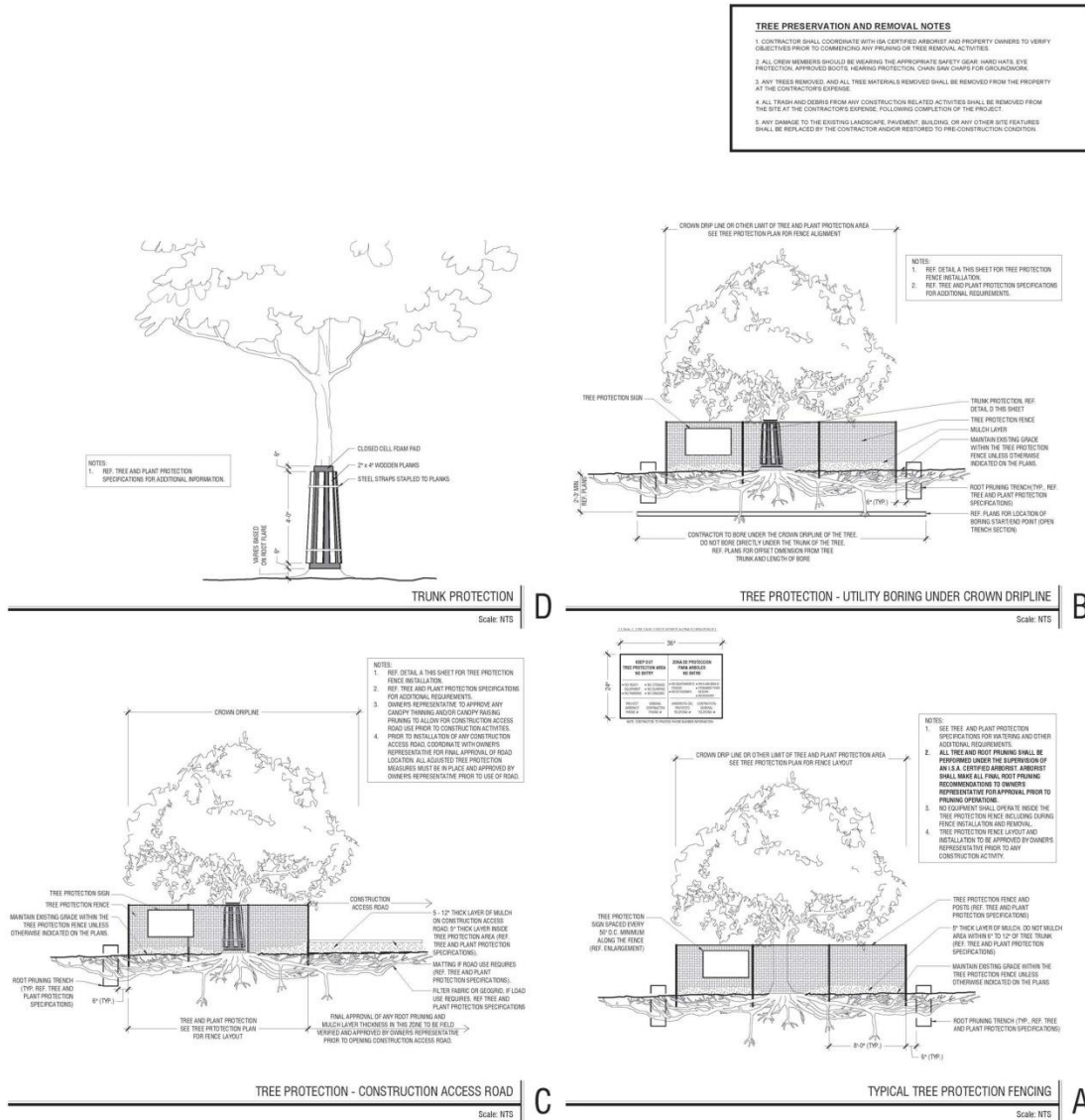
NOTE: ABOVE MITIGATION CALCULATIONS ARE BASED ON THE FOLLOWING: TREES WITHIN THE ALLOWABLE BUILDING AREA ARE TO BE MITIGATED FOR ON A 1:1 BASIS PER LAJO VISTA CODE. (DENOTED IN YELLOW). TREES 10" OR GREATER BUT LESS THAN 12" SHALL BE MITIGATED FOR ON A 1:1 BASIS PER PD. TREES 12" OR GREATER SHALL BE MITIGATED FOR ON A 2:1 BASIS PER PD.

Phase II

Tree Preservation Table

EXHIBIT “B”

Land Use Plan



Tree Preservation Details

EXHIBIT “B”
Land Use Plan



Hotel and Wedding Venue 2



Masonry Buffer at Existing Residences

EXHIBIT “B”

Land Use Plan



Hotel – Four Stories

Hotel Building Materials

Elevation	Material	SF	% of Total
EAST	Wood	1184	21%
	Stone	2843	50%
	Glass	1184	21%
	Metal	480	8%
	TOTAL	5691	
WEST	Wood	2896	42%
	Stone	3131	46%
	Glass	478	7%
	Metal	372	5%
	TOTAL	6877	
NORTH	Wood	4430	21%
	Stone	5992	28%
	Glass	8368	40%
	Metal	2392	11%
	TOTAL	21182	
SOUTH	Wood	4011	21%
	Stone	5064	27%
	Glass	8256	44%
	Metal	1425	8%
	TOTAL	18756	

EXHIBIT “B”
Land Use Plan



Wedding Venue – Three Stories



Condominiums – Four Stories

EXHIBIT “B”

Land Use Plan

Wedding Venue and Condominium Building Materials

WEDDING VENUE

Elevation	Material	SF	% of Total
EAST	Wood	252	13%
	Stone	1563	29%
	Glass	1705	32%
	Metal	1870	35%
	TOTAL	5390	
WEST	Wood	41	25%
	Stone	221	30%
	Glass	324	43%
	Metal	163	22%
	TOTAL	749	
NORTH	Wood	250	8%
	Stone	683	22%
	Glass	1858	60%
	Metal	290	9%
	TOTAL	3081	
SOUTH	Wood	745	33%
	Stone	602	27%
	Glass	416	19%
	Metal	465	21%
	TOTAL	2228	

CONDO

Elevation	Material
EAST	Wood
	Stone
	Glass
	Metal
	TOTAL
WEST	Wood
	Stone
	Glass
	Metal
	TOTAL
NORTH	Wood
	Stone
	Glass
	Metal
	TOTAL
SOUTH	Wood
	Stone
	Glass
	Metal
	TOTAL

EXHIBIT “B”
Land Use Plan



Cabin – One Story



Lakeside Villas – Two Stories

EXHIBIT “B”
Land Use Plan

Cabin and Lakeside Villa Building Materials

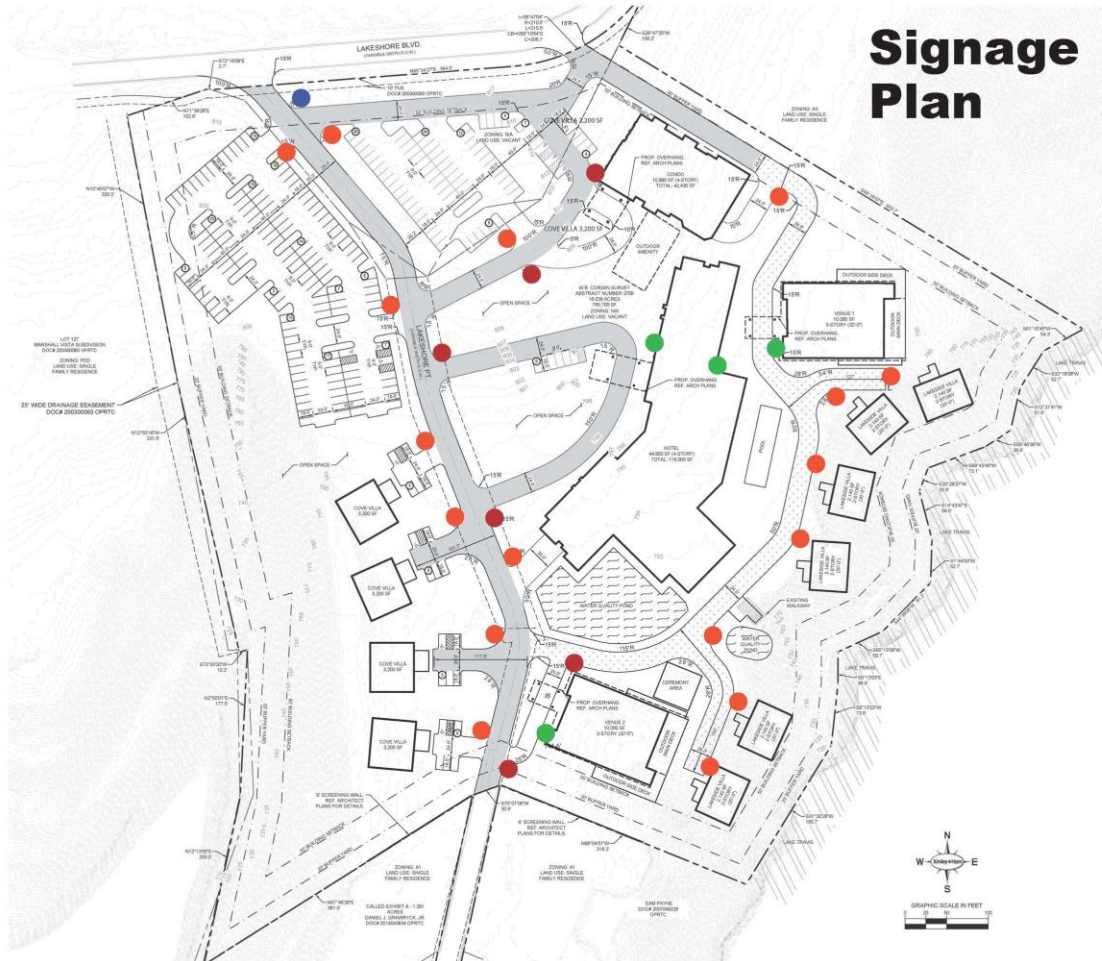
CABIN

Elevation	Material	SF	% of Total
EAST	Wood	157	37%
	Glass	66	16%
	Metal	163	38%
	Stone	38	9%
	TOTAL	424	
WEST	Wood	157	37%
	Glass	66	16%
	Metal	163	38%
	Stone	38	9%
	TOTAL	424	
North	Wood	0	0%
	Glass	94	31%
	Metal	164	53%
	Stone	50	16%
	TOTAL	308	
South	Wood	204	48%
	Glass	171	40%
	Metal	0	0%
	Stone	50	12%
	TOTAL	425	

LAKESIDE VILLA

Elevation	Material	SF
EAST	Wood	41
	Stone	221
	Glass	324
	Metal	163
	TOTAL	749
WEST	Wood	41
	Stone	221
	Glass	324
	Metal	163
	TOTAL	749
NORTH	Wood	196
	Stone	0
	Glass	887
	Metal	0
	TOTAL	1083
SOUTH	Wood	0
	Stone	1133
	Glass	0
	Metal	0
	TOTAL	1133

EXHIBIT “B”
Land Use Plan

[illegible]

SIGN LEGEND

- FREE STANDING AREA
- WAYFINDING SIGN
- WALL SIGN
- GATEWAY SIGN

LEGEND

	PROPERTY LINE
	SETBACK LINE
	PROPOSED EASEMENT
	PROPOSED RETAINING WALL
	PROPOSED ASPHALT TIRE LAKE
	PROPOSED GRASS/GRITS FIRE LAKE
	NUMBER OF PARKING SPACES PER ROW

Proposed Signage: Narrative

Building signage is proposed for the Hotel and Condo structures in Phase 2. These signs are to be up to 50% larger than the current size.

Building signage is proposed for the Cabin structures in Phase 1. These signs are to be up to 50% larger than the current size. These signs will be removed for Phase 2.

All other signage is proposed for wayfinding and directional purposes so guests have the ability to locate the various structures and parking.

Approximately 30-40 signs proposed to place along the property between Phase 1 and Phase 2.

This diagram subject to change with further site plan development.

Summary of Comments by Planning and Zoning

Prepared by Cole Bakley, City Planner

On August 8th, the Planning and Zoning Commission voted against the requested zoning change to the Nature's Point Planned Development District. Multiple members of the Commission felt the developer had not done their due diligence for mitigating the effects of surrounding property owners. The requested cut and fill modifies the landscape, raising the ground level from the road, while cutting along the hillside. The Commission shared the opinion of needing more information from City staff and engineers and the developer to make an informed decision about whether this in the future amendment is environmentally sound and fits the character of the surrounding area.

Present during the meeting was the developer and the engineer, as well as multiple citizens from the surrounding area. The developer presented their case and was able to ask questions from the members of the Committee.

Committee member Adam Benefield made the motion to deny the request and Rachel Rich seconded the motion. The denial carried 5 to 2. The applicant has responded to the concerns brought by the Commission and is seeking approval from the City Council.

**LAGO VISTA REGULAR CITY COUNCIL MEETING
STAFF REPORT – SEPTEMBER 5, 2024**



CASE NUMBER:	23-2694-PDD-MOD: 18600 Lakeshore Pointe (private drive)
APPLICANT:	Laura Canada Lewis
LANDOWNER:	Lago Property Development, LP
LOCATION:	Intersection of Lakeshore Pointe and Lakeshore Boulevard
ZONING:	Modification to Existing PDD Development Standards
PROPOSED USE:	Relaxed cut/fill limits for venue under construction

GENERAL INFORMATION / LOCATION:

- The former location of the wedding venue known as Nature’s Point is at the southern end of a private drive known as Lakeshore Pointe. It was demolished with the intent of replacing it. Ultimately the subject property that is at the intersection of Lakeshore Pointe and Lakeshore Boulevard was acquired by the applicant, a development agreement executed, and an ordinance establishing the “Nature’s Point PDD” approved following annexation of the bulk of the property that was not previously within the municipal limits. Ordinance No. 21-03-04-01 is the zoning approval that the applicant currently seeks to amend which is included in this packet.
- The circumstances that have resulted in the construction activities currently underway being noncompliant with the original zoning approval, the subdivision regulations, and the site development plan approval reviewed in accordance with the current Chapter 3.5 (formerly Chapter 10.5) are varied. While a complete explanation would be extraordinarily lengthy and perhaps largely irrelevant to the required remedies which includes the current amendment application. Nonetheless, all the circumstances can be traced to submittal review documents that were not completely consistent with each other and subsequent modifications in the field initiated by the applicant’s contractor. Those field changes were not submitted for an amended review and were performed without the knowledge of the applicant’s engineer who remained responsible for the project and the related compliance.
- In addition to the unauthorized changes, there were several questionable sequencing decisions and erosion control violations committed by the contractor reported by the neighboring property owners and the LCRA staff. Again, however, those issues are not explicitly relevant to this application. However, it was those complaints that ultimately revealed that the improvements were not consistent with the approvals and led to revised reviews which are continuing. Nonetheless, it was clear that an amendment to the PDD development standards is required and gave rise to this application as the initial step in resolving the various concerns.

SITE PLAN / CONTEXT CONSIDERATIONS:

- An early report from the LCRA staff to the former Development Services Director was principally related to some temporary erosion controls that had the appearance of being intentionally removed. In addition, they mentioned that it appeared that there was soil being disturbed within the critical water quality zone established by the interlocal agreement with the City of Austin that is applicable to this property. Because of those watershed related requirements, the review of the subdivision plat was performed entirely by the former City Engineer. While following up on that report from the LCRA, the director noticed that this critical water quality zone was not shown on the plat as required by our subdivision regulations. Furthermore, the lot is in a largely undeveloped area, with undeveloped lots largely characterizing the greater area. Large electric wires and related infrastructure run above the property.
- The applicant and their engineering consultant were contacted and asked to amend the plat and have it recorded to reflect the location of that critical water quality zone as required by the subdivision regulations. Because that requirement was not identified in the previous review by the former City Engineer, no fee was required for that amended plat. However, while there is no encroachment into

that water quality zone shown on the zoning approval documents, we noted that there was an unexplained dashed line visible on the site development plan review documents.

- The applicant explained that this dashed line was an overhang indicating that a portion of the foundation was encroaching into that critical water quality zone. While that question should have been raised during that review, it nonetheless raised the possibility that excavation and the location of a supporting foundation element was prohibited in that location by that agreement. The applicant was warned that a call to the appropriate party with the City of Austin was required. That call confirmed that the intent of the agreement is that would be no disturbance within that area, even for a supporting foundation element. They nonetheless confirmed that they would not create a major issue over what appeared to be a minor error.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- However, after asking the former Building Official to very closely monitor the project for consistency with the site development plan review, he subsequently reported that the contractor was relocating several buildings and that these relocations were now threatening several existing protected trees. At the same time the reports from the neighboring property owners began to include allegations that the cut and fill limits of no more than eight feet (more than four feet already requires administrative approval) were assuredly being exceeded. Nonetheless, the former Building Official reported that the only concern was related to the protected trees and the relocation of various structures.
- Eventually, a particularly persistent neighboring property owner insisted that the former Development Services Department director observe the site preparation himself. Not only were those observations determined to be accurate, but a massive volume of earth had also been removed from the critical water quality zone. The explanation was that the excavation equipment required to construct the project without disturbing the critical water quality zone was unavailable and the decision was therefore made that the massive volume of earth would be removed. Presumably he intended to include subsequent restoration, but again there was no effort to secure revised design documents from the engineer of record or seek approval.
- A stop work order was issued while the unsuspecting engineer of record ordered field surveys to document what had occurred and to inform her of amended design documents which were subsequently submitted for approval. The stop work orders were lifted for the buildings that were not impacted by these changes that until recently remained under review. That review revealed that both cuts (excavation) and fill of up to fifteen feet have occurred and would require approval in an amended PDD if the improvements are allowed to be completed in a manner consistent with the previous effort.
- That review includes the geotechnical reviews required by current best engineering design practices as well as the amended drainage design to ensure compliance with all applicable requirements. While it might seem obvious, it nonetheless seems necessary to point out that the purpose of these regulations is to prevent exactly this type of result, as at least some of the damage is irreparable. However, if the Council is inclined to recommend approval of a remedy, the staff severely objects to the exact wording of the amendment as proposed by the applicant. Instead, we would refer the commission to the preferred language found in the potential alternative recommendations.
- Similarly, the staff objects to the proposed language absolving the applicant of responsibility for any changes impacting on protected trees. The development agreement negotiated by the applicant shrewdly fixed the lump sum fee in lieu of replacement at the rate that was current at the time of the agreement, notwithstanding the language in the PDD that ultimately became obsolete. It has subsequently been raised substantially (from \$50 per caliper inch to \$250 per caliper inch). It is the opinion of the current Building Official (contrary to the opinion of the former Building Official) that the proposed relocation of structures is only jeopardizing protected trees that were already scheduled for removal. Regardless, if trees that were originally scheduled to be preserved instead require removal,

we are unaware of any reason why the current fee in lieu of replacement or replacement planting in accordance with current ordinance requirements is not instead warranted.

- While the proposal for restoring the critical water quality zone remains under review by the Public Works Department and their third-party consultants, resolution of that concern is not within the authority of the City Council or the Planning and Zoning Commission. That violation will have to be reported by the Development Services Department staff to the City of Austin, specifically to the Watershed Protection Department that will in turn engage all the other impacted departments. However, it would undoubtedly be best to delay that report until the Public Works Department and their third-party consultants are prepared to endorse what they feel is the best possible solution to repair the damage that has been done. This process is still being undertaken.
- On August 8, 2024, the Planning and Zoning Commission recommended denial of any amendment to the existing PDD development standards. During the meeting, the applicant presented their case and is seeking to appeal their decision to the Lago Vista City Council. There have been no major developments since the initial case, with the city and the developer.

POTENTIAL RECOMMENDATIONS:

- A. Recommend approval of the following amendment only to the existing PDD development standards (as a new subsection 'L' under Section 6.1): Cut and/or fill within the boundaries of the Property shall not exceed four feet without a formal variance approved administratively as described in this section. The administratively approved variance shall require the written concurrence of the Public Works Director, the City Engineer, and their third-party engineering consultants provided that all slopes or changes in grade include appropriately designed improvements such as terraces, retaining walls, or other methods to control erosion and sedimentation. All slopes that are cut or constructed of compacted fill must be stabilized in accordance with an approved geotechnical analysis provided as part of the variance request. That geotechnical analysis shall be prepared and sealed by a professional engineer registered in Texas. All related site grading shall comply with accepted current best engineering practices, the Americans with Disability Act, and all other applicable regulations.
 - B. Recommend denial of any amendment to the existing PDD development standards. Deny the cut and fill variance.
 - C. Recommend approval of the amendment to the existing PDD development standards as submitted by the applicant.
-



NATURE'S POINT LUXURY RESORT & VENUE

LAKE SHORE BLVD, LAGO VISTA, TEXAS

WHO WE ARE

- Walters is a first class hospitality company with over 18 years' experience in the hospitality industry.
- We currently own and operate 38 event venues in Texas; one in Georgia with more venues in development Atlanta, Houston, and Dallas.
- On average, we host 500 events and weddings every month, which includes specialty catering for each event.
- We have over 700 employees in Texas working to manage, support, and grow this business.
- Hospitality is our focus and we have no businesses outside the hospitality industry.



The Olana

At Walters, we deliver exceptional experiences. That is our promise.



Design
Center at
The Olana

At Walters, we deliver exceptional experiences. That is our promise.

BeatBoxPORTRAITS.com

At Walters, we deliver exceptional experiences. That is our promise.



Hidden
Pines HV

At Walters, we deliver exceptional experiences. That is our promise.



Milestone
G'Town

At Walters, we deliver exceptional experiences. That is our promise.



At Walters, we deliver exceptional experiences. That is our promise.



New
Braunfels

Ceremony

At Walters, we deliver exceptional experiences. That is our promise.



Remi's
Ridge

Ceremony

At Walters, we deliver exceptional experiences. That is our promise.



Our Proposal for Natures Point

Walters proposes to construct a luxury resort development in Lago Vista, Texas. Our development will include:

- Two event venues (large ballrooms, with restrooms, kitchen, bridal/groom suites, and staff offices)
- Two outdoor ceremony sites
- Restaurants
- Two phase lodging
 - Phase I – cabins and villas
 - Phase II – hotel with spa

Lakeside Villas Concept Design



LAKESIDE VILLA - 2 STORIES



Wedding Venue Concept Design



WEDDING VENUE - 3 STORIES



Our Proposal for Natures Point

Phase II

- Removal of cabins

- Construction of Hotel and additional amenities to include a

 - Pool

 - Gift shop

 - Gym

 - Spa

 - Office space

 - Additional parking

- Lakeside Villas



Proposed Signage

Proposed Signage: Narrative

Gateway signage is proposed at the entrance of the property. Freestanding gateway sign to be up to 100x the current ordinance size.

Building signage is proposed for the Hotel and Condo structures in Phase 2. These signs are to be up to 50% larger than the current size.

Building signage is proposed for the Cabin structures in Phase 1. These signs are to be up to 50% larger than the current size. These signs will be removed for Phase 2.

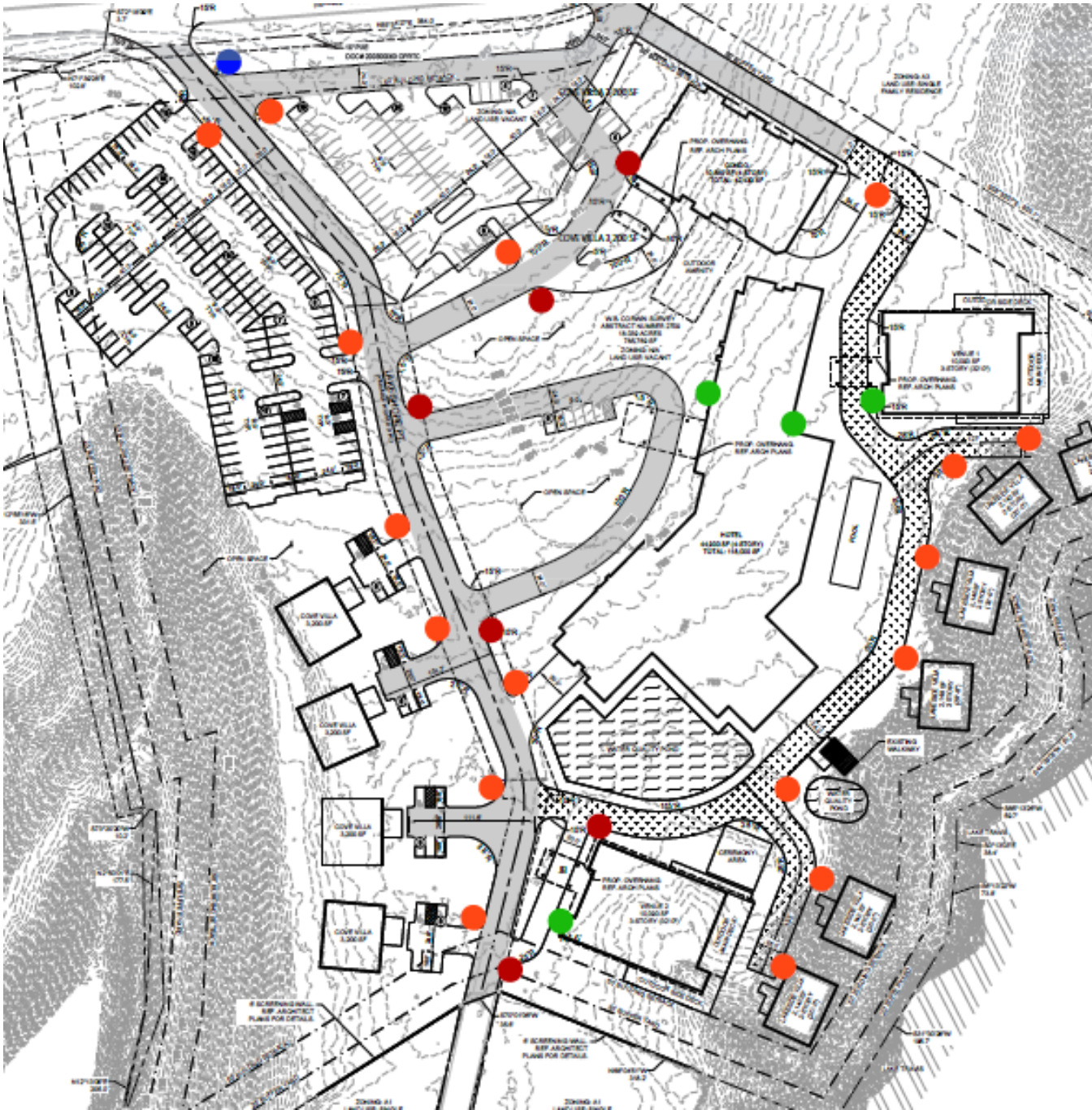
All other signage is proposed for wayfinding and directional purposes so guests have the ability to locate the various structures and parking.

Approximately 30-40 signs proposed to place along the property between Phase 1 and Phase 2.

This diagram subject to change with further site plan development.

SIGN LEGEND

-  FREE STANDING SIGN INDICATING STRUCTURE OR PARKING LOT AREA
-  WAYFINDING SIGN
-  WALL SIGN
-  GATEWAY SIGN



Hotel Elevation Concept Design

454.0' MAXIMUM ROOF
HEIGHT

450.0' ROOF RATES

450.0' LEVEL 4

450.0' LEVEL 3

450.0' LEVEL 2

450.0' LEVEL 1



HOTEL - 4 STORIES



Condo Elevation Concept Design



CONDO - 4 STORIES



Wall/Barrier



Project View At Completion



**FACTS
OVER
FEAR**

THIS IS THE SAME PRESENTATION WITH
THE SAME PICTURES FROM 2021.

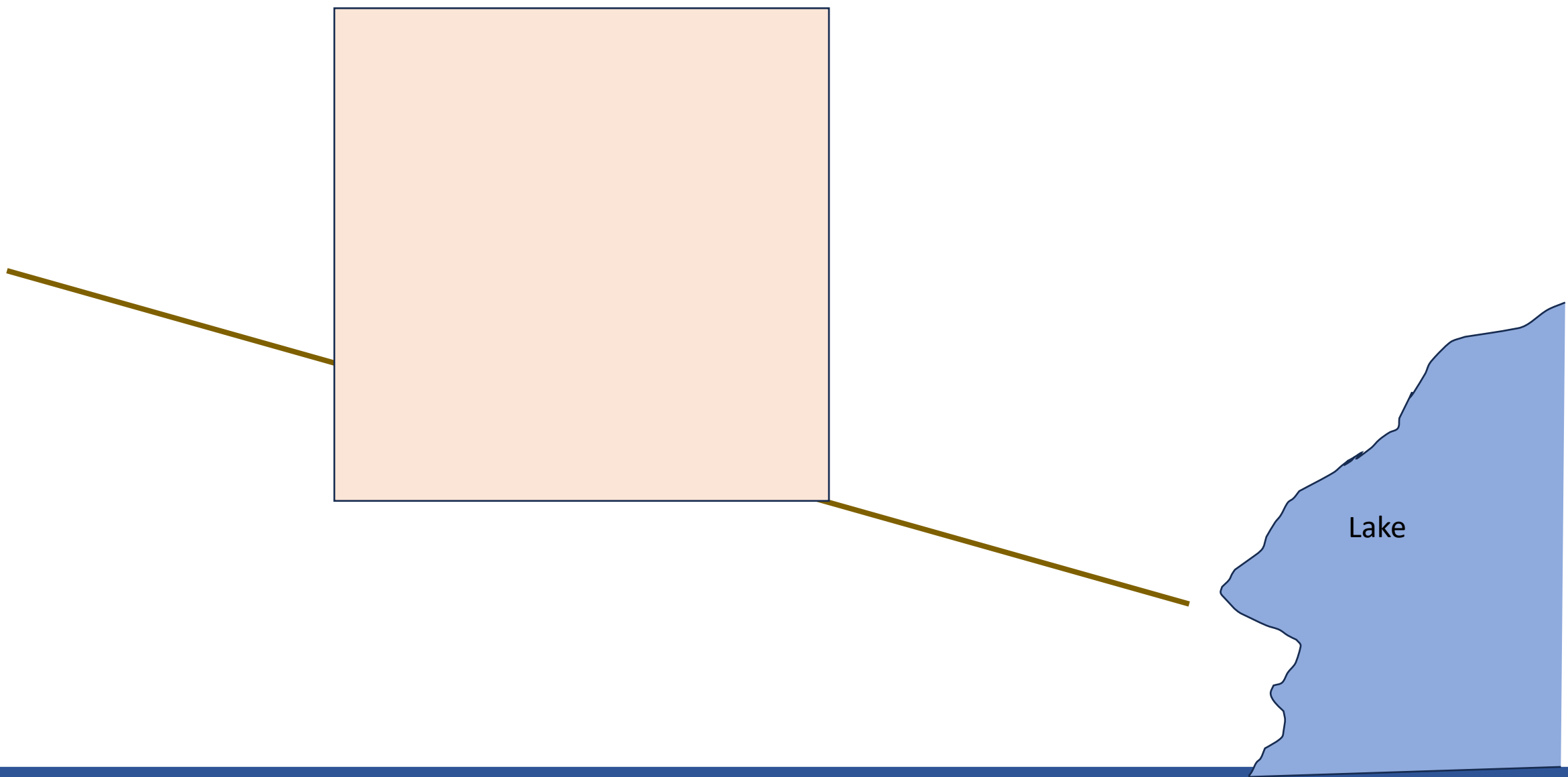
THIS PROJECT HAS NOT CHANGED.
THE DESIGN HAS NOT CHANGED.
THE BUILDINGS HAVE NOT CHANGED.

SIMPLE TRUTH

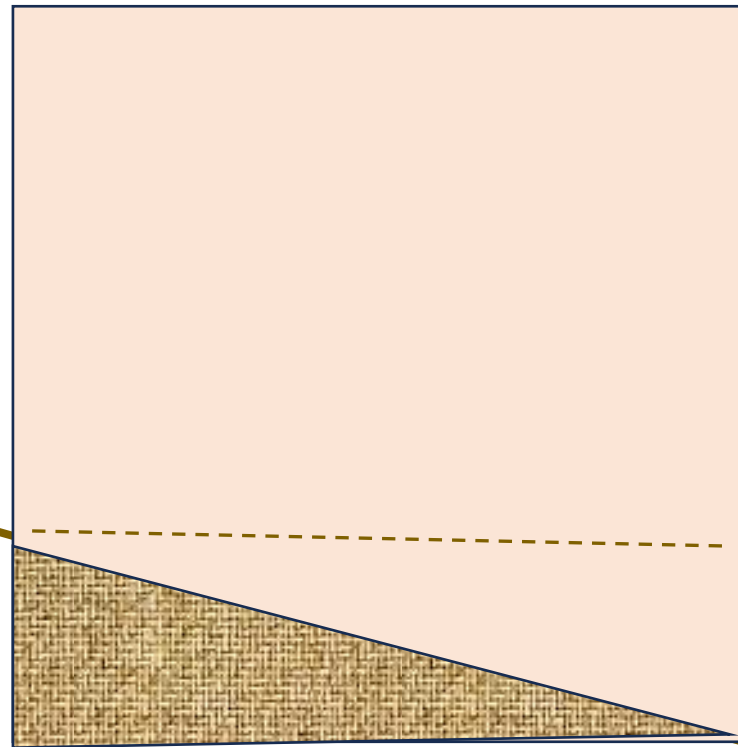
My architect, engineer and I missed the Lago Vista ordinance limiting excavation limits to 4 feet without a variance at the original PD request was made.

SIMPLE TRUTH

We missed the ordinance but we were always truthful about the walk out basement design. This design would always have required +/- 11 foot cut.



Front of
Building



Walk Out
Basement

Lake

Wedding Venue Concept Design



WEDDING VENUE - 3 STORIES



Wedding Venue Concept Design



WEDDING VENUE - 3 STORIES



**Construction is
sausage making**

**We are sorry for the inconvenience,
frustration, and confusion our
construction has caused our
neighbors.**

Soils Piles



Soils Piles



We are not raising the grade by 15-20 feet.

The piles of dirt are soils piles where dirt is stored and used later in construction or removed from the site.

We submitted our grading plan to the City of Lago Vista in 2022 as part of the permitting process. It was thoroughly reviewed and approved by the city's engineering team.

The grading plan has not changed.

VILLAS

The Villas are two story structures with 2 one-bedroom hotel suites on each floor – a total of 4 suites in each Villa.

None of these buildings are 3 or 4 stories.

The Villas under construction match the permitted plans submitted and approved by the City of Lago Vista in 2023 when our building permit for the Villas was issued.



THANK YOU

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-09-05-03; an ordinance amending the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 21003 Dawn Drive (Lago Vista, Section 1, Block C, Lot 1) from "Low Density Residential" to "City Park" and the designation of approximately 1.612 acres of the W. Hensley Survey No. 538, Abstract 348 and the J. Maxey Survey No. 6, Abstract 2628 from "Public/Semi-Public" to "City Park."

BACKGROUND: The subject property is owned by the City of Lago Vista and includes two separate parcels.

One of them does not yet have a municipal address but can be described as adjacent to the northwest quadrant of "Ann Murrow 4th of July Circle," until recently more commonly known as "Dawn Circle." It is identified by the Travis County Appraisal District (TCAD) as parcel ID 177907. The second parcel is the adjacent triangular shaped lot immediately to the north that is legally described as Lot 1, Block C of Lago Vista subdivision, Section 1. It is located at the intersection of Dawn Drive and Lynn Lane and is commonly referred to by its municipal address of 21003 Dawn Drive. It is identified by TCAD as Parcel ID 177904.

Parcel ID 177907 is the location of a former municipal water treatment plant, known commonly as Water Treatment Plant #2. The storage tank can be seen in images as recently as 2016 but was subsequently removed. The adjacent parcel at 21003 Dawn Drive was acquired by the City of Lago Vista on December 28, 2000, from private investors. The staff was unable to locate reliable historical information, but it appears as if access to the former municipal water treatment plant was always limited to private drives connecting to an adjacent parcel. The access drive from 21003 Dawn Drive continues through Parcel ID 177907 and connects to private drives

located at 5925 Lago Vista Way.

Although owned by the City of Lago Vista with no current or explicit alternative use, the subject property is not formally dedicated as public parkland. Located at the northern end of the roundabout at Dawn Drive and Lago Vista Way (Ann Murrow 4th of July or Dawn Circle), this vacant property is arguably underutilized and perhaps inappropriate for any other public or quasi-public purpose now that it is not required to accommodate a municipal utility component. More importantly, the general area includes a reasonable amount of residential density without a significant amount of open green space that is not privately owned and available for public use.

As mentioned, one of the two parcels was the former location of Water Treatment Plant #2. Built in 1970, the facility was decommissioned in April of 2017. Since then, the city has maintained that parcel and the adjacent lot at 21003 Dawn Drive. Currently, the lot is in the R-1S (18B) single family residential zoning district, known formerly as the R-1E district. However, only a portion of Parcel ID 177907 is shown on the zoning map published on the city website and in this packet as being in the C-1C ("Professional Office / Neighborhood Retail") zoning district.

The triangular sliver that comprises the north portion of this parcel is being shown as having no zoning designation, including the TR-1 ("Temporary Restricted") district. That designation was acquired pursuant to the adoption of the original Lago Vista Zoning Ordinance. However, in checking the 2006 zoning map that is also still available on the city website, the entire parcel is shown in the C-1C district.

The Future Land Use Map within the current comprehensive plan designates Parcel ID 177907 as "Public / Semi-Public," presumably because the municipal water treatment plant had not yet been decommissioned when that plan was adopted in 2016. The remainder of the subject property to the north is currently designated on the future Land Use Map as "Low Density Residential." That would be consistent with the fact that the City acquired the lot from an individual property owner in 2000.

The goal of this application is to establish a Future Land Use Map designation that would support a zoning change for future development in accordance with one of the "park" zoning districts, while precluding other potential uses in the absence of another amendment to the comprehensive plan. Section 13.20(d) of Chapter 14 now prohibits a zoning change application without a separate application to first amend the

comprehensive plan. As such, the request is to amend the current land use designation from “Public / Semi-Public” and “Low Density Residential” to “City Park.”

FINDINGS:

The application narrative from the Parks and Recreation Advisory Committee suggests that the amendment is justified because it better achieves “the vision, goals, objectives, policies, and desired outcomes expressed with the Comprehensive Plan.” That requires a determination by the Planning and Zoning Commission and City Council that all of the following are accurate: “that the proposed change does not require an evaluation that is broader or more comprehensive in scope” (such as the current update to the comprehensive plan); “that the proposed change maintains or increases compatibility with existing land use patterns or designated future land uses;” that the proposed change would result in benefits, advantages or other similar favorable impacts to the adjacent property or area;” and “that the property is physically capable of accommodating the proposed change (size, shape, topography, etc.).”

An increase of publicly available parkland satisfies the desire for increased publicly accessible green space. Dawn Drive currently maintains no parks and thus this potential use might create a more equitable distribution of public open space.

Based on these criteria and the analysis of the area by the Parks and Recreation Advisory Committee, staff recommends approval of this change to the FLUM.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

[21003 Dawn Drive FLUM Amendment Change Ordinance.pdf](#)
[23-2683.pdf](#)

ORDINANCE NO. 24-09-05-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE FUTURE LAND USE MAP COMPONENT OF THE 2030 COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 16-05-05-02 AS AMENDED TO CHANGE THE DESIGNATION OF THE PROPERTY AT 21003 DAWN DRIVE (LAGO VISTA, SECTION 1, BLOCK C, LOT 1) FROM “LOW DENSITY RESIDENTIAL” TO “CITY PARK” AND THE DESIGNATION OF APPROXIMATELY 1.612 ACRES OF THE W. HENSLEY SURVEY NO. 538, ABSTRACT 348 AND THE J. MAXEY SURVEY NO. 6, ABSTRACT 2628 FROM “PUBLIC/SEMI-PUBLIC” TO “CITY PARK.”

WHEREAS, the City of Lago Vista, Texas, as the owner of property described as Lago Vista, Section 1, Block C, Lot 1 and the approximately 1.612 acres of the W. Hensley Survey No. 538, Abstract 348 and the J. Maxey Survey No. 6, Abstract 2628, generally located at 21003 Dawn Drive and further identified as TCAD Parcels 177904 and 177907, and has filed an application requesting the change in designation of this property on the future Land Use Map from “Low Density Residential” and “Public/Semi-Public” to “City Park”; and

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

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being proposed for a change in designation, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed designation of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on August 8, 2024 and the City Council at its public hearing held on September 5, 2024, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the designation of the Property on the Future Land Use Map, has transpired; and

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

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

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

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property including the power to adopt a comprehensive plan to guide its zoning decisions; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The 2030 Comprehensive Plan (including the Future Land Use Map) adopted by Ordinance No. 16-05-05-02, all other applicable ordinances are hereby modified and amended so that the Future Land Use Map Component of the 2030 Comprehensive Plan by changing the designation of Lago Vista, Section 1, Block C, Lot 1 and the approximately 1.612 acres of the W. Hensley Survey No. 538, Abstract 348 and the J. Maxey Survey No. 6, Abstract 2628, generally located at 21003 Dawn Drive and further identified as TCAD Parcels 177904 and 177907 from “Low Density Residential” and “Public/Semi-Public” to “City Park”.

Section 3. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 6. Publication Clause. The City Secretary of the City of Lago Vista is hereby

directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 7. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 8. Change of Future Land Use Map. The City Manager is hereby authorized to and shall promptly note the change on the official Future Land Use Map of the City of Lago Vista, Texas.

Section 9. Proper Notice and Meeting. 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, Texas Local Government Code*.

AND IT IS SO ORDERED.

PASSED AND APPROVED this 5th day of September, 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – AUGUST 8, 2024**



P&Z CASE NO: 23-2683: 21003 Dawn Drive / Dawn Drive
APPLICANT: City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER: City of Lago Vista, Texas
LOCATION: Northwest quadrant of Ann Murrow 4th of July Circle
ZONING: R-1S (18B) / C-1C zoning districts
PROPOSED USE: Amend FLUM to "City Park" (see application)

GENERAL INFORMATION / LOCATION:

- The subject property is owned by the City of Lago Vista and includes two separate parcels. One of them does not yet have a municipal address but can be described as adjacent to the northwest quadrant of "Ann Murrow 4th of July Circle," until recently more commonly known as "Dawn Circle." It is identified by the Travis County Appraisal District (TCAD) as parcel ID 177907. The second parcel is the adjacent triangular shaped lot immediately to the north that is legally described as Lot 1, Block C of Lago Vista subdivision, Section 1. It is located at the intersection of Dawn Drive and Lynn Lane and is commonly referred to by its municipal address of 21003 Dawn Drive. It is identified by TCAD as Parcel ID 177904.
- Parcel ID 177907 is the location of a former municipal water treatment plant, known commonly as Water Treatment Plant #2. The storage tank can be seen in images as recently as 2016 but was subsequently removed. The adjacent parcel at 21003 Dawn Drive was acquired by the City of Lago Vista on December 28, 2000, from private investors. The staff was unable to locate reliable historical information, but it appears as if access to the former municipal water treatment plant was always limited to private drives connecting to an adjacent parcel. The access drive from 21003 Dawn Drive continues through Parcel ID 177907 and connects to private drives located at 5925 Lago Vista Way.
- Following an abandoned decision by the City of Lago Vista to sell the property located at 20806 Bonanza Street in late 2021, the Parks and Recreation Advisory Committee began an effort to identify public property that should not be considered surplus because of its potential use as open space or a park. As that group of citizen volunteers provides recommendations to the City Council and not the Planning and Zoning Commission, it was determined that it would be most appropriate for them to request the Council to initiate any action to pursue a zoning change based on those recommendations. After multiple delays involving changes to the Council Liaison to the Parks and Recreation Advisory Committee, this comprehensive plan amendment application that is a prerequisite to the zoning changes recommended by that group of citizen volunteers was recently authorized and executed by the City Manager in accordance with their identified justification.

SITE PLAN / CONTEXT CONSIDERATIONS:

- Although owned by the City of Lago Vista with no current or explicit alternative use, the subject property is not formally dedicated as public parkland. Located at the northern end of the roundabout at Dawn Drive and Lago Vista Way (Ann Murrow 4th of July or Dawn Circle), this vacant property is arguably underutilized and perhaps inappropriate for any other public or quasi-public purpose now that it is not required to accommodate a municipal utility component. More importantly, the general area includes a reasonable amount of residential density without a significant amount of open green space that is not privately owned and available for public use.
- As mentioned above, one of the two parcels was the former location of Water Treatment Plant #2. Built in 1970, the facility was decommissioned in April of 2017. Since then, the city has maintained that parcel and the adjacent lot at 21003 Dawn Drive. Currently, the lot is in the R-1S (18B) single-family residential zoning district, known formerly as the R-1E district. However, only a portion of Parcel ID 177907 is shown on the zoning map published on the city website and in this packet as being in the C-1C ("Professional Office / Neighborhood Retail") zoning district. The triangular sliver

that comprises the north portion of this parcel is being shown as having no zoning designation, including the TR-1 (“Temporary Restricted”) district. That designation was acquired pursuant to the adoption of the original Lago Vista Zoning Ordinance. However, in checking the 2006 zoning map that is also still available on the city website, the entire parcel is shown in the C-1C district. We will ask the Public Works Department staff to address this apparent mapping error.

- The Future Land Use Map within the current comprehensive plan designates Parcel ID 177907 as “Public / Semi-Public,” presumably because the municipal water treatment plant had not yet been decommissioned when that plan was adopted in 2016. The remainder of the subject property to the north is currently designated as “Low Density Residential.” That would be consistent with the fact that the City acquired the lot from an individual property owner in 2000.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- The goal of this application is to establish a Future Land Use Map designation that would support a zoning change for future development in accordance with one of the “park” zoning districts, while precluding other potential uses in the absence of another amendment to the comprehensive plan. Section 13.20(d) of Chapter 14 now prohibits a zoning change application without a separate application to first amend the comprehensive plan. As such, the request is to amend the current land use designation from “Public / Semi-Public” and “Low Density Residential” to “City Park.”
- The application narrative from the Parks and Recreation Advisory Committee suggests that the amendment is justified because it better achieves “the vision, goals, objectives, policies, and desired outcomes expressed with the Comprehensive Plan.” That requires a determination by the Planning and Zoning Commission that all of the following are accurate: “that the proposed change does not require an evaluation that is broader or more comprehensive in scope” (such as the current update to the comprehensive plan); “that the proposed change maintains or increases compatibility with existing land use patterns or designated future land uses;” that the proposed change would result in benefits, advantages or other similar favorable impacts to the adjacent property or area;” and “that the property is physically capable of accommodating the proposed change (size, shape, topography, etc.)”
- An increase of publicly available parkland satisfies the desire for increased publicly accessible green space. Dawn Drive currently maintains no parks and thus this potential use might create a more equitable distribution of public open space. As such, the only marginal required determination is whether an evaluation of this potential amendment would not benefit from the more comprehensive approach to be achieved during the update to the comprehensive plan that is already underway, and which will include a parks master plan component.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of an amendment to the Future Land Use Map to designate this property as “City Park.”
 - B. Recommend denial of an amendment to the Future Land Use Map to designate this property as “City Park,” which would not preclude that amendment as a result of the comprehensive plan update.
-

23-2683 (Future Land Use Map Amendment)

21003 Dawn Drive / TCAD Parcel 177907

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR COMPREHENSIVE PLAN (FLUM) AMENDMENT

Contact Person: Sean Vance **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: (512) 267-1155 x123 **Contact Email:** sean.vance@lagovistatexas.gov
Property Owner(s):* City of Lago Vista, Texas
Owner's mailing address: 5803 Thunderbird; Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

Lago Vista, Section 1, Block C, Lot 1; Approximately 1.612 acres of the W. Hensley Survey No. 538, Abstract 348 and the J. Maxey Survey No. 6, Abstract 2628.

Municipal Address(es)* if applicable: 21003 Dawn Drive; Dawn Drive

NATURE OF REQUEST

Current Land Use Designation(s): Low Density Residential; Public / Semi-Public

Proposed Land Use Designation and general basis for change - see Section 13.20(d)(4) of Chapter 14

See attached.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: **Email:**

Mailing Address: **Phone:**

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required narratives or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

Kevin Hawinko

6/20/2024

Property Owner's signature(s)*

Date

*Attach additional sheets required for information above and Section 13.20(d) of Chapter 14

Justification (Findings) for Comprehensive Plan Amendment Future Land Use Map Designation

“Dawn Circle” (TCAD Parcel ID 177904 and 177907) “Low Density Residential” and “Public/Semi-Public” to “City Park”

- Not due to a Significant and Unanticipated Change.
- Not due to a demonstrable error, oversight, or omission.
- Instead use of the property for a City Park would be a change that better achieves the vision, goals, objectives, policies, and desired outcomes expressed within the Comprehensive Plan.
- Since the original use was abandoned and will no longer be used for city utilities, a better use of these two properties would be to enhance the community benefits that would result from an increase to the inventory of parks available to all of our residents.

23-2683 (Future Land Use Map Amendment)

21003 Dawn Drive / TCAD Parcel 177907

Attachment 2

Site Plan (Aerial / Topography Map)



Requestor



TCAD Parcel

TenFootContour

10 ft

50 ft

TCAD Parcels 177904 / 177907

Request Type	Amend FLUM	Project	23-2683
Change Requested	Varies to "City Park"	Date	7/22/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203

N

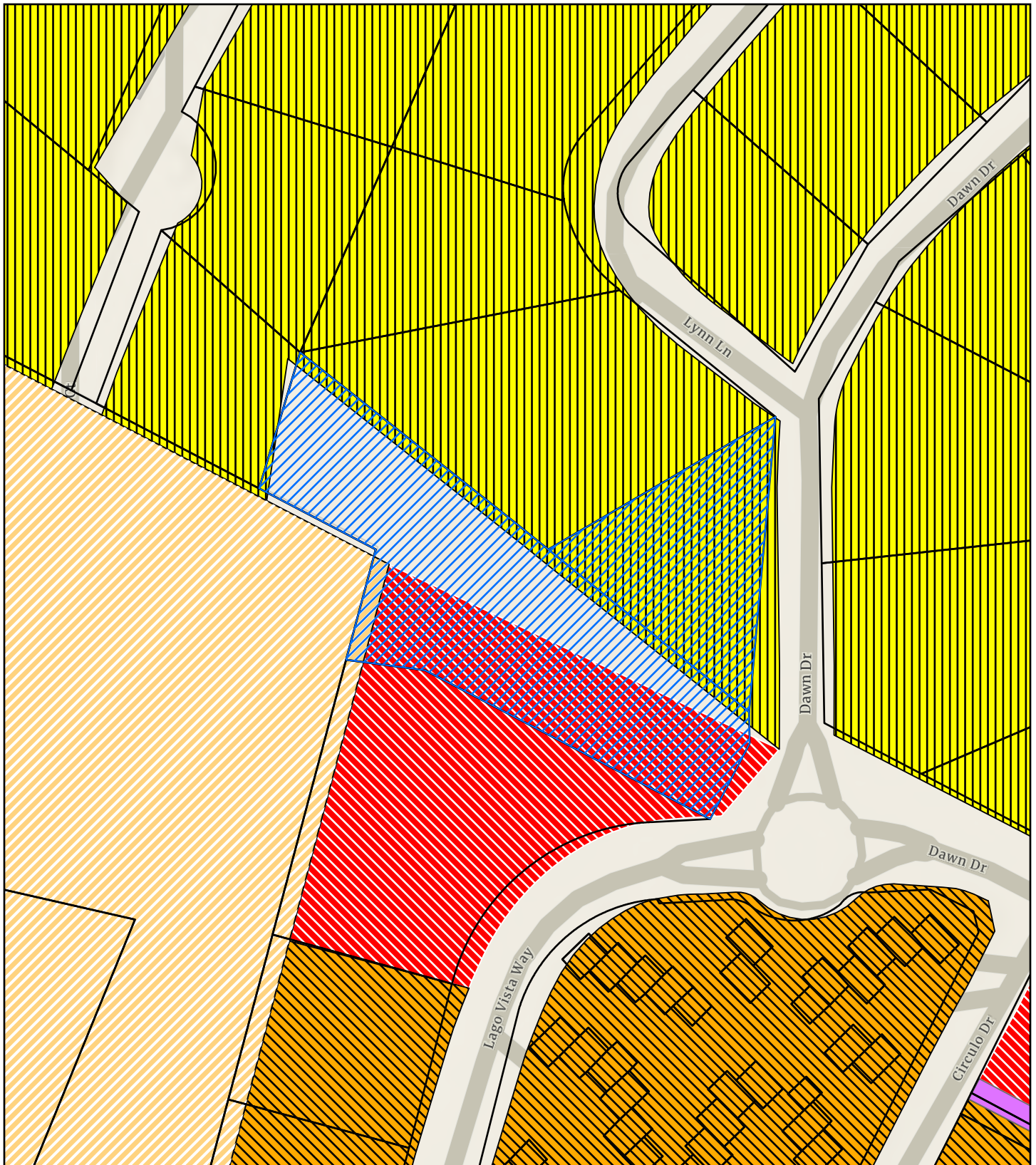


23-2683 (Future Land Use Map Amendment)

21003 Dawn Drive / TCAD Parcel 177907

Attachment 3

Maps

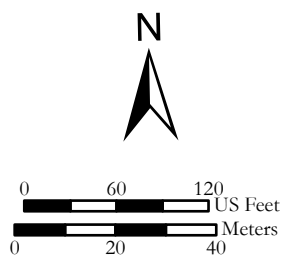


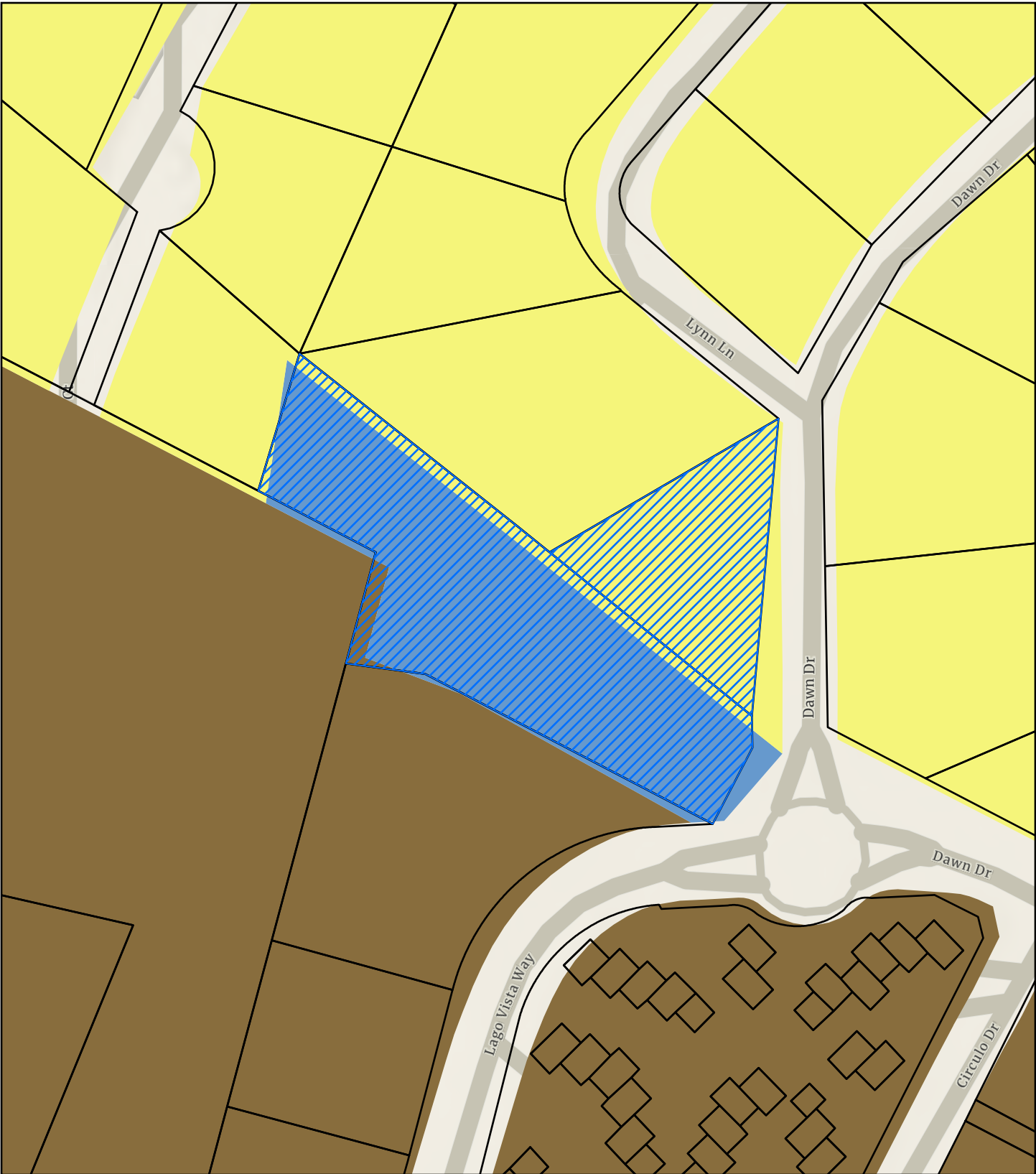
- Requestor
 TCAD Parcel
Zoning District
 C-1C
 PDD
 R-1S,18B
 R-4
 TR-1
 U-1

TCAD Parcels 177904 / 177907

Request Type	Amend FLUM	Project	23-2683
Change Requested	Varies to "City Park"	Date	7/22/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US





-  Requestor
-  TCAD Parcel

Land Use Proposed

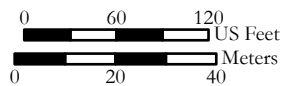
-  High Density Residential
-  Low Density Residential
-  Semi-Public

TCAD Parcels 177904 / 177907

Request Type	Amend FLUM	Project	23-2683
Change Requested	Varies to "City Park"	Date	7/22/2024
Map Purpose	Existing FLUM	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

N

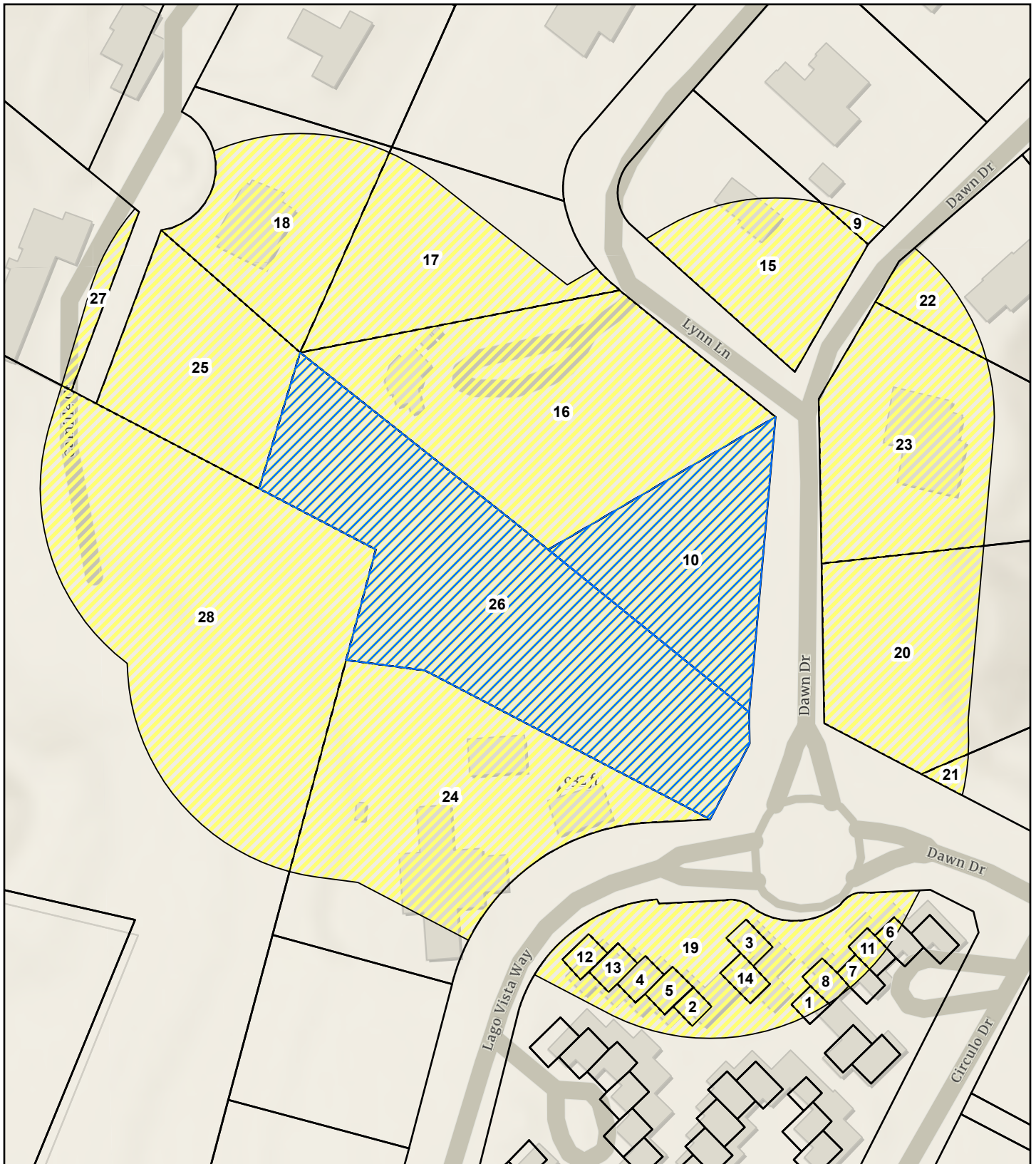


23-2683 (Future Land Use Map Amendment)

21003 Dawn Drive / TCAD Parcel 177907

Attachment 4

Notice Comments

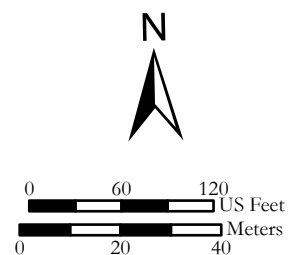


- Requestor
- Notification Boundary
- TCAD Parcel

TCAD Parcels 177904 / 177907

Request Type	Amend FLUM	Project	23-2683
Change Requested	Varies to "City Park"	Date	7/22/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Hold a public hearing for discussion, consideration, and possible action Ordinance 2024-09-05-04, an ordinance of the City Council of Lago Vista, Texas amending Section 12.20 of the Chapter 14 of the Lago Vista Code of Ordinances to create a criminal penalty for violations of the Zoning Ordinance.

BACKGROUND: The City Council of the City of Lago Vista has previously established penalties for violations of the Zoning Ordinance in Section 12 of Chapter 14, the Lago Vista Zoning Ordinance. Section 12.20 appears to be an effort to allow enforcement of the Zoning Ordinance in municipal court as opposed to seeking injunctive relief in county court at law or district court.

The current language of Section 12.20 has potential legal vulnerabilities in an enforcement proceeding in the opinion of the City Prosecutor. He reviewed and revised the language of Section 12.20 to permit the option of proceeding in Lago Vista Municipal court against parties who violate the Zoning Code.

FINDINGS: The Planning and Zoning Commission conducted its required public hearing and considered the proposed amendment at its regular meeting on August 8, 2024. The Commission unanimously recommended approval.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Chapter 12 Penalty Provision.pdf](#)

ORDINANCE NO. 24-09-05-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 12.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO ALLOW FILING OF CRIMINAL CHARGES IN MUNICIAPL COURT FOR VIOLATIONS OF THE ZONING ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND OPEN MEETING.

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

WHEREAS, the City Council of the City of Lago Vista has previously established penalties for violations of the Zoning Ordinance in Section 12 of Chapter 14, the Lago Vista Zoning Ordinance, and

WHEREAS, the current language of Section 12.20 has potential legal vulnerabilities in an enforcement proceeding; and

WHEREAS, the City Prosecutor reviewed and revised the language of Section 12.20; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista conducted the required public hearing and considered the proposed amendment at its regular meeting on August 8, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a unanimous recommendation to the City Council to amend the provisions of Section 12.20 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council conducted its public hearing and considered the proposed amendment at its September 5, 2024 meeting and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances 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 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 Section 12.20 of Chapter 14 of the Lago Vista Code of Ordinances 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 5th day of September, 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

EXHIBIT “A”

CHAPTER 14

ZONING

Section 12 Enforcement And Penalties

12.20 Penalties

~~Any person, firm or corporation who violates any provision of this chapter is subject to a civil penalty of not less than one hundred dollars (\$100.00) but not more than \$2,000.00, unless otherwise stated in this chapter for a particular violation as permitted by law for each act of violation and for each day of violation. In addition to any remedial fee or civil remedy available to the City under this Code or other law, any person, firm or corporation who violates any provision of this chapter or any order made under the authority of this chapter, or who causes or permits any such violation, or who fails to perform any act required hereunder or does any act prohibited by this chapter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.~~ The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Tracie Hlavinka, City Manager
SUBJECT:	Discussion, consideration, and possible action regarding an amendment to the Halff Consultants contracts for additional services.
BACKGROUND:	The City of Lago Vista entered into a contract with Halff Associates Inc. to perform an update to the Comprehensive Plan in July of 2023. The original contract called for several tasks associated with both the Comprehensive Plan Update and the Parks Plan Update.
FINDINGS:	After feedback from members of the Comprehensive Plan Advisory Committee and some Council members, Halff Consultants put together a list of additional services. These services have been itemized by task and costs on the attachment included in the packet. Staff is looking for the Council to provide feedback on any tasks they would like to be added to the existing contract and scope of services and direct staff to amend the contract to have Halff Consultants to perform these services.
FINANCIAL IMPACT:	The financial impact will depend on the additional services selected by the Council to amend the contract.
ATTACHMENTS:	Halff Contract 12072023.pdf Additional Services (002).pdf



11.23.2023

Roy Jambor
Development Services Director
City of Lago Vista

Re: Amendment to Scope for Comprehensive Plan and Park Master Plan

Dear Roy,

Due to a clerical error when creating the scope the basis of compensation as established in Exhibit B is incorrectly listed as \$235,000 instead of \$240,000. Itemized compensation for each phase is correctly established, only the sum total was incorrect. Attached is a revised scope of services for the project with an explanation of the mistake and a correction on the first page of Exhibit B.

Halff appreciates the opportunity to be of service to you and the City of Lago Vista on this important project. Please do not hesitate to call if you have any questions or concerns.

Sincerely,

HALFF

A handwritten signature in black ink that reads "Nathalie Booth". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Nathalie Booth
Senior Planner

EXHIBIT 'A'

SCOPE OF SERVICES

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

- **Scope Revision 01** dated 11.28.2023: Due to a clerical error in Exhibit B, compensation was incorrectly totaled as \$235,000 instead of \$240,000, though all costs for phases are correctly itemized. The sum of the base fee has been updated to reflect the correct costs of the planning effort as authorized by Roy Jambor and Nathalie Booth.

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:
 - Prepare associated base maps (GIS files)
 - 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:
 - City Administration
 - Development Services
 - Economic Development

- Finance Management
- Police Department
- Public Works
- Parks and Recreation
- Library

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.
 - One (1) City Council member and/or one (1) P&Z member
 - Two (2) members from the Parks and Recreation Advisory Committee
 - Large property owners
 - Major employers
 - School district representative
 - Community groups and organizations
 - Real estate professionals
 - Developers and builders
 - 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.
 - *Meeting #1 – Visioning and Kick-Off*
 - *Meeting #2 – Preliminary Recommendations*
 - *Meeting #3 – Draft Plan Review*
 - *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:
 - Large property owners
 - Major employers and Chamber of Commerce representatives
 - School district representative
 - Golf Course Advisory Committee representatives
 - Airport Advisory Board representatives
 - Community groups and organizations
 - Real estate professionals
 - Developers and builders
 - 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:
 - City-wide key issues, threats, and opportunities; growth, land use, and development; natural Infrastructure; transportation infrastructure; utility infrastructure; and civic infrastructure.
 - 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:
 - Existing parks, recreation facilities, and open spaces
 - Existing recreation/civic facilities
 - Private or quasi-private recreation facilities (as identified by Staff)
 - 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
 - *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.
 - *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.
 - *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: COMPREHENSIVE PLAN HOW-TO-GUIDE (FOR THE DEVELOPMENT COMMUNITY)

The following is a summary of the process to create a How-to-Guide for the development community or Development Guide. This process will be further developed by Halff and agreed upon with City staff before the development of the document begins.

Task 6.1 | Development Guide

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.

This document would range between 10 to 15 pages and include a summary of the growth and character vision and strategic direction from the comprehensive plan and a brief summary of essential information for those interested in development in Lago Vista. The following tasks are included for the creation of this guide and would be added to the scope.

- Initiation Call with staff to review scope, schedule, goals and deliverables. Direction on look on feel, length and communication style of information.
- Request all information from staff regarding current processes, scheduling, review timeframes, approval authorities, fees, existing checklists, etc.
- Review outline and style guide template with staff virtually (send ahead of time) to finalize the layout and order of information.
- Prepare How-to-Guide first draft for staff review and walk-through on a virtual call.
- Address staff comments and questions through revisions to first draft
- Prepare final draft to deliver to city staff.

PHASE SEVEN: 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 7.1 | 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.
 - Preparation of Report and Submittal of Parks Master Plan Draft to Planning and/or Parks Department for Review;
 - Preparation of Report and Submittal of Comprehensive Plan Draft to Planning and Zoning Commission for Review;
 - One (1) briefing presentation / hearing to include both plans to the City Council;
 - Revisions based on comments received and preparation of a final adoption version; and
 - Approval of the plans by the City Council will be led by staff.

Task 7.2 | Final Adopted Plan Package

- Final deliverables package
 - 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
- **Development Guide** = \$20,00
- **Adoption and Final Deliverables** = \$20,000
- **Direct Costs** = \$5,000

BASE FEE = ~~\$235,000~~ \$240,000*

** 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.

CONCEPTUAL PLANS OE ILLUSTRATIVE RENDERINGS

Conceptual plans or illustrative renderings demonstrate how areas of the community could be developed. This can include parks, small areas, corridors, downtown, trails, etc. 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. The cost for these renderings varies depending on the size and scale of what is to be rendered. For a site that is already being examined in the plan, such as a concept for an existing city park, adding a single custom illustrative rendering would cost approximately \$5,000. For a site which is not being examined by the existing plan or would need additional analysis, such as adding a corridor study or small area focus, the analysis and creation of custom renderings would cost upwards of \$20,000 depending on size and complexity of the site.

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

ADDITIONAL SERVICES

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

The following tasks could be added to the existing contract and scope of services for the Comprehensive Plan and Park Master Plan for an additional fee depending on desired tasks.

TASK X.X – ELECTED AND APPOINTED OFFICIALS BRIEFINGS

Halff will provide one (1) briefing to City Council to present the draft plan highlights and seek City Council feedback. It is assumed that this meeting will take place at a regularly scheduled City Council meeting prior to the formal adoption meeting.

Cost for this task is \$5,500.

TASK X.X – ADDITIONAL ADVISORY COMMITTEE MEETING

Halff will facilitate at least one (1) additional Advisory Committee beyond the four meetings in the original scope of services. This additional meeting will allow the Advisory Committee more time for discussion at Meeting #4 and provide time for the Committee to review revisions made to the Draft Plan from Meeting #4 and an additional opportunity for an official recommendation for adoption.

Suggested Meeting Schedule

- *Meeting #1 – Introduction and Kick-Off*
- *Meeting #2 – Parks and Visioning*
- *Meeting #3 – Future Land Use, Thoroughfare, and Goal Workshop*
- *Meeting #4 – Draft Review Workshop*
- *ADD: Meeting #5 – Draft Revision Review and Final Plan Approval*

Cost for this meeting is \$6,500.

TASK X.X – ADDITIONAL PROJECT ADMINISTRATION AND PLAN REVISIONS

As a result of the additional meetings and schedule extension, it is anticipated that additional input and plan direction will lead to additional content creation and document adjustments. Schedule extension and meetings also assume additional client correspondence and check-ins, content review, and project administration.

Cost for this task is \$4,200.

TASK X.X - CONCEPTUAL PLANS OR ILLUSTRATIVE RENDERINGS

Conceptual plans or illustrative renderings demonstrate how areas of the community could be developed. This can include parks, small areas, corridors, downtown, trails, etc. 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.

Halff can create a conceptual rendering for the Town Center development at Dawn Drive.

The cost for these renderings varies depending on level of analysis and detail desired. For a single custom illustrative rendering based on desktop and GIS analysis the cost would be approximately \$6,000. Halff could also bring an Urban Designer or Landscape Architect to Dawn drive to walk the site and develop a more detailed analysis and create multiple custom renderings. This higher-level concept could cost up to \$20,000 or more depending on number of rendering, complexity of analysis, and level of detail desired.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Tracie Hlavinka, City Manager
SUBJECT:	Discussion, consideration, and possible action regarding the City of Lago Vista entering into a professional services agreement with Safebuilt Texas, LLC., to provide services in accordance with construction codes, amendments and ordinances adopted by the City Council, State of Texas and regulations that are applicable to building and fire code.
BACKGROUND:	The City of Lago Vista recently began working with a third party to assist with residential and commercial plan reviews. This initiative aimed to allow city staff to concentrate more on local ordinances, such as those related to exterior lighting, drainage, driveways, and landscaping. Initially, the City contracted with only one engineering firm for these reviews. However, based on feedback from the community and developers, there have been requests for the City to consider offering more than one company to provide these services.
FINDINGS:	City staff recently met with representatives from Safebuilt Texas, LLC, to discuss incorporating an additional third-party engineering company for building and fire code reviews. This initiative is intended to offer more choices for these services. Safebuilt acknowledged that they would not be the exclusive provider and welcomed the opportunity to provide additional options to residents and builders working with the City. Staff recommends entering into a professional services agreement with Safebuilt Texas LLC to provide an additional option to builders within the city of Lago Vista for plan review of residential and commercial building and fire code.
FINANCIAL IMPACT:	Fee schedule for these services is provided within the agreement.
ATTACHMENTS:	Safebuilt Lago Vista TX Agreement 06.18.24.pdf

PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF LAGO VISTA, TEXAS AND SAFEUILT TEXAS, LLC

This Professional Services Agreement ("Agreement") is made and entered into by and between City of Lago Vista, Texas ("Municipality") and SAFEuilt Texas, LLC, a wholly owned subsidiary of SAFEuilt, LLC ("Consultant"). Municipality and Consultant shall be jointly referred to as "Parties".

RECITALS

WHEREAS, Municipality is seeking a consultant to perform the services listed in Exhibit A – List of Services, ("Services"); and

WHEREAS, Consultant is ready, willing, and able to perform Services.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Municipality and Consultant agree as follows:

1. SCOPE OF SERVICES

Consultant will perform Services in accordance with construction codes, amendments and ordinances adopted by the elected body of Municipality, state laws and regulations that are applicable to the Services provided under this Agreement. The qualified professionals employed by Consultant will maintain current certifications, certificates, licenses as required for Services that they provide to Municipality. Consultant is not obligated to perform services beyond what is contemplated by this Agreement.

Unless otherwise provided in Exhibit B, Consultant shall provide the Services using hardware and Consultant's standard software package. In the event that Municipality requires that Consultant utilize hardware or software specified by or provided by Municipality, Municipality shall provide the information specified in Exhibit B. Consultant shall use reasonable commercial efforts to comply with the requirements of Exhibit B and Municipality, at its sole expense, shall provide such technical support, equipment or other facilities as Consultant may reasonably request to permit Consultant to comply with the requirements of Exhibit B.

2. CHANGES TO SCOPE OF SERVICES

Any changes to Services between Municipality and Consultant shall be made in writing that shall specifically designate changes in Service levels and compensation for Services. Both Parties shall determine a mutually agreed upon solution to alter services levels and a transitional timeframe that is mutually beneficial to both Parties. No changes shall be binding absent a written Agreement or Amendment executed by both Parties.

3. FEE STRUCTURE

In consideration of Consultant providing services, Municipality shall pay Consultant for Services performed in accordance with Exhibit B – Fee Schedule for Services.

4. INVOICE & PAYMENT STRUCTURE

Consultant will invoice Municipality, on a monthly basis and provide all necessary supporting documentation. All payments are due to Consultant within 30 days of Consultant's invoice date. Payments owed to Consultant but not made within sixty (60) days of invoice date shall bear simple interest at the rate of one and one-half percent (1.5%) per month. If payment is not received within ninety (90) days of invoice date, Services will be discontinued until all invoices and interest are paid in full. Municipality may request, and Consultant shall provide, additional information before approving the invoice. When additional information is requested Municipality will identify specific disputed item(s) and give specific reasons for any request. Undisputed portions of any invoice shall be due within 30 days of Consultants invoice date, if additional information is requested, Municipality will submit payment within thirty (30) days of resolution of the dispute.

5. TERM

This Agreement shall be effective on the latest date on which this Agreement is fully executed by both Parties. The initial term of this Agreement shall be twelve (12) months. Agreement shall automatically renew for subsequent twelve (12) month terms until such time as either Party notifies the other of their desire to terminate this Agreement.

6. TERMINATION

Either Party may terminate this Agreement, or any part of this Agreement upon ninety (90) days written notice, with or without cause and with no penalty or additional cost beyond the rates stated in this Agreement. In case of such termination, Consultant shall be entitled to receive payment for work completed up to and including the date of termination within thirty (30) days of the termination.

All structures that have been permitted, a fee collected, and not yet expired at the time of termination may be completed through final inspection by Consultant if approved by Municipality. Consultant's obligation is met upon completion of final inspection or permit expiration, provided that the time period to reach such completion and finalization does not exceed ninety (90) days. Alternately, Municipality may exercise the option to negotiate a refund for permits where a fee has been collected but inspections have not been completed. The refund will be prorated according to percent of completed construction as determined by Consultant and mutually agreed upon by all Parties. No refund will be given for completed work.

7. FISCAL NON-APPROPRIATION CLAUSE

Financial obligations of Municipality payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of Municipality, and other applicable law. Upon the failure to appropriate such funds, this Agreement shall be terminated.

8. MUNICIPALITY OBLIGATIONS

Municipality shall timely provide all data information, plans, specifications and other documentation reasonably required by Consultant to perform Services (Materials). Municipality has the right to grant and hereby grants Consultant a fully paid up, non-exclusive, non-transferable license to use the Materials in accordance with the terms of this Agreement.

9. PERFORMANCE STANDARDS

Consultant shall perform the Services using that degree of care, skill, and professionalism ordinarily exercised under similar circumstances by members of the same profession practicing or performing the substantially same or similar services. Consultant represents to Municipality that Consultant retains employees that possess the skills, knowledge, and abilities to competently, timely, and professionally perform Services in accordance with this Agreement.

10. INDEPENDENT CONTRACTOR

Consultant is an independent contractor, and, except as provided otherwise in this section, neither Consultant, nor any employee or agent thereof, shall be deemed for any reason to be an employee or agent of Municipality. Municipality shall have no liability or responsibility for any direct payment of any salaries, wages, payroll taxes, or any and all other forms or types of compensation or benefits to any personnel performing services for Municipality under this Agreement. Consultant shall be solely responsible for all compensation, benefits, insurance and employment-related rights of any person providing Services hereunder during the course of or arising or accruing as a result of any employment, whether past or present, with Consultant.

Consultant and Municipality agree that Consultant will provide similar service to other clients while under contract with Municipality and Municipality acknowledges that Consultant employees may provide similar services to multiple clients. Consultant shall at its sole discretion assign and reassign qualified employees, as determined by Consultant, to perform services for Municipality. Municipality may request that a specific employee be assigned to or reassigned from work under this Agreement and Consultant shall consider that

request when determining staffing. Consultant shall determine all conditions of employment for its employees, including hours, wages, working conditions, promotion, discipline, hiring and discharge. Consultant exclusively controls the manner, means and methods by which services are provided to Municipality, including attendance at meetings, and Consultant's employees are not subject to the direction and control of Municipality. Except where required by Municipality to use Municipality information technology equipment or when requested to perform the services from office space provided by the Municipality, Consultant employees shall perform the services using Consultant information technology equipment and from such locations as Consultant shall specify. No Consultant employee shall be assigned a Municipal email address as their exclusive email address and any business cards or other IDs shall state that the person is an employee of Consultant or providing Services pursuant to a contractual agreement between Municipality and Consultant.

It is the intention of the Parties that, to the greatest extent permitted by applicable law, Consultant shall be entitled to protection under the doctrines of governmental immunity and governmental contractor immunity, including limitations of liability, to the same extent as Municipality would be in the event that the services provided by Consultant were being provided by Municipality. Nothing in this Agreement shall be deemed a waiver of such protections.

11. ASSIGNMENT AND SUBCONTRACT

Neither party shall assign all or part of its rights or obligations under this Agreement to another entity without the written approval of both Parties; consent shall not be unreasonably withheld. Notwithstanding the preceding, Consultant may assign this Agreement in connection with the sale of all or substantially all of its assets or ownership interest, effective upon notice to Municipality, and may assign this Agreement to its parent, subsidiaries or sister companies (Affiliates) without notice to Municipality. Consultant may subcontract any or all of the services to its Affiliates without notice to Municipality. Consultant may subcontract any or all of the services to other third parties provided that Consultant gives Municipality prior written notice of the persons or entities with which Consultant has subcontracted. Consultant remains responsible for any Affiliate's or subcontractor's performance or failure to perform. Affiliates and subcontractors will be subject to the same performance criteria expected of Consultant. Performance clauses will be included in agreements with all subcontractors to assure quality levels and agreed upon schedules are met.

12. INDEMNIFICATION

To the fullest extent permitted by law, Consultant shall defend, indemnify, and hold harmless Municipality, its elected and appointed officials, employees and volunteers and others working on behalf of Municipality, from and against any and all third-party claims, demands, suits, costs (including reasonable legal costs), expenses, and liabilities ("Claims") alleging personal injury, including bodily injury or death, and/or property damage, but only to the extent that any such Claims are caused by the negligence of Consultant or any officer, employee, representative, or agent of Consultant. Consultant shall have no obligations under this Section to the extent that any Claim arises as a result of Consultants compliance with Municipal law, ordinances, rules, regulations, resolution, executive orders or other instructions received from Municipality.

To the fullest extent permitted by law and without waiver of governmental immunity, Municipality shall defend, indemnify, and hold harmless Consultant, its officers, employees, representatives, and agents, from and against any and all Claims alleging personal injury, including bodily injury or death, and/or property damage, but only to the extent that such Claims are caused by (a) the negligence of, or material breach of any obligation under this Agreement by, Municipality or any officer, employee, representative, or agent of Municipality or (b) Consultant's compliance with Municipal law, ordinances, rules, regulations, resolutions, executive orders or other instructions received from Municipality. If either Party becomes aware of any incident likely to give rise to a Claim under the above indemnities, it shall notify the other and both Parties shall cooperate fully in investigating the incident.

13. LIMITS OF LIABILITY

EXCEPT ONLY AS MAY BE EXPRESSLY SET FORTH HEREIN, CONSULTANT EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ERROR-FREE OPERATION, PERFORMANCE, ACCURACY, OR NON-INFRINGEMENT. IN NO EVENT SHALL CONSULTANT OR MUNICIPALITY BE LIABLE TO ONE ANOTHER FOR INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE, EXEMPLARY, OR SPECIAL DAMAGES INCLUDING WITHOUT LIMITATION, DAMAGES FOR LOST PROFITS, LOST REVENUES, LOST DATA OR OTHER INFORMATION, OR LOST BUSINESS OPPORTUNITY, REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT, INDEMNITY, NEGLIGENCE, WARRANTY, STRICT LIABILITY, OR TORT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND NOTWITHSTANDING THE FAILURE OF ESSENTIAL PURPOSE OF ANY REMAINING REMEDY OTHER THAN WITH RESPECT TO PAYMENT OF OBLIGATIONS FOR SERVICES. EXCEPT WITH RESPECT TO PAYMENT OBLIGATIONS, IN NO EVENT SHALL THE LIABILITY OF MUNICIPALITY OR CONSULTANT UNDER THIS AGREEMENT FROM ANY CAUSE OF ACTION WHATSOEVER (REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER LEGAL THEORY, AND WHETHER ARISING BY NEGLIGENCE, INTENTIONAL CONDUCT, OR OTHERWISE) EXCEED THE GREATER OF THE AMOUNT OF FEES PAID TO CONSULTANT PURSUANT TO THIS AGREEMENT OR THE AVAILABLE LIMITS OF CONSULTANTS INSURANCE REQUIRED PURSUANT TO SECTION 16, BELOW (SUCH LIMITS DEFINE MUNICIPAL MAXIMUM LIABILITY TO THE SAME EXTENT AS IF MUNICIPALITY HAD BEEN OBLIGATED TO PURCHASE THE POLICIES).

EXCEPT WITH RESPECT TO PAYMENT OBLIGATIONS, IN NO EVENT SHALL THE LIABILITY OF MUNICIPALITY OR CONSULTANT UNDER THIS AGREEMENT FROM ANY CAUSE OF ACTION WHATSOEVER (REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER LEGAL THEORY, AND WHETHER ARISING BY NEGLIGENCE, INTENDED CONDUCT, OR OTHERWISE) EXCEED \$2,000,000.

14. INSURANCE

- A. Consultant shall procure and maintain and shall cause any subcontractor of Consultant to procure and maintain, the minimum insurance coverages listed below throughout the term of this Agreement. Such coverages shall be procured and maintained with forms and insurers acceptable to Municipality. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.
- B. Worker's compensation insurance to cover obligations imposed by applicable law for any employee engaged in the performance of work under this Agreement, and Employer's Liability insurance with minimum limits of one million dollars (\$1,000,000) bodily injury each accident, one million dollars (\$1,000,000) bodily injury by disease – policy limit, and one million dollars (\$1,000,000) bodily injury by disease – each employee. Worker's compensation coverage in "monopolistic" states is administered by the individual state and coverage is not provided by private insurers. Individual states operate a state administered fund of workers compensation insurance which set coverage limits and rates. Monopolistic states: Ohio, North Dakota, Washington, Wyoming.
- C. Commercial general liability insurance with minimum combined single limits of one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, independent Consultant's, and products. The policy shall contain a severability of interest provision and shall be endorsed to include Municipality and Municipality's officers, employees, and consultants as additional insureds.
- D. Professional liability insurance with minimum limits of one million dollars (\$1,000,000) each claim and two million dollars (\$2,000,000) general aggregate.
- E. Automobile Liability: If performance of this Agreement requires use of motor vehicles licensed for highway use, Automobile Liability Coverage is required that shall cover all owned, non-owned, and hired automobiles with a limit of not less than \$1,000,000 combined single limit each accident.
- F. Municipality shall be named as an additional insured on Consultant's insurance coverage.
- G. Prior to commencement of Services, Consultant shall submit certificates of insurance acceptable to Municipality.

15. THIRD PARTY RELIANCE

This Agreement is intended for the mutual benefit of Parties hereto and no third-party rights are intended or implied.

16. OWNERSHIP OF DOCUMENTS

Except as expressly provided in this Agreement, Municipality shall retain ownership of all Materials and Consultant shall retain ownership of all pre-existing Consultant intellectual property, including improvements thereto all work product and deliverables created by Consultant pursuant to this Agreement. The Materials, work product and deliverables shall be used by Consultant solely as provided in this Agreement and for no other purposes without the express prior written consent of Municipality. Subject to the preceding, as between Municipality and Consultant, all deliverables from the performance of the Services (Deliverables) shall become the exclusive property of Municipality when Consultant has been compensated for the same as set forth herein, and Municipality shall thereafter retain sole and exclusive rights to receive and use such materials in such manner and for such purposes as determined by it. Notwithstanding any provision of this Agreement to the contrary, Consultant shall have no liability, including under Section 14, with respect to (i) the use by Municipality of unfinished or draft Deliverables or (ii) the use of Deliverables for any project other than that for which they were prepared or (iii) the use of Deliverables after a change in applicable codes or law. Notwithstanding the preceding, Consultant may use the Materials, work product, deliverables, applications, records, documents and other materials provided to perform the Services or resulting from the Services, for purposes of (i) training, (ii) benchmarking of Municipality's and other client's performance relative to that of other groups of customers served by Consultant; and (ii) improvement, development marketing and sales of existing and future Consultant services, tools and products. For the avoidance of doubt, Municipality Data will be provided to third parties, other than hosting providers, development consultants and other third parties providing services for Consultant, only on an anonymized basis and only as part of a larger body of anonymized data. If this Agreement expires or is terminated for any reason, all records, documents, notes, data and other materials maintained or stored in Consultant's secure proprietary software pertaining to Municipality will be exported into a CSV file and become property of Municipality. Notwithstanding the preceding, Consultant shall own all rights and title to any Consultant provided software and any improvements or derivative works thereof.

17. CONSULTANT ACCESS TO RECORDS

Parties acknowledge that Consultant requires access to Records in order for Consultant to perform its obligations under this Agreement. Accordingly, Municipality will either provide to Consultant on a daily basis such data from the Records as Consultant may reasonably request (in an agreed electronic format) or grant Consultant access to its Records and Record management systems so that Consultant may download such data. Data provided to or downloaded by Consultant pursuant to this Section shall be used by Consultant solely in accordance with the terms of this Agreement.

18. CONFIDENTIALITY

Consultant shall not disclose, directly or indirectly, any confidential information or trade secrets of Municipality without the prior written consent of Municipality or pursuant to a lawful court order directing such disclosure.

19. CONSULTANT PERSONNEL

Consultant shall employ a sufficient number of experienced and knowledgeable employees to perform Services in a timely, polite, courteous and prompt manner. Consultant shall determine appropriate staffing levels and shall promptly inform Municipality of any reasonably anticipated or known employment-related actions which may affect the performance of Services. Additional staffing resources shall be made available to Municipality when assigned employee(s) is unavailable.

20. DISCRIMINATION & ADA COMPLIANCE

Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability, national origin or any other category protected by applicable federal or state law. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer,

recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of Equal Opportunity laws. Consultant shall comply with the appropriate provisions of the Americans with Disabilities Act (the "ADA"), as enacted and as from time to time amended, and any other applicable federal regulations. A signed certificate confirming compliance with the ADA may be requested by Municipality at any time during the term of this Agreement.

21. E-VERIFY/VERIFICATION OF EMPLOYMENT STATUS

Pursuant to FS 448.095, Consultant certifies that it is registered with and uses the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Consultant during the term of the Agreement. Consultant shall not knowingly employ or contract with an illegal alien to perform work under this Agreement and will verify immigration status to confirm employment eligibility. If Consultant enters into a contract with a subcontractor to perform work or provide services pursuant to the Agreement, Consultant shall likewise require the subcontractor to comply with the requirements of FS 448.095, and the subcontractor shall provide to Consultant an affidavit stating that the subcontractor does not employ, contract with or subcontract with an unauthorized alien. Consultant will maintain a copy of such affidavit for the duration of its contract with owner. Consultant is prohibited from using the E-Verify program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

22. SOLICITATION/HIRING OF CONSULTANT'S EMPLOYEES

During the term of this Agreement and for one year thereafter, Municipality shall not solicit, recruit or hire, or attempt to solicit, recruit or hire, any employee or former employee of Consultant who provided services to Municipality pursuant to this Agreement ("Service Providers"), or who interacted with Municipality in connection with the provision of such services (including but not limited to supervisors or managers of Service Providers, customer relations personnel, accounting personnel, and other support personnel of Consultant). Parties agree that this provision is reasonable and necessary in order to preserve and protect Consultant's trade secrets and other confidential information, its investment in the training of its employees, the stability of its workforce, and its ability to provide competitive building department programs in this market. If any provision of this section is found by a court or arbitrator to be overly broad, unreasonable in scope or otherwise unenforceable, Parties agree that such court or arbitrator shall modify such provision to the minimum extent necessary to render this section enforceable. In the event that Municipality hires any such employee during the specified period, Municipality shall pay to Consultant a placement fee equal to 100 % of the employee's annual salary including bonus and training certification.

23. NOTICES

Any notice under this Agreement shall be in writing and shall be deemed sufficient when presented in person, or sent, pre-paid, first class United States Mail, or delivered by electronic mail to the following addresses:

If to Municipality:

Edward Tidwell, Mayor
City of Lago Vista, Texas
PO Box 4727
Lago Vista, TX 92691
Email: etidwell@lago-vista.org

If to Consultant:

Joe DeRosa, CRO
SAFEbuilt, LLC
444 North Cleveland, Suite 444
Loveland, CO 80537
Email: jderosa@safebuilt.com

24. FORCE MAJEURE

Any delay or nonperformance of any provision of this Agreement by either Party (with the exception of payment obligations) which is caused by events beyond the reasonable control of such party, shall not constitute a breach of this Agreement, and the time for performance of such provision, if any, shall be deemed to be extended for a period equal to the duration of the conditions preventing such performance.

25. DISPUTE RESOLUTION

In the event a dispute arises out of or relates to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, Parties agree first to try in good faith to settle the dispute by mediation, before resorting to arbitration, litigation, or some other dispute resolution procedure. The cost thereof shall be borne equally by each Party.

26. ATTORNEY'S FEES

In the event of dispute resolution or litigation to enforce any of the terms herein, each Party shall pay all its own costs and attorney's fees.

27. AUTHORITY TO EXECUTE

The person or persons executing this Agreement represent and warrant that they are fully authorized to sign and so execute this Agreement and to bind their respective entities to the performance of its obligations hereunder.

28. CONFLICT OF INTEREST

Consultant shall refrain from providing services to other persons, firms, or entities that would create a conflict of interest for Consultant with regard to providing the Services pursuant to this Agreement. Consultant shall not offer or provide anything of benefit to any Municipal official or employee that would place the official or employee in a position of violating the public trust as provided under Municipality's charter and code of ordinances, state or federal statute, case law or ethical principles.

29. GOVERNMENT CODE/PROHIBITION OF BOYCOTT ISRAEL

Consultant verifies that it does not Boycott Israel and agrees that during the term of this Agreement will not Boycott Israel as that term is defined in Texas Government Code Section 808.001/2270.001, as amended. By signing below, the Consultant certifies that it does not boycott Israel and will not boycott Israel during the term of this contract.

30. GOVERNMENT CODE/PROHIBITION OF BOYCOTT FIREARMS AND AMMUNITION INDUSTRIES

Senate Bill 19, Effective September 1, 2021, amended Subtitle F, Title 10 of the Texas Government Code to add Chapter 2274 which prohibits a political subdivision of the State of Texas from entering into a contract with a company that discriminates against the firearms and ammunition industries. By signing below, Consultant certifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association as defined by Chapter 2274 of the Texas Government Code, and will not so discriminate during the term of the contract.

31. GOVERNMENT CODE/PROHIBITION OF BOYCOTT ENERGY COMPANIES

Senate Bill 13, effective September 1, 2022, amended Subtitle F, Title 10 of the Texas Government Code to add Section 2274.002 which prohibits a political subdivision of the State of Texas from entering into a contract with a company that discriminates against energy companies. By signing below, the Consultant certifies that it does not boycott energy companies and will not boycott energy companies during the term of this contract.

32. GOVERNING LAW AND VENUE

The negotiation and interpretation of this Agreement shall be construed under and governed by the laws of the State of Texas, without regards to its choice of laws provisions. Exclusive venue for any action under this Agreement, other than an action solely for equitable relief, shall be in the state and federal courts serving Municipality and each party waives any and all jurisdictional and other objections to such exclusive venue.

33. COUNTERPARTS

This Agreement and any amendments or task orders may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. For purposes of executing this Agreement, scanned signatures shall be as valid as the original.

34. ELECTRONIC REPRESENTATIONS AND RECORDS

Parties hereby agree to regard electronic representations of original signatures as legally sufficient for executing this Agreement and scanned signatures emailed by PDF or otherwise shall be as valid as the original. Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

35. WAIVER

Failure to enforce any provision of this Agreement shall not be deemed a waiver of that provision. Waiver of any right or power arising out of this Agreement shall not be deemed waiver of any other right or power.

36. ENTIRE AGREEMENT

This Agreement, along with attached exhibits, constitutes the complete, entire and final agreement of the Parties hereto with respect to the subject matter hereof, and shall supersede any and all previous agreements, communications, representations, whether oral or written, with respect to the subject matter hereof. Invalidity of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

IN WITNESS HEREOF, the undersigned have caused this Agreement to be executed in their respective names on the dates hereinafter enumerated.

SAFEbuilt Texas, LLC

City of Lago Vista, Texas

By: _____

By: _____

Name: Gary Amato

Name: _____

Title: Chief Administrative Officer

Title: _____

Date: June 19, 2024

Date: _____

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EXHIBIT A – SCOPE AND FEE SCHEDULE FOR LAGO VISTA, TEXAS SERVICES

1. FEE SCHEDULE

- A. Beginning 24 months after the execution of this Agreement, and annually thereafter, the flat rates and lump sum rates listed shall be increased by 4.5% or based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the “CPI”) for the Municipality or, if not reported for the Municipality the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4.5% per annum. The increase will become effective upon publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.
- B. Consultant fees for Services provided pursuant to this Agreement are on an ***as-requested basis by the Municipality*** and will be as follows:

2. CODE REFERENCE

- A. Inspection of commercial and residential construction to verify compliance with the Municipality’s locally adopted codes and amendments to those locally adopted codes and the International Code Council (ICC) series of I-Codes including the International Building Code, International Residential Code and all other ICC series of I-Codes adopted by the Municipality, and the current edition of the National Electrical Code (or later versions as adopted by the Municipality), as published by the National Fire Protection Association.

3. INSPECTIONS – RESIDENTIAL / COMMERCIAL / FIRE / HEALTH

- A. Inspections requested by Municipality before 4pm shall be performed the next business day by Consultant. All reasonable effort shall be made by Consultant to perform inspections when, at the request of Municipality, there is a need for immediate services. Such inspections shall be performed at no additional cost to Municipality.
- B. Inspection Services when less than \$50,000 will be invoiced 100% at the completion of the first inspection performed for that service. Inspection Services beyond \$50,000 will be invoiced on a percentage basis evenly spread across the duration of the construction schedule.

Residential & Commercial Inspections (based on per inspection)	
Residential	\$35
Commercial & Multi-Family	\$50
Fire Code Project Inspections (based on valuation of system)	
\$1 to \$6,250	\$ 285
\$6,251 to \$250,000	\$ 345
\$250,001 to \$500,000	\$ 465
\$500,001 to \$1,000,000	\$ 660
\$1,000,001 to \$3,000,000	\$ 930
\$3,000,001 and up	\$2,910 + \$0.15 each add'l \$1,000
Fire Code Additional Service Inspections (based on flat fees)	
Annual - Day Care, Foster Home, Commercial, Multi-Family	\$ 125
Annual - Nursing Home, Assisted Living, School	\$ 250
Certificate of Occupancy	\$ 125 per hour (1-hour minimum)
Re-Inspection	\$ 150
Underground Inspection	\$ 400

EXHIBIT A – SCOPE AND FEE SCHEDULE FOR LAGO VISTA, TEXAS SERVICES

Health Code Service Inspections (based on flat fees)	
Category A – TCS foods or non-TCS foods are processed and prepared or commercial kitchen with extensive preparation and processing	\$ 250
Category B – Pre-packaged TCS foods are sold and/or limited to non-TCS foods including sliced citrus beverage garnishments, crushed ice mixed with a sugar water-based syrup are sold. Limited preparation and processing	\$ 187.50
Category C – Non-TCS foods such as farmers market (whole produce), convenience store with no preparation, snow cone or pop-a-top bar with set-ups. Limited to no food preparation or processing.	\$ 125
Annual Food Establishment Certificate	\$ 125 per certificate
Annual Public Pool Inspection	\$ 195 per pool
Mobile Food Truck Inspection	\$ 125 per truck
Temporary Events	\$ 95
Complaint Investigation (per complaint / per hour)	\$ 125 per hour (1-hour minimum)

EXHIBIT B – MUNICIPAL SPECIFIED OR SAFE BUILT PROVIDED SOFTWARE

1. Consultant shall provide Services pursuant to this Agreement using hardware and Consultant's standard software package, unless otherwise provided below. Use of Consultant's software shall be subject to the applicable terms of service, privacy and other policies published by Consultant with respect to that software, as those policies may be amended from time to time. In the event that Municipality requires that Consultant utilize hardware and/or software specified by and provided by Municipality, Consultant shall use reasonable commercial efforts to comply with Municipal requirements.
2. Municipality, at its sole expense, shall provide such technical support, equipment or other facilities as Consultant may reasonably request to permit Consultant to comply with Municipal requirements. Municipality will provide the following information to Consultant.
 - ✓ Municipal technology point of contact information including name, title, email and phone number
 - ✓ List of technology services, devices and software that the Municipality will provide may include:
 - Client network access
 - Internet access
 - Proprietary or commercial software and access
 - Computer workstations/laptops
 - Mobile devices
 - Printers/printing services
 - Data access
 - List of reports and outputs

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Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Taylor Whichard, Public Works

SUBJECT: Discussion, consideration, and possible action on Resolution No. 24-2072, a resolution by the City Council of Lago Vista, Texas approving a revocable license agreement between the City of Lago Vista and Robert W. Ruggiero and Sally Ruggiero for an encroachment into the public right-of-way on Crockett Ave and for encroachment of public infrastructure into private property located at 20117 Highland Lake Drive.

BACKGROUND: At the beginning of April, Mr. Ruggiero brought forward this request to install a fence in the platted right-of-way on Crockett Ave. The Public Works Director met Mr. Ruggiero at their address located at 20177 Highland Lakes Drive. The property owners seek to install a fence in the platted cul-de-sac of Crockett Avenue approximately twelve (12) feet from the edge of pavement. Also, it was found that a portion of pavement for Highland Lakes Drive encroaches onto their private property as indicated in the Exhibit provided. On August 1st, the City received a formal request from Mr. Ruggiero to be placed on a Council Agenda for the revocable license agreement to encroach into public right-of-way.

FINDINGS: Given that a cul-de-sac was never constructed at the end of Crockett Avenue as the plat suggests, their proposed fence will not pose any sight distance or other safety hazards, nor impede the flow of traffic. Mr. and Mrs. Ruggiero fully understand, that if Public Works needs to perform maintenance in the right-of-way, that City personnel will remove the fence without replacing it. There is a water meter box at the edge of their property along Crockett Avenue which will remain accessible from the roadway.

City staff recommends approval of this resolution.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Resolution 24-2072 Revocable Licesnse 20117 Highland Lake Drive.pdf](#)
[2024-08-27 Revocable License Agreement Highland Lakes Drive.pdf](#)

CITY OF LAGO VISTA, TEXAS
RESOLUTION NO. 24-2072

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPROVING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF LAGO VISTA AND ROBERT W. RUGGIERO AND SALLY RUGGIERO FOR AN ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY ON CROCKETT AVE ADJACENT TO 20117 HIGHLAND LAKE DRIVE; AND PROVIDING APPROVAL OF CITY INFRASTRUCTURE TO ENCROACH ONTO PRIVATE PROPERTY; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista (referred to hereinafter as the “City”) owns real property which is legally described and platted as a public right-of-way named as Crockett Ave; and

WHEREAS, the City owns real property which is legally described and platted as a public right-of-way named as Highland Lakes Drive with a portion of the pavement encroaching onto private property located at 20117 Highland Lakes Drive as shown in **Exhibit “A”**; and

WHEREAS, the City has received a request through the City Manager for a revocable license agreement to allow the encroachment of a portion of a fence into the public right-of-way immediately adjacent to 20117 Highland Lakes and located on Crockett Ave as described in the attached proposed license agreement; and

WHEREAS, despite concerns about additional such requests, the Public Works Director has confirmed that the proposed encroachment does not create a public safety hazard or preclude the City from performing necessary maintenance or repairs to any right-of-way improvements in that specific location; and

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

SECTION 1. The facts and recitations contained in this resolution are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof.

SECTION 2. The City Manager is hereby authorized to execute a revocable license agreement in substantially the same form as attached hereto as **Exhibit “A.”**

SECTION 3. All orders, ordinances, resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict only, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.

SECTION 4. This resolution shall be effective immediately upon adoption.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 5th day of September 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

REVOCABLE LICENSE TO ENCROACH AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS § KNOW ALL BY THESE PRESENTS:

This is a revocable license agreement for the use of a certain portion of the public right-of-way adjacent to 20117 Highland Lakes Drive along Crockett Avenue for a proposed fence as more specifically described in the attached **Exhibit “A”** between the City of Lago Vista, Texas, acting by and through its City Manager (referred to hereinafter as the “City”) and Robert W. Ruggiero and Sally Ruggiero (referred to hereinafter as “Licensee”). Collectively, the City and Licensee will hereinafter be referred to as the “Parties.”

RECITALS

The Parties acknowledge and agree on the following:

1. The City is the owner of the public right-of-way known as Crockett Avenue that is included in the description attached as **Exhibit “A”** (referred to hereinafter as the “Property”).
2. The encroachment described and highlighted in **Exhibit “A”** is located adjacent to the lot owned by the Licensee which includes their principal residence.
3. The City is owner of public right-of-way known as Highland Lakes Drive that is included in the description which a portion of the pavement encroaches onto private property.
4. It is in the best interests of the City to have access to the existing and future infrastructure within the Crockett Avenue right-of-way while allowing for the encroachment of private property, limited to a fence that meets City code into the right-of-way as described in the attached **Exhibit “A.”**
5. The City finds that there are negligible negative impacts that this agreement will have on the public’s use of the right-of-way for the described encroachment.
6. This agreement is supported by full and adequate consideration.

TERMS OF THE AGREEMENT

In consideration of the recitals and mutual covenants contained in this document, the Parties agree to the following terms:

ARTICLE 1 PREMISES AND PRIVILEGES

For and in consideration of the terms, conditions, and covenants of this agreement to be performed by the Licensee, all of which the Licensee accepts, the City authorizes and permits the

Licensee to have the non-exclusive use of the right-of-way for the encroachment of the proposed fence specifically as shown in the attached **Exhibit "A."** The herein described privileges are non-transferable and shall not convey with the sale of the property during the terms of the agreement as described in Article 2. The Licensee accepts the condition of the Property as is, in its condition as of the effective date of this agreement with no expectation that the City will incur any expense in connection with the Property.

ARTICLE 2 TERM OF THE AGREEMENT AND TERMINATION

This agreement shall remain in effect following its execution until revoked or terminated upon the occurrence of any of the following:

1. Either the City or the Licensee may terminate this Agreement without cause by submitting thirty (30) days written notice of such to the other Party.
2. Licensee defaults in the performance of its obligations under this agreement, if such default continues for a period of ten (10) days after written notice to the Licensee by the City of the default.
3. Licensee sells or otherwise conveys the property known as 21310 Choctaw Cove to another individual or entity.
4. The proposed fence that is encroaching into the Crockett Avenue right- of-way that is the object of this agreement is removed or in need of repair or replacement to the extent that a building permit is required for that repair or replacement by the Lago Vista Code of Ordinances.

Upon termination of this agreement, Licensee shall remove all things placed within the Crockett Cove right-of-way by the Licensee or its agents, servants, employees, or ancestors in title. Licensee shall restore the right-of-way as nearly as practical to its condition prior to the placement of the proposed fence in the Crockett Avenue right-of-way.

The failure of the City to declare the Licensee in default of this agreement shall not waive the right or bar the City from terminating this agreement because of any subsequent violation of its terms.

ARTICLE 3 OBLIGATIONS OF LICENSEE

In addition to any other obligations imposed by this agreement, Licensee accepts and will perform the following obligations:

1. Licensee shall not deny access to any public utility or telecommunication providers.
2. Licensee shall not modify the proposed fence or construct any other improvements that would encroach into the Crockett Avenue right-of-way without the written approval of the Public Works Director in addition to any otherwise required permits.
3. Licensee shall maintain the proposed fence or cause it to be removed if it is allowed to fall into a condition of disrepair.

4. Licensee acknowledges that the City may desire to repair, repave, or otherwise improve the right-of-way. In that event, Licensee shall allow the City access for such period of time as is necessary. The City also retains the right to access the right-of-way for all rights incidental to and necessary in connection with any utility mains or facilities that may be located on or underneath the area of the encroachment.

ARTICLE 4 NOT A CONVEYANCE OF REAL PROPERTY INTEREST

The Parties expressly acknowledge that this agreement is not a conveyance or transfer of any tenancy, leasehold, or ownership interest of any kind in the Crockett Avenue right-of-way.

ARTICLE 5 NO LIABILITY FOR THE CITY

The Parties agree that the City shall have no liability for any losses or damages, direct or consequential, resulting from the loss of anything of value located in or near the encroachment in the Crockett Avenue right-of-way, real or personal, whether by theft, vandalism, negligence, act of God, or other event or occurrence.

ARTICLE 6 MISCELLANEOUS GENERAL PROVISIONS

1. Attorney's Fees. In any action brought for the enforcement of the obligations in this agreement, the prevailing party shall be entitled to recover interest and reasonable attorney's fees.
2. Misrepresentation. All terms and conditions with respect to this agreement are expressly contained in this document. Licensee agrees that no representative or agent of the City has made any representation or promise with respect to this agreement not expressly contained herein.
3. Paragraph Headings. The paragraph headings are for convenience and references and are not intended to define or limit the scope of any provision of this agreement.
4. Notices. Notices that are sent pursuant to any provision of this agreement, at a minimum, shall be sent to the following:

City:

The City of Lago Vista, Texas
ATTN: City Secretary
P.O. Box 4727
Lago Vista, TX 78645

Licensee:

Marlene Guerrero and Milton Javier Plua-Chavez
21310 Choctaw Cove
Lago Vista, TX 78645

5. Choice of Law and Venue. This agreement is made and entered into by the Parties in Lago Vista, Travis County, Texas, and is intended to be performed in Lago Vista. This agreement shall be construed in accordance with the laws of the State of Texas and the venue of any suits arising from this agreement shall be Travis County, Texas.
6. Entire Agreement. This agreement including all exhibits constitutes the full and entire understanding and agreement between the Parties and supersedes any prior or contemporaneous written or oral agreements between the Parties. This agreement may not be amended except by a written instrument signed by both Parties.
7. Rights and Remedies. The rights and remedies provided in this agreement are cumulative; and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. The rights and remedies provided in this agreement are given in addition to any other rights the Parties may have by law, statute, ordinance, or otherwise.
8. Agreement Approval. Each Party represents and warrants that all necessary approvals for this agreement have been obtained, and the persons whose signatures appear below have the authority necessary to execute this agreement on behalf of the indicated Parties.
9. Originals. This agreement may be executed in multiple or duplicate originals. A duplicate original or copy of this agreement is as fully enforceable as an original, whether the document is a “hard copy” or an “electronic (digital) copy.” This agreement may be signed and a “portable document format (pdf) copy” transmitted electronically which shall then constitute an original signature on the document.
10. Effective Date. The effective date of this agreement shall be the date last signed by either Party.

AGREED to on behalf of the City on this _____ day of _____, 2024:

ATTEST:

City of Lago Vista, Texas

Lucy Aldrich, City Secretary

Tracie Hlavinka, City Manager

AGREED to on behalf of the Licensee:

Robert W. Ruggiero

Date

Sally Ruggiero

Date

STATE OF TEXAS §

COUNTY OF TRAVIS §

This agreement was acknowledged before me on _____, 2024, by Robert W. Ruggiero and Sally Ruggiero on behalf of said Licensee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2024.

Notary Public,-State of Texas

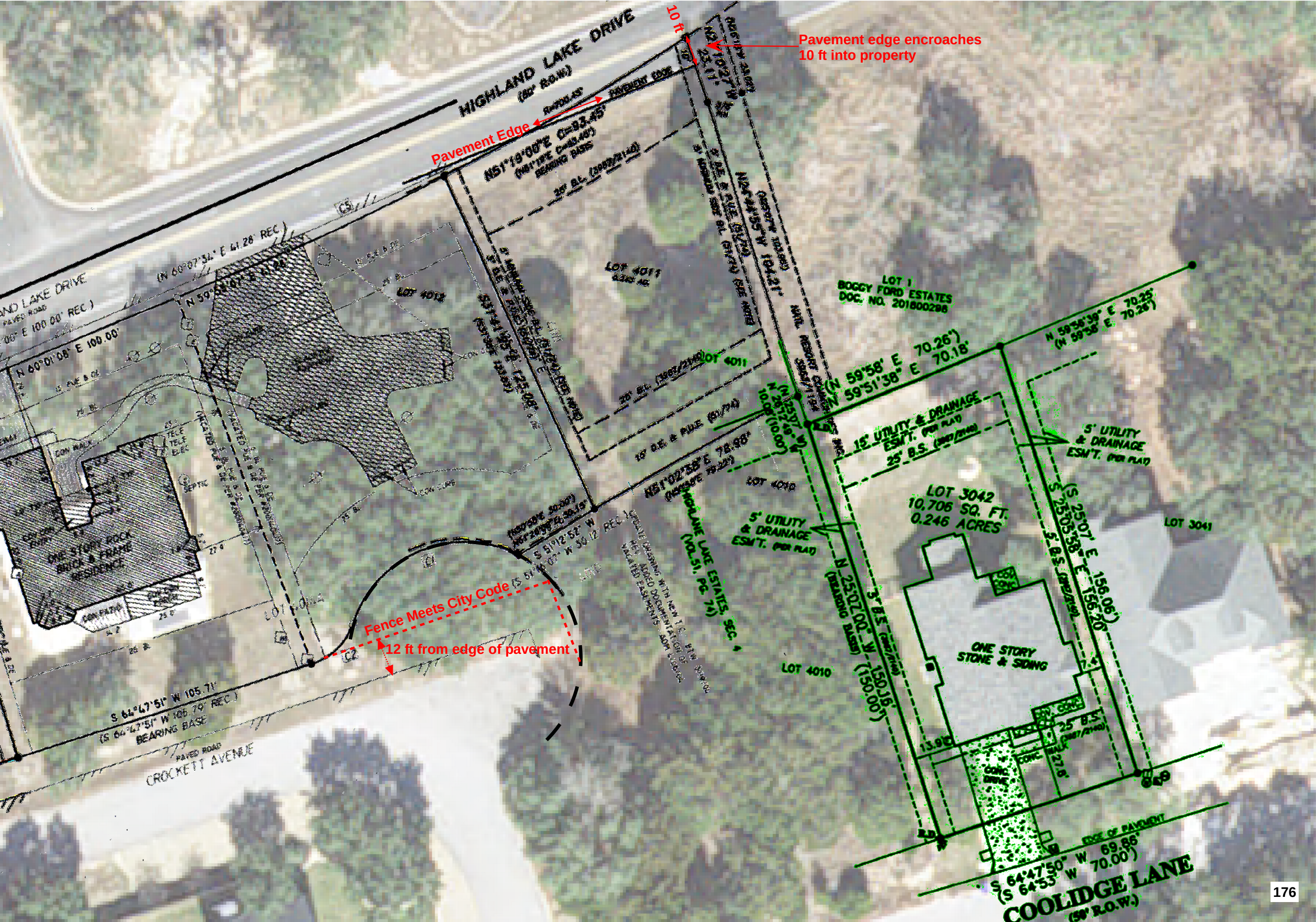
My Commission expires: _____

AFTER RECORDING PLEASE RETURN TO:

City of Lago Vista
City Secretary
P.O. Box 4727
Lago Vista, Texas 78645-0008

EXHIBIT “A”

DESCRIPTION OF PROPERTY





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Mayor Sullivan, City Council
SUBJECT:	Discussion, consideration, and possible action on future projects to be presented by Keep Lago Vista Beautiful.
BACKGROUND:	Keep Lago Vista Beautiful (KLVB) is a voluntary community organization that takes pride in keeping areas around the city maintained with foliage, art work and plantings. This organization also assists with maintaining City owned areas such as Bowden Point, the Golf Course Clubhouse and Dawn Drive. In recent months, KLVB has been working with local artists to provide murals on structures such as traffic signal boxes, walls at the youth baseball fields and elementary school.
FINDINGS:	A representative from the organization will present two future projects for consideration and possible approval. The first project will be a mural to be painted on the wall of the bathroom at Sunset Park. The second project is a wall screening the utility boxes at Bowden Point. Pictures of the two projects are included in the material.
FINANCIAL IMPACT:	These proposals do not impact the current or future budgets.
ATTACHMENTS:	Golden cheeked warbler mock up.pdf Possible Bowdin Point Screening Fence.pdf







Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Taylor Whichard, Public Works

SUBJECT: Discussion, consideration, and possible action on Ordinance 24-09-05-05; an ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances: Article 6.000, Sec 6.200 Utility Rates and Fees; and Article 10.000, Sec 10.100 Pool Fees.

BACKGROUND: This is an amendment to the fee schedule of Article 6.000, Sec 6.200 Utility Rates and Fees that resulted from a multi-family property owner claiming they were being over charged for water usage. This topic was brought to light during discussions surrounding Drought Contingency Fee's per LUE.

This amendment also removes the provision in Section 10.100 Pool Fees allowing rental of the entire pool, as discussed by Council in previous meetings.

FINDINGS: After looking into the billing system, it was found that some multi-family units are currently being charged a base rate of one (1) LUE per door. Apartments and condominiums, on a daily average, do not consume the same amount of water as a single family detached home which is what an LUE is based on.

The proposed ordinance standardizes the billing rate for multi-family complexes by using the SUE (Service Unit Equivalent) based on meter size as shown in section 3.500 in Appendix A (impact fees) to calculate the base rate, and then the volumetric rate for water usage is calculated at the same rate as other residential users.

Using The Island as an example, they are currently being charged 220 base rates. Under the new ordinance which utilizes meter size to calculate base rates, they would only be charged for 160.

The City Council had discussions regarding pool rental of the

entire facility during earlier fee schedule discussions. During these discussions, the Council directed staff to no longer rent the entire pool out, this requires amending the fee schedule.

The proposed ordinance also deletes subsections (f) and (g) in Section 10.100 Pool Fees. These were the provisions that allowed residents (i) and nonresidents (j) to rent the entire pool.

FINANCIAL IMPACT:

The base rate charge for multi-family units will be reduced, but their consumption charge should increase. It is unknown at this time what the revenue impact will be.

ATTACHMENTS:

[Ordinance_Fee_Schedule_Amendment_Final \(1\).pdf](#)

[Fee Schedule Amendment Multi-Family Residential and Pool Use_Clean.pdf](#)

[Fee_Schedule Amendment Multi-Family Residential and Pool Use Redline.pdf](#)

[Section 3.500.pdf](#)

ORDINANCE NO. 24-09-05-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES, ARTICLE 6.000, SEC 6.200 UTILITY RATES AND FEES, AND ARTICLE 10.000, SECTION 10.100 POOL FEES; PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSES.

WHEREAS, The City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, The City Council of the City of Lago Vista finds that from time to time it is necessary to review and amend its fee schedule for permits and rates; and

WHEREAS, the City Council desires to amend Appendix A, Fee Schedule, as set out in the attached Exhibit “A”; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Appendix A, Fee Schedule of the City of Lago Vista Code of Ordinances.

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 Article 6.000, Sec 6.200 Utility Rates and Fees; and Article 10.000, Sec 10.100 Pool Fees, as shown in Exhibit “A”. Underlined language shall be added and language to be deleted is signified by strike-through. All unedited Sections of the Code of Ordinances remain in effect as currently written.

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. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the

City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 5th day of September, 2024 by a vote of the City Council of the City of Lago Vista, Texas.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

APPENDIX A

FEE SCHEDULE

ARTICLE 6.000 UTILITY RELATED FEES

Sec 6.200 Utility Rates and Fees

a) Residential and commercial water service:

1. Utility Line Extension Rate:

Unit Cost per Linear Foot									
Line Size	2"	3"	4"	6"	8"	10"	12"	16"	18"
Cost	\$67	\$68	\$92	\$100	\$119	\$136	\$146	\$203	\$212

2. Construction Administrative Fees:

- A. 5% of the estimate for Option 1 (Resident Applicant)
- B. 10% of the estimate for Option 1a (Home Builder Applicant)
- C. 15% of the estimate for Option 1b (All Other Applicants and over 400' Extension)
- D. 5% of the estimate for Option 2 (Developers and Non-City Managed Construction)

3. Drought contingency fees will be approved by City Council as needed based on the following formulation:

$$\begin{array}{c} \text{Drought} \\ \text{Contingency} \\ \text{Fee} \end{array} = \frac{\begin{array}{c} \text{Anticipated} \\ \text{Revenue Deficiency} \\ \text{Current Fiscal Year} \\ \text{Budgeted Revenue} \\ \text{(use acct 30-470-} \\ \text{4100 only)} \end{array}}{\text{Wastewater}} \times \begin{array}{c} \text{Consumption Rate} \end{array} \times \frac{\begin{array}{c} \text{Total Sewer} \\ \text{Consumption} \\ \text{1,000 Gallons} \end{array}}{\text{1,000 Gallons}}$$

4. Inside City Single-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

- A. Base rate: \$36.52.
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

5. Inside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due on December 16, 2024:
 - A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.
6. Inside City Commercial (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$3.95 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001–above: \$19.02 per 1,000 gallons.
7. Inside City Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$6.11 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$7.64 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$9.55 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$11.94 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$14.93 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$18.66 per 1,000 gallons.
 - vii. 50,001–above: \$23.32 per 1,000 gallons.
8. Inside City Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Flat volumetric rate: \$4.17 per 1,000 gallons.
9. Outside City Single-Family Residential
 - A. Base rate: \$41.51.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.

- iii. 5,001-10,000 gallons: \$7.80 per 1,000 gallons.
- iv. 10,001-15,000 gallons: \$9.80 per 1,000 gallons.
- v. 15,001-25,000 gallons: \$11.00 per 1,000 gallons.
- vi. 25,001-50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001-above: \$17.50 per 1,000 gallons.

10. Outside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class).). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due on December 16, 2024:

- A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.80 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.80 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

11. Outside City Commercial

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$3.95.
 - ii. 2,001-5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001-15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001-25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001-above: \$19.02 per 1,000 gallons.

12. Outside City Irrigation/Fire Hydrant

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$9.60.
 - ii. 2,001-5,000 gallons: \$12.00 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$15.00 per 1,000 gallons.
 - iv. 10,001- 15,000 gallons: \$18.75per1,000 gallons
 - v. 15,001-25,000 gallons: \$23.44 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$29.30 per 1,000 gallons.
 - vii. 50,001-above: \$36.62 per 1,000 gallons.

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

c) Wastewater (sewer) service (base rate plus volumetric rate). Effective:

1. Inside City Residential volumetric rate will be determined by “winter averaging” a residential customer’s rate using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.

- A. Base rate: \$19.00.
- B. Volumetric rate: \$10.75 per 1,000 gallons.

2. Inside City Commercial/industrial (volumetric rate will be determined based on water usage):
 - A. Base rate: \$19.00.
 - B. Volumetric rate: \$10.75 per 1,000 gallons.
 3. Inside City Sewer only or limited history citywide average rate takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.
 4. Inside City Time of use sewer rate for nonprofit organizations:
 - A. 1 to 2 days facility use per week: \$32.33.
 - B. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - C. 3 to 4 days facility use per week: \$39.30.
 - D. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - E. 5 to 7 days facility use per week: \$46.25.
 - F. 3,000+ gallons: \$3.80 per 1,000 gallons.
 5. Rainwater system ONLY customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate.
 6. Outside City Sewer Residential volumetric rate will be determined by the residential customers within that particular grouping's average rate which takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February plus twenty (20) percent.
- d) Reclaimed Water Rates
1. The Type II Reclaimed Water standard rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.
 2. Any Type II Reclaimed Water nonstandard, or wholesale, rates will be determined via a separate agreement as approved by the City Council.
- e) Sanitation service:
1. Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.
 2. Additional trash and/or recycling carts: \$9.24 each plus tax.
 3. Hazardous Waste: \$1.04 plus tax.
- f) Deposits:
1. Security deposit: \$130.00.
 2. Residential water and sewer deposit (without trash): \$100.00.
 3. Commercial water deposit: \$300.00.
 4. Sanitation deposit: \$30.00.
- g) Late payment penalty: \$15.00.
- h) Disconnection and reconnection fee: \$50.00.
- i) Disconnection/reconnection fee for nonpayment: \$50.00.
- j) RPZ inspection fee: \$50.00, plus the cost of repairs.
- k) Damage or injury to utility system: \$150.00.
- l) Damage to Drainage System in Right of Way or Easement: \$175.00.
- m) Illegal Water/Wastewater Connection or Diversion Fee: \$750 per occurrence plus cost of water used as estimate by the City.

ARTICLE 10.000 PARKS AND RECREATION FEES

Sec 10.100 Pool Fees

(a) Daily rates for residents:

- (1) Senior (55+ years): \$1.50.
- (2) Adult (18–54 years): \$2.50.
- (3) Child (4–17 years): \$1.50.
- (4) Infant (0–3 years): \$0.00.

(b) Daily rates for nonresidents:

- (1) Senior (55+ years): \$3.00.
- (2) Adult (18+ years): \$4.00.
- (3) Child (4–17 years): \$3.00.
- (4) Infant (0–3 years): \$0.00.

(c) 10 visit pass for residents:

- (1) Senior (55+ years): \$10.00.
- (2) Adult (18+ years): \$20.00.
- (3) Child (4–17 years): \$10.00.

(d) 10 visit pass for nonresidents:

- (1) Senior (55+ years): \$25.00.
- (2) Adult (18+ years): \$35.00.
- (3) Child (4–17 years): \$25.00.

(e) Season pass for resident:

- (1) Single: \$60.00.
- (2) Family: \$100.00.

(f) Season pass for nonresident:

- (1) Single: \$100.00.
- (2) Family: \$200.00.

(g) Locker rentals per day: \$1.00.

(h) Pavilion rental – 2 hour maximum (reservation required): \$20.00 for residents and \$40.00 for non-residents.

(i) RESERVED

(j) RESERVED

(k) Free Pass for all active-duty military and veterans.

EXHIBIT "A"

APPENDIX A

FEE SCHEDULE

ARTICLE 6.000 UTILITY RELATED FEES

Sec 6.200 Utility Rates and Fees

- a) Residential and commercial water service:
1. Utility Line Extension Rate:

Unit Cost per Linear Foot									
Line Size	2"	3"	4"	6"	8"	10"	12"	16"	18"
Cost	\$67	\$68	\$92	\$100	\$119	\$136	\$146	\$203	\$212

2. Construction Administrative Fees:
 - A. 5% of the estimate for Option 1 (Resident Applicant)
 - B. 10% of the estimate for Option 1a (Home Builder Applicant)
 - C. 15% of the estimate for Option 1b (All Other Applicants and over 400' Extension)
 - D. 5% of the estimate for Option 2 (Developers and Non-City Managed Construction)
3. Drought contingency fees will be approved by City Council as needed based on the following formulation:

$$\text{Drought Contingency Fee} = \frac{\text{Anticipated Revenue Deficiency}}{\text{Current Fiscal Year Budgeted Revenue (use acct 30-470-4100 only)}} \times \text{Wastewater Consumption Rate} \times \frac{\text{Total Sewer Consumption}}{1,000 \text{ Gallons}}$$

4. Inside City Single-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

5. Inside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due on December 16, 2024:

A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A.

B. Volumetric rate:

- i. 0–2,000 gallons: \$0.00.
- ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
- iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
- iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
- v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
- vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001–above: \$17.50 per 1,000 gallons.

6. Inside City Commercial (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

A. Base rate: \$36.52.

B. Volumetric rate:

- i. 0–2,000 gallons: \$3.95 per 1,000 gallons.
- ii. 2,001–5,000 gallons: \$5.77 per 1,000 gallons.
- iii. 5,001–10,000 gallons: \$7.15 per 1,000 gallons.
- iv. 10,001–15,000 gallons: \$9.35 per 1,000 gallons.
- v. 15,001–25,000 gallons: \$11.87 per 1,000 gallons.
- vi. 25,001–50,000 gallons: \$15.17 per 1,000 gallons.
- vii. 50,001–above: \$19.02 per 1,000 gallons.

7. Inside City Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

A. Base rate: \$36.52.

B. Volumetric rate:

- i. 0–2,000 gallons: \$6.11 per 1,000 gallons.
- ii. 2,001–5,000 gallons: \$7.64 per 1,000 gallons.
- iii. 5,001–10,000 gallons: \$9.55 per 1,000 gallons.
- iv. 10,001–15,000 gallons: \$11.94 per 1,000 gallons.
- v. 15,001–25,000 gallons: \$14.93 per 1,000 gallons.
- vi. 25,001–50,000 gallons: \$18.66 per 1,000 gallons.
- vii. 50,001–above: \$23.32 per 1,000 gallons.

8. Inside City Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

A. Base rate: \$36.52.

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

9. Outside City Single-Family Residential

A. Base rate: \$41.51.

B. Volumetric rate:

- i. 0–2,000 gallons: \$0.00.
- ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.

- iii. 5,001-10,000 gallons: \$7.80 per 1,000 gallons.
- iv. 10,001-15,000 gallons: \$9.80 per 1,000 gallons.
- v. 15,001-25,000 gallons: \$11.00 per 1,000 gallons.
- vi. 25,001-50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001-above: \$17.50 per 1,000 gallons.

10. Outside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due on December 16, 2024::

A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A

B. Volumetric rate:

- i. 0-2,000 gallons: \$0.00.
- ii. 2,001-5,000 gallons: \$6.55 per 1,000 gallons.
- iii. 5,001-10,000 gallons: \$7.80 per 1,000 gallons.
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- vi. 25,001-50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001-above: \$17.50 per 1,000 gallons.

11. Outside City Commercial

A. Base rate: \$41.51.

B. Volumetric rate:

- i. 0-2,000 gallons: \$3.95.
- ii. 2,001-5,000 gallons: \$5.77 per 1,000 gallons.
- iii. 5,001-10,000 gallons: \$7.15 per 1,000 gallons.
- iv. 10,001-15,000 gallons: \$9.35 per 1,000 gallons.
- v. 15,001-25,000 gallons: \$11.87 per 1,000 gallons.
- vi. 25,001-50,000 gallons: \$15.17 per 1,000 gallons.
- vii. 50,001-above: \$19.02 per 1,000 gallons.

12. Outside City Irrigation/Fire Hydrant

A. Base rate: \$41.51.

B. Volumetric rate:

- i. 0-2,000 gallons: \$9.60.
- ii. 2,001-5,000 gallons: \$12.00 per 1,000 gallons.
- iii. 5,001-10,000 gallons: \$15.00 per 1,000 gallons.
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- vi. 25,001-50,000 gallons: \$29.30 per 1,000 gallons.
- vii. 50,001-above: \$36.62 per 1,000 gallons.

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

c) Wastewater (sewer) service (base rate plus volumetric rate). Effective:

1. Inside City Residential volumetric rate will be determined by “winter averaging” a residential customer’s rate using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.

A. Base rate: \$19.00.

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

2. Inside City Commercial/industrial (volumetric rate will be determined based on water usage):
 - A. Base rate: \$19.00.
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 - A. 1 to 2 days facility use per week: \$32.33.
 - B. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - C. 3 to 4 days facility use per week: \$39.30.
 - D. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - E. 5 to 7 days facility use per week: \$46.25.
 - F. 3,000+ gallons: \$3.80 per 1,000 gallons.
 5. Rainwater system ONLY customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate.
 6. Outside City Sewer Residential volumetric rate will be determined by the residential customers within that particular grouping's average rate which takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February plus twenty (20) percent.
- d) Reclaimed Water Rates
1. The Type II Reclaimed Water standard rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.
 2. Any Type II Reclaimed Water nonstandard, or wholesale, rates will be determined via a separate agreement as approved by the City Council.
- e) Sanitation service:
1. Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.
 2. Additional trash and/or recycling carts: \$9.24 each plus tax.
 3. Hazardous Waste: \$1.04 plus tax.
- f) Deposits:
1. Security deposit: \$130.00.
 2. Residential water and sewer deposit (without trash): \$100.00.
 3. Commercial water deposit: \$300.00.
 4. Sanitation deposit: \$30.00.
- g) Late payment penalty: \$15.00.
- h) Disconnection and reconnection fee: \$50.00.
- i) Disconnection/reconnection fee for nonpayment: \$50.00.
- j) RPZ inspection fee: \$50.00, plus the cost of repairs.
- k) Damage or injury to utility system: \$150.00.
- l) Damage to Drainage System in Right of Way or Easement: \$175.00.
- m) Illegal Water/Wastewater Connection or Diversion Fee: \$750 per occurrence plus cost of water used as estimate by the City.

ARTICLE 10.000 PARKS AND RECREATION FEES

Sec 10.100 Pool Fees

(a) Daily rates for residents:

- (1) Senior (55+ years): \$1.50.
- (2) Adult (18–54 years): \$2.50.
- (3) Child (4–17 years): \$1.50.
- (4) Infant (0–3 years): \$0.00.

(b) Daily rates for nonresidents:

- (1) Senior (55+ years): \$3.00.
- (2) Adult (18+ years): \$4.00.
- (3) Child (4–17 years): \$3.00.
- (4) Infant (0–3 years): \$0.00.

(c) 10 visit pass for residents:

- (1) Senior (55+ years): \$10.00.
- (2) Adult (18+ years): \$20.00.
- (3) Child (4–17 years): \$10.00.

(d) 10 visit pass for nonresidents:

- (1) Senior (55+ years): \$25.00.
- (2) Adult (18+ years): \$35.00.
- (3) Child (4–17 years): \$25.00.

(e) Season pass for resident:

- (1) Single: \$60.00.
- (2) Family: \$100.00.

(f) Season pass for nonresident:

- (1) Single: \$100.00.
- (2) Family: \$200.00.

(g) Locker rentals per day: \$1.00.

(h) Pavilion rental – 2 hour maximum (reservation required): \$20.00 for residents and \$40.00 for non-residents.

(i) **RESERVED**

(j) **RESERVED**

(k) Free Pass for all active-duty military and veterans.

Deleted: Pool facility rental for residents:¶

¶

(1) 2-hour maximum, 100-person maximum (reservation and deposit required): \$165.00.¶

(2) Deposit (cleaning - refundable upon inspection): \$100.00.

Deleted: Pool facility rental for nonresidents:

Deleted: (1) 2-hour maximum, 100-person maximum

(reservation and deposit required): \$300.00.¶

(2) Deposit (cleaning - refundable upon inspection): \$100.00.¶

Sec 3.500 Impact Fees

- (a) Wastewater: \$2,630.00 per Service Unit
- (b) Water: \$3,486.00 per Service Unit
- (c) Water and Wastewater Service Unit Equivalencies

Meter Size	Service Unit Equivalent
3/4" x 5/8"	1.0
3/4" x 3/4" *	1.0
1"	2.5
1 1/2"	5.0
2"	8.0
3" *	16.0
4"	25.0
6"	50.0
8"	160.0

* Uncommon size; requires prior approval

- (d) Roadway:
- (1) Service Area 1: \$2,493.00 per Service Unit
- (2) Service Area 2: \$537.00 per Service Unit.
- (e) Roadway Service Unit Equivalents (Land Use Vehicle-Mile Equivalency)

Land Use Category	Development Unit	Service Equivalent Unit
RESIDENTIAL		
Single-Family Detached Housing	Dwelling Units	3.19
Multifamily Housing	Dwelling Units	1.8
Mid-Rise Residential with 1st Floor Commercial	Dwelling Units	1.16
Senior Adult Housing – Detached	Dwelling Units	0.96
Assisted Living	Beds	0.83
Continuing Care Retirement Community	Dwelling Units	0.51
OFFICE		
General Office Building	1,000 Sq Ft GFA	2.92

Medical- Dental Office Building	1,000 Sq Ft GFA	8.79
United States Post Office	1,000 Sq Ft GFA	8.53
COMMERCIAL/RETAIL		
Hotel	Rooms	1.22
All Suites Hotel	Rooms	0.73
Movie Theater	Screens	31.83
Health/Fitness Club	1,000 Sq Ft GFA	7.52
Hospital	1,000 Sq Ft GFA	2.70
Nursing Home	1,000 Sq Ft GFA	1.64
Free-Standing Emergency Room	1,000 Sq Ft GFA	4.23
Shopping Center	1,000 Sq Ft GFA	3.09
Building Materials and Lumber Store	1,000 Sq Ft GFA	3.15
Free-Standing Discount Store	1,000 Sq Ft GFA	4.71
Hardware/Paint Store	1,000 Sq Ft GFA	2.50
Nursery (Garden Center)	1,000 Sq Ft GFA	10.58
Supermarket	1,000 Sq Ft GFA	4.87
Discount Club	1,000 Sq Ft GFA	5.95
Office Supply Superstore	1,000 Sq Ft GFA	3.94
Bed and Line Superstore	1,000 Sq Ft GFA	3.15
Apparel Store	1,000 Sq Ft GFA	5.85
Pharmacy/Drugstore w/ Drive-Through Window	1,000 Sq Ft GFA	9.31
Furniture Store	1,000 Sq Ft GFA	0.12
Walk-in Bank	1,000 Sq Ft GFA	4.17
Drive-in Bank	Drive-in Lanes	9.31
Quality Restaurant	1,000 Sq Ft GFA	4.59
High-Turnover (Sit-Down) Restaurant	1,000 Sq Ft GFA	6.15
Fast-Food Restaurant w/ Drive-Through Window	1,000 Sq Ft GFA	11.20
Coffee/Donut Shop w/ Drive-Through Window	1,000 Sq Ft GFA	5.27
Quick Lubrication Vehicle Shop	Service Positions	4.93
Automobile Parts Service Center	1,000 Sq Ft GFA	1.56
Gasoline/Service Station w/ Convenience Market	Fueling Positions	1.08

Car Wash and Detail Center	Wash Stalls	1.14
INDUSTRIAL		
General Light Industrial	1,000 Sq Ft GFA	3.04
Industrial Park	1,000 Sq Ft GFA	1.93
Warehousing	1,000 Sq Ft GFA	0.92
Mini-Warehouse	1,000 Sq Ft GFA	0.82
INSTITUTIONAL		
Private School (K-8)	Students	0.33
Private School (K-12)	Students	0.22
Charter Elementary School	Students	0.18
Church	1,000 Sq Ft GFA	1.16
Day Care Center	Students	0.25

HISTORY*Adopted by Ord. [21-12-02-04](#) on 12/2/2021**Amended by Ord. [22-11-17-02](#) on 11/17/2022*



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Cobby Caputo, City Attorney

SUBJECT: Discussion, consideration, and possible action on Ordinance No. 24-09-05-06 an Ordinance of the City of Lago Vista, amending Code of Ordinances article 1.300 "City Council" adding Section 1.310 "Procedures for Personnel Interaction" and Providing for the Following: Findings of Fact, Severability, Repealer, Effective Date, and Proper Notice and Meetings Clauses.

BACKGROUND: Council appointed a subcommittee on March 21, 2024 to consider adopting specific procedures consistent with the city charter's general statements in order to more clearly define those roles and expectations. The subcommittee reported back to the Council with a draft document setting forth Procedures for Personnel Interaction at the June 20, 2024 meeting. The Council considered the draft procedures at that meeting, at its July 18, 2024 meeting, and again at its August 1, 2024 meeting. Various revisions were discussed and considered and a revised draft was developed by the City Attorney consistent with the Council's discussions.

The draft ordinance attached incorporates those revisions.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[Ordinance_24-09-05-06 Procedures for Personnel Interaction.pdf](#)

[DRAFT Ordinance 24-09-05-06 Procedures for Personnel Interaction Redline.pdf](#)

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 24-09-05-06

AN ORDINANCE OF THE OF THE CITY OF LAGO VISTA, AMENDING CODE OF ORDINANCES ARTICLE 1.300 "CITY COUNCIL" ADDING SECTION 1.310 "PROCEDURES FOR PERSONNEL INTERACTION"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.

WHEREAS, the City Charter generally states the roles and expectations of City Council and key members of City Staff; and

WHEREAS, the City Council on March 21, 2024 appointed an ad hoc subcommittee of the Council to consider adopting specific procedures consistent with the city charter's general statements in order to more clearly define those roles and expectations; and

WHEREAS, the subcommittee reported back to the Council with a draft document setting forth Procedures for Personnel Interaction at the June 20, 2024 meeting; and

WHEREAS, the Council considered the draft procedures at that meeting, at its July 18, 2024 meeting, and again at its August 1, 2024 meeting; and

WHEREAS, various revisions were discussed and considered and a revised draft was developed by the City Secretary and the City Attorney consistent with the Council's discussions; and

WHEREAS, the Procedures for Personnel Interaction provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager, City Attorney, and City Staff; and

WHEREAS, the objective of the Procedures for Personnel Interaction are intended to maintain an appropriate balance between the needs of elected and appointed officials with the need to not unduly burden City Staff; and

WHEREAS, adopting the Procedures for Personnel Interaction is in the best interests of the of the City.

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

1. FINDINGS OF FACT

All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the Lago Vista, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. AMENDMENT TO CODE OF ORDINANCES

Article 1.300 of the Lago Vista Code of Ordinances is hereby amended by adopting Section 1.310 adding Subsections 1.310.1-1.310.12 as shown in Exhibit “A” attached hereto and incorporated herein for all purposes.

3. EFFECTIVE DATE

This ordinance is effective upon adoption and publication as required by law.

4. SEVERABILITY

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

5. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

6. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this the 5th day of September 2024, by a vote of ___ (ayes) to ___ (nays) with ___ (abstentions) of the City Council of the City of Lago Vista, Texas.

THE CITY OF LAGO VISTA:

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

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

Exhibit “A”

SECTION 1.310 PROCEDURES FOR PERSONNEL INTERACTION

1.310.1 INTRODUCTION

The city charter states the roles and expectations of City Council and key members of City Staff. These procedures provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager and City Staff. The objective of these rules are to maintain an appropriate balance between the needs of elected and appointed officials to obtain information needed to effectively execute their duty to set policy or provide advice to Council, with the need to not unduly burden City Staff with excessive or unreasonable requests that hinder their ability to execute their duties. The following rules shall apply to the Mayor and all Council Members, Committee Members, and Staff.

1.310.2 DEFINITIONS

The following definitions shall apply to this Chapter:

“Committee Members” means any individual member(s) of a quasi-judicial or advisory committee established by the City of Lago Vista.

“Council” means the City Council and Mayor of Lago Vista as a whole acting in open session.

“Council Member” means any individual member(s) of the Council excluding the Mayor.

“Mayor” is defined as either the elected Mayor of Lago Vista, the appointed Mayor of Lago Vista or the Mayor Pro-Tem acting in the capacity of Mayor of Lago Vista.

“Staff” is defined as the City Manager and all employees who report directly and indirectly to the City Manager, including department heads, but does not include the City Attorney.

1.310.3 COUNCIL INTERACTIONS WITH STAFF

- a) Council authority is held collectively, not individually. The Mayor and Council Members have no authority to speak for or act on behalf of the Council without Council action or direction taken during an open meeting. Neither the Mayor nor Council Members shall give direction to any member of Staff, including the City Manager, unless so authorized by the City Charter or by majority vote of Council at a public meeting.
- b) The City Manager is the Mayor and the Council Member's link to the City's operating organization. The City Manager is authorized to make decisions and take actions, so long as they are consistent with the City Charter, council policies, applicable ordinances and other law.

- c) Items or requests that may entail a change in daily operations or procedures shall go through the City Manager. Items or requests that entail a change in the overall policy or an ordinance or resolution of the City shall require Council approval.
- d) The Council as a whole may ask for information from Staff by making the request to the City Manager during a public meeting.
- e) Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

1.310.4 COUNCIL INTERACTIONS WITH CITY MANAGER

The City Manager is responsible for facilitating communication between Council and Staff. Elected officials shall not give direction or orders to Staff. Communication between Council and Staff shall be through the City Manager. Specifically:

- a) The City Manager shall delegate Council requests and/or direction to Staff and shall coordinate appropriate Staff response to Council action and/or direction.
- b) Requests by a Council Member or the Mayor for Staff attendance at a meeting shall be made through the City Manager. The City Manager must approve the request for Staff attendance at the meeting, with due consideration of appropriate location and expense impact. The city manager shall either meet the request or defer the matter to full council for discussion and direction.
- c) The Mayor or one or more Council Members may request information from, or suggest actions to, the City Manager. In general, it is expected that requests by Council Members or Committee Members for information that exists, or questions that can be readily answered which impact the ability of the requesting person to effectively execute their elected or appointed role will be addressed in a timely manner, or a timeline to deliver the information will be provided.
- d) The City Manager shall determine whether the request can be met without a change in existing City policy, impact to operations, or the schedule for work completion, and shall meet the request if appropriate. The City Manager shall either meet the request or defer the matter to Council for discussion and direction. Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code
- e) Staff shall notify the City Manager of direct contact by an elected or appointed official seeking written materials or written responses to questions or requests for information .

1.310.5 LEGISLATIVE PRIVILEGE TO DOCUMENTS

The Mayor and Council Members have the right to request and receive any existing documents, reports, data, or other information deemed necessary for researching policy, drafting legislation,

or performing oversight. This includes, but is not limited to, financial reports, contracts, public records, zoning documents, meeting minutes, and correspondence between City officials. This right extends to all documents and records that are in the custody or control of the City Manager, City Attorney, or any City Staff. The Mayor and Council Members do not need to justify their requests, and access should not be restricted.

The City Manager, City Attorney, or City Staff are not required to create new documents or reports specifically to fulfill Mayor or Council Member requests unless directed to do so by the City Manager or Council, but they must provide existing information in its current form.

1.310.6 INFORMATION REQUESTS BY COUNCIL MEMBERS

Upon request from the Mayor or any Council Member, the City Manager must provide the requested information promptly and accurately. Unless otherwise specified, information requests should be fulfilled within two (2) business days.

If more than two (2) business days is needed to gather requested information, the City Manager or designee must notify the requesting Council Member in writing, providing a justification for the delay and a revised timeframe for delivery of the information. If that timeframe is not acceptable to the requesting Council Member, the City Manager or Mayor shall put the item on the next Council agenda for discussion; or the Counsel Liaison shall ask that the item be added to the next agenda of a Committee, Board, or Commission.

1.310.7 INFORMATION REQUESTS BY COMMITTEE MEMBERS

Committee Members, requesting information should follow the same procedures as outlined above but make such requests to their staff liaisons with copy to City Manager. Responses from staff liaisons should be sent to all Committee Members in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Should the Committees, Boards and Commissions not receive a satisfactory result they should then direct their request to their Council Liaison.

1.310.8 LEGISLATIVE AUTHORITY

The legislative authority of the Mayor, Council Members or Council as a whole shall not be impeded or infringed upon by the City Manager, Mayor, City Attorney, or any member of Staff.

The Council retains the authority to make, amend, or repeal ordinances, and set policies for the City, and to oversee the operations of the City, and includes the information and research needed to carry out that authority.

1.310.9 OPERATIONAL AUTHORITY OF CITY MANAGER

The operational authority of the City Manager shall not be impeded or infringed upon by individual Council Members or Committee members.

Operational methods and procedures, not specified by Council direction, ordinance, or resolution shall be at the discretion of the City Manager.

1.310.10 COUNCIL RELATIONS WITH THE CITY ATTORNEY

The City Attorney is the legal advisor for the Council and all offices and departments of the City with respect to any legal question(s) pertaining to the affairs of the City, and as such is not considered a member of the Staff. The City Attorney represents the City, Council and Staff as a whole and not the individuals who hold the office of Mayor or Council Member, or who are employed by the City.

The Mayor and Council Members shall not request or direct the City Attorney to initiate an action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council the city Council and the city Manager shall be made aware of the request. The City Attorney shall determine whether a matter is significant and notify the requestor of their decision. If the matter is deemed significant by the City Attorney, and the requestor does not agree, they may bring it to the Council for final determination. The City Council and City Manager (if appropriate in the discretion of the City Attorney) shall be informed of any item not on the agenda of any significant project, study, or report prepared by the City Attorney that has been requested by the Mayor or a Council Member. The City Manager shall not prevent the Mayor or Council Members from communication with the City Attorney to obtain legal advice regarding any legislative matter.

1.310.11 ENFORCEMENT AND DISCIPLINARY MEASURES

Violations of this ordinance shall be considered ethical violations under the City's Code of Ethics and treated as such, save and except violations of 1.310.12 Rules of order and decorum. The procedures set forth in the Code of Ethics shall apply to complaints alleging violations of this Chapter.

1.310.12 PLEDGE OF ORDER AND DECORUM

Council Members, Committee members, City Attorney, City Manager and Staff shall hereby pledge to communicate and serve with respect, dignity, and courtesy when interacting with other Council Members, Committee members, Staff, and the public by:

- a) acting in the best interest of the city without consideration of personal motive or gain,
- b) threatening to violate governing City documents;
- c) treating others and their opinions equally and with respect at all times, refraining from behaviors, including but not limited to yelling, using profanity or language otherwise publicly offensive, using language tending to hold a member of Council or Staff up to contempt, or referring to others in a derogatory manner;
- d) not sending emails or other communications that contain profanity, threatening, belittling, or abusive language;

- e) respecting the expertise and perspectives each person brings to discussions;
- f) not accusing (explicitly or implicitly) the Mayor, a Council Member, a Committee member, or Staff of violating ethics or statutory laws publicly during a meeting ;
- g) not stating assumptions about others' motive(s);
- h) listening attentively to one another, avoiding interrupting others when they have the floor;
- i) providing honest and accurate information at all times so that the best decisions can be made; and
- j) exercising professionalism when texting, emailing, or participating in any form of electronic communication while attending a meeting.

It is not a violation of any of these rules to speak directly, firmly or to show emotion when expressing your views.

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 24-09-05-0XXX

AN ORDINANCE OF THE OF THE CITY OF LAGO VISTA, AMENDING CODE OF ORDINANCES ARTICLE 1.300 "CITY COUNCIL" ADDING SECTION 1.310 "PROCEDURES FOR PERSONNEL INTERACTION"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.

- WHEREAS,** the City Charter generally states the roles and expectations of City Council and key members of City Staff; and
- WHEREAS,** the City Council on March 21, 2024 appointed an ad hoc subcommittee of the Council to consider adopting specific procedures consistent with the city charter's general statements in order to more clearly define those roles and expectations; and
- WHEREAS,** the subcommittee reported back to the Council with a draft document setting forth Procedures for Personnel Interaction at the June 20, 2024 meeting; and
- WHEREAS,** the Council considered the draft procedures at that meeting, at its July 18, 2024 meeting, and again at its August 1, 2024 meeting; and
- WHEREAS,** various revisions were discussed and considered and a revised draft was developed by the City Secretary and the City Attorney consistent with the Council's discussions; and
- WHEREAS,** the Procedures for Personnel Interaction provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager, City Attorney, and City Staff; and
- WHEREAS,** the objective of the Procedures for Personnel Interaction are intended to maintain an appropriate balance between the needs of elected and appointed officials with the need to not unduly burden City Staff; and
- WHEREAS,** adopting the Procedures for Personnel Interaction is in the best interests of the of the City.
- NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:**

1. FINDINGS OF FACT

All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the Lago Vista, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. AMENDMENT TO CODE OF ORDINANCES

Article 1.300 of the Lago Vista Code of Ordinances is hereby amended by adopting Section 1.310 adding Subsections 1.310.1-1.310.12 as shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

3. EFFECTIVE DATE

This ordinance is effective upon adoption and publication as required by law.

4. SEVERABILITY

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

5. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

6. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this the 1ST day of August 2024, by a vote of ___ (ayes) to ___ (nays) with ___ (abstentions) of the City Council of the City of Lago Vista, Texas.

THE CITY OF LAGO VISTA:

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

Exhibit “A”

SECTION 1.310 PROCEDURES FOR PERSONNEL INTERACTION

1.310.1 INTRODUCTION

The city charter states the roles and expectations of City Council and key members of City Staff. These procedures provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager and City Staff. The objective of these rules are to maintain an appropriate balance between the needs of elected and appointed officials to obtain information needed to effectively execute their duty to set policy or provide advice to Council, with the need to not unduly burden City Staff with excessive or unreasonable requests that hinder their ability to execute their duties. The following rules shall apply to the Mayor and all Council Members, Committee Members, and Staff.

1.310.2 DEFINITIONS

The following definitions shall apply to this Chapter:

“Committee Members” means any individual member(s) of a quasi-judicial or advisory committee established by the City of Lago Vista.

“Council” means the City Council and Mayor of Lago Vista as a whole acting in open session.

“Council Member” means any individual member(s) of the Council excluding the Mayor.

“Mayor” is defined as either the elected Mayor of Lago Vista, the appointed Mayor of Lago Vista or the Mayor Pro-Tem acting in the capacity of Mayor of Lago Vista.

“Staff” is defined as the City Manager and all employees who report directly and indirectly to the City Manager, including department heads, but does not include the City Attorney.

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1.310.3 COUNCIL INTERACTIONS WITH STAFF

- a) Council authority is held collectively, not individually. The Mayor and Council Members have no authority to speak for or act on behalf of the Council without Council action or direction taken during an open meeting. Neither the Mayor nor Council Members shall give direction to any member of Staff, including the City Manager, unless so authorized by the City Charter or by majority vote of Council at a public meeting.
- b) The City Manager is the Mayor and the Council Member's link to the City's operating organization. The City Manager is authorized to make decisions and take actions, so long as they are consistent with the City Charter, council policies, applicable ordinances and other law.

- c) Items or requests that may entail a change in daily operations or procedures shall go through the City Manager. Items or requests that entail a change in the overall policy or an ordinance or resolution of the City shall require Council approval.
- d) The Council as a whole may ask for information from Staff by making the request to the City Manager during a public meeting.
- e) Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

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- a) The City Manager shall delegate Council requests and/or direction to Staff and shall coordinate appropriate Staff response to Council action and/or direction.
- b) Requests by a Council Member or the Mayor for Staff attendance at a meeting shall be made through the City Manager. The City Manager must approve the request for Staff attendance at the meeting, with due consideration of appropriate location and expense impact. The city manager shall either meet the request or defer the matter to full council for discussion and direction.
- c) The Mayor or one or more Council Members may request information from, or suggest actions to, the City Manager. In general, it is expected that requests by Council Members or Committee Members for information that exists, or questions that can be readily answered which impact the ability of the requesting person to effectively execute their elected or appointed role will be addressed in a timely manner, or a timeline to deliver the information will be provided.
- d) The City Manager shall determine whether the request can be met without a change in existing City policy, impact to operations, or the schedule for work completion, and shall meet the request if appropriate. The City Manager shall either meet the request or defer the matter to Council for discussion and direction. Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code
- e) Staff shall notify the City Manager of direct contact by an elected or appointed official seeking written materials or written responses to questions or requests for information.

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1.310.5 LEGISLATIVE PRIVILEGE TO DOCUMENTS

The Mayor and Council Members have the right to request and receive any existing documents, reports, data, or other information deemed necessary for researching policy, drafting legislation,

or performing oversight. This includes, but is not limited to, financial reports, contracts, public records, zoning documents, meeting minutes, and correspondence between City officials. This right extends to all documents and records that are in the custody or control of the City Manager, City Attorney, or any City Staff. The Mayor and Council Members do not need to justify their requests, and access should not be restricted.

The City Manager, City Attorney, or City Staff are not required to create new documents or reports specifically to fulfill Mayor or Council Member requests unless directed to do so by the City Manager or Council, but they must provide existing information in its current form.

1.310.6 INFORMATION REQUESTS BY COUNCIL MEMBERS

Upon request from the Mayor or any Council Member, the City Manager must provide the requested information promptly and accurately. Unless otherwise specified, information requests should be fulfilled within two (2) business days.

If more than two (2) business days is needed to gather requested information, the City Manager or designee must notify the requesting Council Member in writing, providing a justification for the delay and a revised timeframe for delivery of the information. If that timeframe is not acceptable to the requesting Council Member, the City Manager or Mayor shall put the item on the next Council agenda for discussion; or the Counsel Liaison shall ask that the item be added to the next agenda of a Committee, Board, or Commission.

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1.310.7 INFORMATION REQUESTS BY COMMITTEE MEMBERS

Committee Members, requesting information should follow the same procedures as outlined above but make such requests to their staff liaisons with copy to City Manager. Responses from staff liaisons should be sent to all Committee Members in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Should the Committees, Boards and Commissions not receive a satisfactory result they should then direct their request to their Council Liaison.

1.310.8 LEGISLATIVE AUTHORITY

The legislative authority of the Mayor, Council Members or Council as a whole shall not be impeded or infringed upon by the City Manager, Mayor, City Attorney, or any member of Staff.

The Council retains the authority to make, amend, or repeal ordinances, and set policies for the City, and to oversee the operations of the City, and includes the information and research needed to carry out that authority.

1.310.9 OPERATIONAL AUTHORITY OF CITY MANAGER

The operational authority of the City Manager shall not be impeded or infringed upon by individual Council Members or Committee members.

Operational methods and procedures, not specified by Council direction, ordinance, or resolution shall be at the discretion of the City Manager.

1.310.10 COUNCIL RELATIONS WITH THE CITY ATTORNEY

The City Attorney is the legal advisor for the Council and all offices and departments of the City with respect to any legal question(s) pertaining to the affairs of the City, and as such is not considered a member of the Staff. The City Attorney represents the City, Council and Staff as a whole and not the individuals who hold the office of Mayor or Council Member, or who are employed by the City.

The Mayor and Council Members shall not request or direct the City Attorney to initiate an action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council the city Council and the city Manager shall be made aware of the request. The City Attorney shall determine whether a matter is significant and notify the requestor of their decision. If the matter is deemed significant by the City Attorney, and the requestor does not agree, they may bring it to the Council for final determination. The City Council and City Manager (if appropriate in the discretion of the City Attorney) shall be informed of any item not on the agenda of any significant project, study, or report prepared by the City Attorney that has been requested by the Mayor or a Council Member. The City Manager shall not prevent the Mayor or Council Members from communication with the City Attorney to obtain legal advice regarding any legislative matter.

1.310.11 ENFORCEMENT AND DISCIPLINARY MEASURES

Violations of this ordinance shall be considered ethical violations under the City's Code of Ethics and treated as such, save and except violations of 1.310.12 Rules of order and decorum. The procedures set forth in the Code of Ethics shall apply to complaints alleging violations of this Chapter.

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1.310.12 PLEDGE OF ORDER AND DECORUM

Council Members, Committee members, City Attorney, City Manager and Staff shall hereby pledge to communicate and serve with respect, dignity, and courtesy when interacting with other Council Members, Committee members, Staff, and the public by:

- a) acting in the best interest of the city without consideration of personal motive or gain,
- b) threatening to violate governing City documents;
- c) treating others and their opinions equally and with respect at all times, refraining from behaviors, including but not limited to yelling, using profanity or language otherwise publicly offensive, using language tending to hold a member of Council or Staff up to contempt, or referring to others in a derogatory manner;
- d) not sending emails or other communications that contain profanity, threatening, belittling, or abusive language;

- e) respecting the expertise and perspectives each person brings to discussions;
- f) not accusing (explicitly or implicitly) the Mayor, a Council Member, a Committee member, or Staff of violating ethics or statutory laws publicly during a meeting ;
- g) not stating assumptions about others' motive(s);
- h) listening attentively to one another, avoiding interrupting others when they have the floor;
- i) providing honest and accurate information at all times so that the best decisions can be made; and
- j) exercising professionalism when texting, emailing, or participating in any form of electronic communication while attending a meeting.

It is not a violation of any of these rules to speak directly, firmly or to show emotion when expressing your views.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: September 5, 2024

SUBMITTED BY: Cobby Caputo, City Attorney

SUBJECT: Discussion, consideration, and possible action on initial draft of revised City Social Media Policy.

BACKGROUND: Councilmember Roberts raised the possibility of reviewing and revising if necessary the City's Social Media policy, in light of the U.S. Supreme Court's ruling in March in the case of O'Connor-Ratliff v. Garnier. Council asked that the City Attorney conduct such a review and propose revisions if necessary.

FINDINGS: The policy was found to need substantial revision, both in light of the Supreme Court case this year, and other recent First Amendment precedents. The initial draft of the proposed revisions is attached in clean and redline formats for discussion by Council to provide feedback to the City Attorney.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Social_Media_Policy_Revised_8-29-24_Clean.pdf](#)
[Social_Media_Policy_-_Revised_8-29-24_Redline.pdf](#)

I. Executive Summary

- A. Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, city officials can instantly interact with the public via social media. Although, this technology greatly increases communication, outreach and efficiency, some rules are required in order to comport with federal and state law.
- B. Elected officials, City Council-appointed board, committee, and commission members, and City employees may all maintain and use personal web pages and websites, blogs, and social networking sites. So long as those social media outlets are used solely for personal communications, the City cannot regulate or control what is posted.
- C. The Supreme Court has said that if public figures use their personal social media outlets to conduct official business, those personal sites then become official sites and various constitutional standards apply to them.
- D. Finally, the City has its own social media sites, as well as its official websites. Those will be referred to as “City Social Media Sites” in this Policy. The content of postings to City Social Media Sites or to the official City website are subject to the specific control of the City.
- E. This policy is intended to provide guidance for elected officials, City employees, and appointed board, committee, and commission members.

II. Communication Quality – City Social Media Sites

- A. Only authorized officials and employees may post to the City Social Media Sites. Authorized officials and employees should use good judgment and ensure accuracy in all postings to City Social Media Sites. Errors and omissions reflect poorly on the City of Lago Vista and may result in liability for the City.
- B. All authorized users posting to City Social Media Sites are cautioned to refrain from any posts or responses that are inconsistent with or that reasonably could be expected to negatively impact the City of Lago Vista's reputation or standing in the community. This includes but is not limited to any activity or communication that violates the City Ethics Policy, Rules of Procedure, or Personnel Policy as applicable. All authorized users are cautioned to be respectful and professional to everyone including fellow personnel, organizations, residents, and businesses.

III. Using Personal Social Media Outlets to Conduct Official Business

- A. The Supreme Court has ruled that if a government official (elected, appointed, or employee) operates personal social media outlets and limits their use solely to personal activities, the official is free to operate and post as they see fit.
- B. However, if the official is authorized to speak on behalf of a governmental entity, and uses their personal social media sites to publish official statements on behalf of the government, or represents that they are speaking in their official capacity, those personal social media outlets can become official or governmental outlets and different rules would apply to such matters as blocking persons from the site, deleting comments, refusing to allow persons to comment, etc.
- C. Obviously, if the personal page contains both personal and official posts, the issue is muddled.
- D. The strong recommendation is to keep all personal social media outlets strictly personal, and not to publish or post anything related to official city business on those personal outlets. In the case of elected officials, it is advisable to include a disclaimer on your personal social media accounts that the views expressed in your posts are your own, and do not reflect the official position of the City, and that you are not posting on behalf of the City.

IV. Communications on City Social Media Sites

- A. Unless specified otherwise, the following best practices apply to all City Council members, members of boards, committees and commissions, and employees engaging in posting on City Social Media Sites.

B. Be Responsible

Each employee and official will be held accountable for all posts made officially on City Social Media Sites. Once published on City Social Media Sites, a communication can never be eliminated from the web, even if withdrawn, unless the terms of service or terms of use of the social media site require it.

C. Be Honest and Transparent

All postings on City Social Media Sites should be clear, accurate, complete, thorough, and truthful.

D. Correct Errors Quickly

Any mistakes on City Social Media Sites should be admitted and corrected as directly as feasible. Omissions, misleading entries, or misrepresentations should be corrected as soon as they are recognized or brought to the City's attention. Correct information will be quickly provided with appropriate modifications and disclaimers if necessary or helpful.

E. Each communication on City Social Media Sites should be reviewed prior to posting to ensure it:

1. Has a clear purpose
2. Speaks well to the reader
3. Is clear and concise without unnecessary verbiage
4. Provides value to the reader
5. Uses proper spelling, grammar, syntax, and punctuation
6. Is positive and informative
7. Offers appropriate links, pictures, or references opportunities for more information where reasonable
8. Has benefits to both the City and the public

F. Be Respectful of the Reader and the Audience

Posts on City Social Media Sites should only be made when the City and/or the public would benefit from the publication. Value should be added. This could include, among other things, thought-provoking articles that build a sense of community, improve knowledge or skills, enhance business development, enable problem-solving, increase awareness of city sources and resources, and encourage mutually beneficial platforms to provide better, and more efficient city services. Communication should assist the public and build a co-beneficial relationship and rapport with the City and its agents.

G. Stay Within Your Area of Expertise or Authority

All information posted on City Social Media Sites should be authorized, appropriate and verified prior to publishing a post. Officials and Employees should not speculate, guess, or assert personal opinions on City Social Media Sites.

H. Respect Proprietary Information, Content, Privacy and Confidentiality

For non-original work posted on City Social Media Sites, proper credit should be attributed to the source. No Copyrights, trademarks, trade secrets or other proprietary matter may be published without prior written approval, licenses obtained, permits and fees paid, and/or proper attribution made within the publication itself. Links may be referenced to others'

work rather than reproducing it on the City site. Officials' or employees' names and/or likenesses may be used only with permission from such person to post on the site.

I. Respond Quickly

All communications on City Social Media Sites requiring a response or reply should be made promptly in accordance with this policy.

J. Be Sociable, Courteous, and Respectful

All communications on City Social Media Sites should use plain language and avoid using acronyms. Responses should always be polite and respectful, even if the original comment is not. When shortening words to maximize communication utilize commonly used shorthand terms, letters, and symbols.

V. Commenting on City Social Media Sites

A. The City of Lago Vista uses social media to send and receive messages about City information, services, and related programs with community stakeholders, including employees, vendors, citizens, media, and other members of the public.

B. All officials and employees should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.

C. Editing of public comments posted on City Social Media Sites is only permitted if the comments:

1. Clearly violate the social media site provider's terms of use or service;
2. Contain information about City business or operations that is confidential;
3. Would reasonably be considered pornographic or obscene;
4. Would reasonably be considered defamatory in nature;
5. Directly promote or advocate violence or the threat of violence;
6. Encourage imminent actions that may compromise public safety;
7. Contain information that may compromise the safety or security of the public or public systems;
8. Encourage or promote illegal activity;
9. Promote or advocate discrimination based on race, creed, color, age, religion, gender, marital status, familial status, national origin, physical or mental disability, or sexual orientation;
10. Are solicitations of commerce or promotion of private business enterprises;
11. Promote or advertise a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City;
12. Contain information or a link to inappropriate sexual content;

13. Comments in support of or in opposition to political candidates, campaigns, or ballot measures; or
14. Violate the legal ownership interest of any other party.

D. All public comments and posted media files inclusive of any edited content must be archived and stored in accord with requirements of Texas and federal laws and City records retention policies.

VI. City Obligation for Public Information Act Compliance and Records Retention

A. The following shall apply regarding the retention of city business, information, or public records of posts to social media application and tools:

1. All content published and received on City Social Media Sites constitutes public records in accordance with the *Texas Public Information Act* (<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>)
2. City officials and employees are responsible for keeping their individual access information confidential, and they will be held individually accountable for all entries made under their access data. It is not a defense that the computer was accessible to others or that someone else might have tampered, deleted, or made an unauthorized post while the system was accessed by a third party if it was left with the access opened and/or unattended.
3. When applicable, the City will use software-assisted social media capture tools to obtain and archive authentic copy of content required to be retained. This can include comments posted on the City Website or Social Media Sites.

VII. Use of Personal Social Media

A. As noted, the Supreme Court has ruled that a distinct line must be kept between social media activity that is official in nature, and social media activity that is personal or private.

B. Use of social media, both on and off duty, must not interfere with or conflict with an employee's duties or job performance or violate any City policy.

VIII. First Amendment

A. More constituents are posting comments on elected officials' personal accounts or pages to voice concerns on public issues. Once an elected official's social media account or page is opened for political discussion, it is transformed into a public forum for speech and debate, instantly granting every user a *First Amendment Right* to comment.

B. Therefore, officials and employees should consider the following:

1. Limit open-ended political and City business discussions from your personal social media accounts and redirect dialogue to an alternate method of communication.
2. When in doubt, do not block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and if approved, document your actions and reasons for blocking.

IX. Personal Obligation for Public Information Act Compliance and Records Retention

- A. State Law defines "**public information**" as information that is written, produced, collected, assembled, or maintained in connection with the transaction of official business. This includes email, Internet postings, text messages, instant messages, and other electronic communication, regardless of whether it is on an official governmental device or site or on a personal device or site. If it relates to official business of the City, it is likely public information.
- B. "Official business" is defined in the law as "any matter over which a governmental body has any authority, administrative duties, or advisory duties." Because this definition is so broad, it is recommended to keep commentary about "official business" off your personal social media sites.
- C. Employees' personal social media sites should remain personal in nature and should not be commingled or used for work-related purposes or to conduct official city business. Employees should not use their City email account or password when accessing personal social media accounts. Personal and City social media accounts should not be synchronized for dual access or reference purposes.
- D. Officials and employees are advised to comply with the following when using personal social media accounts:
1. Hide rather than delete, clearly inappropriate public comments on your personal or personally maintained official social media account, if possible. In some cases, these comments may be relevant in the future, so it is advised not to delete them permanently.
 2. Avoid responding to inappropriate comments or personal attacks about public business on social media. If the commenter persists, redirect them to an alternate method of communication (i.e., email).
 3. The City does not archive or manage personal social media accounts. City officials and employees are responsible for storing and archiving according to State law any content from their personal social media accounts that would constitute public records; or they may forward or transfer personal social media posts that fall into

the official business category to the City to be retained according to its records retention policies.

4. When in doubt, do not delete content without consulting with legal counsel first.
5. All City users and employees are prohibited from deleting, altering, or in any way destroying, obliterating, or tampering with social media posts that constitute public records discussing official business.
6. Social media content by City officials and employees that constitute public records shall be retained for a minimum period of two (2) years, as established by the *Texas State Library and Archives Commission*.

E. Violation of Policy

This policy is not meant to circumvent or supersede any of the other processes, policies, or laws that are applicable to the employees. Social media activity and conduct by employees should not only comply with these policy terms, but all other processes, policies and laws that may apply as well. Employees using social media in violation of this policy may face disciplinary action up to and including termination.

X. Council Members

A. Use of Personal Accounts

Elected officials should be aware of issues related to their general participation on social media.

B. Compliance with Federal State and Local Laws

City Council members that use personal social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to laws and policies regarding confidential information, copyright, use of photographs, public records retention, personal privacy, First Amendment, the Americans with Disabilities Act, and information security policies established by the City of Lago Vista.

C. Open Meetings Act

Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a "**meeting**" to which the *Texas Open Meetings Act* applies. If the Act applies to a social media discussion, an agenda must be posted seventy-two (72) hours in advance, and the public must be allowed to attend and participate.

D. Therefore, officials should consider the following when using personal social media accounts:

1. Maintaining completely separate social media accounts, one for strictly personal use, i.e. accounts that will not address public business; and another for their political activities, where they can address their own personal opinions and thoughts on public business (as opposed to official communications on behalf of the City).
2. For officials who choose to create a social media account specifically to engage with constituents on public business, a best practice is to keep this account distinct and separate from other personal account(s) that you maintain.
3. Remove elected titles from profiles used to identify a purely personal social media account, and clearly state how constituents can communicate regarding public matters if they locate the personal account first.
4. Include an introductory statement in the profile or about section of the personal or political account that defines the purpose and topical scope of your account:
5. *" This account is for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Lago Vista. If you are a citizen of Lago Vista and would like to discuss City business, please go to www.lagovistatexas.gov or contact me at [official email]."*
6. On a purely personal account, redirect information to official accounts, sites, or emails and avoid making posts related to your official position and duties.
7. Redirect dialogue or requests regarding official city business to an alternative means of communication (i.e., email, phone, or a specifically political social media account).
8. Avoid commenting on local issues where other Council members are also participating in discussion.
9. Only make post or comments on behalf of the City and/or the City Council when specifically authorized to do so, and do not make such posts on your personal or political social media accounts.
10. Avoid making posts on your personal or political social media account referencing your official capacity as an elected official.
11. On a purely personal social media account, avoid making posts and /or comments regarding City business.

E. Use of Official Accounts

Therefore, should consider the following recommendations:

1. Make it Official. Your political account profile, description, and photo should clearly indicate your position as a member of the Lago Vista Council and your

intent to use the account as a way of communicating with your constituents, but not to speak on behalf of the City.

2. Your account is a public forum. Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny and *First Amendment* activities generally may not be prohibited. So, when in doubt, do not delete it.
3. Prohibited content is defined by City policy. For consistency, manage prohibited content on your accounts in the same way City-administered accounts are managed as addressed in this Policy.
4. Campaign separately. Council members in office shall not use City administered or funded social media accounts to advocate for or against persons or measures on the ballot.
5. Involve legal counsel. If you are unsure about publishing certain content or feel you are justified in the removal of content, involve legal counsel before making a decision.

F. Security

Council members need to take every precaution to prevent fraud or unauthorized access to social media applications. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including:

1. Making unofficial posts, tweets, or messages that will be seen by the public as official messages;
2. Encouraging users to either click links or download unwanted applications that the attacker has added to the site;
3. Accessing, compromising, or disabling a City system;
4. Redirecting users to sites that look like a City site but are used to gather data that could be used for unauthorized purposes (e.g., phishing);
5. Using a compromised site to spread malware; and/or
6. Acquiring confidential information about city employees or citizens (e.g., social engineering)

G. Violation of Policy

This policy is not meant to circumvent or supersede any of the other processes, policies or laws that are applicable to the City Council. Social media activity and conduct by Council

members should not only comply with these policy terms, but all other processes, policies, and laws applicable to elected officials.

XI. Members of Boards, Committees, and Commissions

A. Use of Personal Accounts

In general, the same rules set out for Council members apply to appointed members of City Boards, Committees, or Commissions.

B. Social Media Accounts Representing a Board, Committee, or Commission

Generally, use of non-City sponsored personal or group websites or social media sites for official dissemination of information by boards, committees, and commissions is prohibited. Instead, appointed members of City boards, committees, and commissions should use only the City Website or Social Media Sites for dissemination of official information from these bodies. However, any board, committee or commission desiring to establish a social media site for that body may submit a plan to the City Manager for review and if approved, additional guidelines will be provided.

I. Executive Summary

Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, city officials can instantly interact with the public via social media. Although, this technology greatly increases communication, outreach and efficiency, some rules are required in order to comport with federal and state law.

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Elected officials, City Council-appointed board, committee, and commission members, and City employees may all maintain and use personal web pages and websites, blogs, and social networking sites. So long as those social media outlets are used solely for personal communications, the City cannot regulate or control what is posted.

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The Supreme Court has said that if public figures use their personal social media outlets to conduct official business, those personal sites then become official sites and various constitutional standards apply to them.

Finally, the City has its own social media sites, as well as its official websites. Those will be referred to as "City Social Media Sites" in this Policy. The content of postings to City Social Media Sites or to the official City website are subject to the specific control of the City.

Deleted: , their status as elected/appointed officials or employees requires that the content of any postings on those sites not be in violation of existing City Charter, ordinances, policies, directives, rules, or regulations.

This policy is intended to provide guidance for elected officials, City employees, and appointed board, committee, and commission members.

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Deleted: This policy is intended to be a supplement to the *Social Media Policy* contained within the *City's Personnel Policy and Procedures, Section 2*, applicable to City employees.

II. Communication Quality – City Social Media Sites

Only authorized officials and employees may post to the City Social Media Sites.

Authorized officials and employees should use good judgment and ensure accuracy in all postings to City Social Media Sites. Errors and omissions reflect poorly on the City of Lago Vista and may result in liability for the City.

Deleted: The City's image as a professional organization to maintaining the respect of its constituents. Although, the City recognizes that elected and appointed officials, and employees may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups, or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials and employees have the *First Amendment right to free speech*, the right is not absolute when involving matters of official City business, issues, and concerns.

All authorized users posting to City Social Media Sites are cautioned to refrain from any posts or responses that are inconsistent with or that reasonably could be expected to negatively impact the City of Lago Vista's reputation or standing in the community. This includes but is not limited to any activity or communication that violates the City Ethics Policy, Rules of Procedure, or Personnel Policy as applicable. All authorized users are cautioned to be respectful and professional to everyone including fellow personnel, organizations, residents, and businesses.

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III. Using Personal Social Media Outlets to Conduct Official Business

The Supreme Court has ruled that if a government official (elected, appointed, or employee) operates personal social media outlets and limits their use solely to personal activities, the official is free to operate and post as they see fit.

However, if the official is authorized to speak on behalf of a governmental entity, and uses their personal social media sites to publish official statements on behalf of the government, or represents that they are speaking in their official capacity, those personal social media outlets can become official or governmental outlets and different rules would apply to such matters as blocking persons from the site, deleting comments, refusing to allow persons to comment, etc.

Obviously, if the personal page contains both personal and official posts, the issue is muddled.

The strong recommendation is to keep all personal social media outlets strictly personal, and not to publish or post anything related to official city business on those personal outlets. In the case of elected officials, it is advisable to include a disclaimer on your personal social media accounts that the views expressed in your posts are your own, and do not reflect the official position of the City, and that you are not posting on behalf of the City.

IV. Communications on City Social Media Sites

Unless specified otherwise, the following best practices apply to all City Council members, members of boards, committees and commissions, and employees engaging in posting on City Social Media Sites.

- Be Responsible

Each employee and official will be held accountable for all posts made officially on City Social Media Sites. Once published on City Social Media Sites, a communication can never be eliminated from the web, even if withdrawn, unless the terms of service or terms of use of the social media site require it.

- Be Honest and Transparent

All postings on City Social Media Sites should be clear, accurate, complete, thorough, and truthful.

- Correct Errors Quickly

Deleted: Abide by Social Media Rules¶
Officials and Employees utilizing social media sites shall abide by the site's terms of service or terms of use. Before utilizing the site, each official or employee should become acquainted with each site's terms and conditions of use or rules for services and follow them as directed. No official or employee is authorized to abuse a social media site and will be held accountable through the processes outlined in the City's Ethics Policy, Rules of Procedure and Personnel Policy as applicable for any abuse, misuse, or violations of such terms or rules of engagement.

Deleted: social media regarding city business

Deleted: All statements made about the City on any social media site, whether personal, private, or official, reflect upon the City, its employees, services, and elected City officials. ...

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Deleted: City Website or Social Media Sites

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Any mistakes on City Social Media Sites should be admitted and corrected as directly as feasible. Omissions, misleading entries, or misrepresentations should be corrected as soon as they are recognized or brought to the City's attention. Correct information will be quickly provided with appropriate modifications and disclaimers if necessary or helpful.

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- Each communication on City Social Media Sites should be reviewed prior to posting to ensure it:

1. Has a clear purpose
2. Speaks well to the reader
3. Is clear and concise without unnecessary verbiage
4. Provides value to the reader
5. Uses proper spelling, grammar, syntax, and punctuation
6. Is positive and informative
7. Offers appropriate links, pictures, or references opportunities for more information where reasonable
8. Has benefits to both the City and the public

- Be Respectful of the Reader and the Audience

Posts on City Social Media Sites should only be made when the City and/or the public would benefit from the publication. Value should be added. This could include, among other things, thought-provoking articles that build a sense of community, improve knowledge or skills, enhance business development, enable problem-solving, increase awareness of city sources and resources, and encourage mutually beneficial platforms to provide better, and more efficient city services. Communication should assist the public and build a co-beneficial relationship and rapport with the City and its agents.

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- Stay Within Your Area of Expertise or Authority

All information posted on City Social Media Sites should be authorized, appropriate and verified prior to publishing a post. Officials and Employees should not speculate, guess, or assert personal opinions on City Social Media Sites.

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- Respect Proprietary Information, Content, Privacy and Confidentiality

Deleted: unless authorized by appropriate City management or leadership

For non-original work posted on City Social Media Sites, proper credit should be attributed to the source. No Copyrights, trademarks, trade secrets or other proprietary matter may be published without prior written approval, licenses obtained, permits and fees paid, and/or

proper attribution made within the publication itself. Links may be referenced to others' work rather than reproducing it on the City site. Officials' or employees' names and/or likenesses may be used only with permission from such person to post on the site.

- Respond Quickly

All communications on City Social Media Sites requiring a response or reply should be made promptly in accordance with this policy.

- Be Sociable, Courteous, and Respectful

All communications on City Social Media Sites should use plain language and avoid using acronyms. Responses should always be polite and respectful, even if the original comment is not. When shortening words to maximize communication utilize commonly used shorthand terms, letters, and symbols.

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V. Commenting on City Social Media Sites

Deleted: on the City Website or Social Media Sites

The City of Lago Vista uses social media to send and receive messages about City information, services, and related programs with community stakeholders, including employees, vendors, citizens, media, and other members of the public.

1. All officials and employees should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.

2. Editing of public comments posted on City Social Media Sites is only permitted if the comments:

Deleted: Public comments may be removed from City-administered social media accounts if they contain any one or more of the following:

- Clearly violate the social media site provider's terms of use or service;
- Contain information about City business or operations that is confidential;
- Would reasonably be considered pornographic or obscene;
- Would reasonably be considered defamatory in nature;
- Directly promote or advocate violence or the threat of violence;
- Encourage imminent actions that may compromise public safety;
- Contain information that may compromise the safety or security of the public or public systems
- Encourage or promote illegal activity;
- Promote or advocate discrimination based on race, creed, color, age, religion, gender, marital status, familial status, national origin, physical or mental disability, or sexual orientation;
- Are solicitations of commerce or promotion of private business enterprises;
- Promote or advertise a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City;

- Contain information or a link to inappropriate sexual content;
- Comments in support of or in opposition to political candidates, campaigns, or ballot measures; or
- Violate the legal ownership interest of any other party.

3. All public comments and posted media files inclusive of any edited content must be archived and stored in accord with requirements of Texas and federal laws and City records retention policies.

VI. City Obligation for Public Information Act Compliance and Records Retention

The following shall apply regarding the retention of city business, information, or public records of posts to social media application and tools:

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- When applicable, the City will use software-assisted social media capture tools to obtain and archive authentic copy of content required to be retained. This can include comments posted on the City Website or Social Media Sites.

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VII. Use of Personal Social Media

As noted, the Supreme Court has ruled that a distinct line must be kept between social media activity that is official in nature, and social media activity that is personal or private.

Use of social media, both on and off duty, must not interfere with or conflict with an employee's duties or job performance or violate any City policy.

Deleted: • Vulgar, physically threatening, or harassing language. ¶
 • Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law. ¶
 • Inappropriate sexual content or similar links. ¶
 • Private or otherwise confidential information. ¶
 • Content that promotes illegal activity or encouragement of actions that may compromise public safety. ¶
 • Content that violates a legal ownership interest of any other party. ¶
 • Comments not topically related to the original article or post. ¶
 • Comments in support of or in opposition to political candidates, campaigns, or ballot measures during an election season

Deleted: Promoting or advertising a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City

Deleted: Organized political activity.

Deleted: Information that may compromise the safety or security of the public or public systems

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Therefore, officials and employees should consider the following:

- Limit open-ended political and City business discussions from your personal social media accounts and redirect dialogue to an alternate method of communication.
- When in doubt, do not block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and if approved, document your actions and reasons for blocking.

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"Official business" is defined in the law as "any matter over which a governmental body has any authority, administrative duties, or advisory duties." Because this definition is so broad, it is recommended to keep commentary about "official business" off your personal social media sites.

Employees' personal social media sites should remain personal in nature and should not be commingled or used for work-related purposes or to conduct official city business. Employees should not use their City email account or password when accessing personal social media accounts. Personal and City social media accounts should not be synchronized for dual access or reference purposes.

Officials and employees are advised to comply with the following when using personal social media accounts:

- Hide rather than delete, clearly inappropriate public comments on your personal or personally maintained official social media account, if possible. In some cases, these comments may be relevant in the future, so it is advised not to delete them permanently.

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State Law defines "**public information**" as information that is written, produced, collected, assembled, or maintained in connection with the transaction of official business. This includes email, Internet postings, text messages, instant messages, and other electronic communication.¶

Therefore, officials and employees should consider the following: ¶

- Hide rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, do not delete it. ¶
- Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect then to an alternate method of communication (i.e., email). ¶
- Be aware that a personal social media account, depending on its content, may still be subject to the *Publication Information Act*. ¶

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• Avoid responding to inappropriate comments or personal attacks about public business on social media. If the commenter persists, redirect them to an alternate method of communication (i.e., email).

• The City does not archive or manage personal social media accounts. City officials and employees are responsible for storing and archiving according to State law any content from their personal social media accounts that would constitute public records; or they may forward or transfer personal social media posts that fall into the official business category to the City to be retained according to its records retention policies.

• When in doubt, do not delete content without consulting with legal counsel first.

• All City users and employees are prohibited from deleting, altering, or in any way destroying, obliterating, or tampering with social media posts that constitute public records discussing official business.

• Social media content by City officials and employees that constitute public records shall be retained for a minimum period of two (2) years, as established by the Texas State Library and Archives Commission.

Violation of Policy

This policy is not meant to circumvent or supersede any of the other processes, policies or laws that are applicable to the employees. Social media activity and conduct by employees should not only comply with these policy terms, but all other processes, policies and laws that may apply as well. Employees using social media in violation of this policy may face disciplinary action up to and including termination.

X. Council Members

A. Use of Personal Accounts

Elected officials should be aware of issues related to their general participation on social media.

B. Compliance with Federal State and Local Laws

City Council members that use personal social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to laws and policies regarding confidential information, copyright, use of photographs,

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Deleted: Individuals are solely responsible for the retention and archival of city public records or other content published on your individual account(s).

Moved up [1]: • The City does not archive or manage personal social media accounts. City officials and employees are responsible for storing and archiving any content that would constitute city public records. Individuals are solely responsible for the retention and archival of city public records or other content published on your individual account(s). ¶
• When in doubt, do not delete content without consulting with legal counsel first. ¶

Deleted: VI. Records Retention ¶

Activity in social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a city public record. ¶
Therefore, you should consider the following: ¶

Deleted: Social media content administered by City employees, and intended for public access and comments, will follow a minimum retention period of two (2) years, as established by the Texas State Library and Archives Commission. This includes Council member comments posted on the City Website or Social Media Sites. ¶

Moved (insertion) [3]

Deleted: When applicable, the City will use a software-assisted social media capture tool to obtain and archive authentic copy of monitored content. This includes Council member comments posted on the City Website or Social Media Sites. ¶

The following shall apply regarding the retention of city business, information, or public records of posts to social media application and tools: ¶

• All content published and received by the City using social media in connection with the transaction of the City's public business constitutes public records in accordance with the Texas Public Information Act (<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>) ¶

• The city remains responsible for capturing electronic copies of its public records made or received using social media, including those records made or received using third-party websites. All City users and employees are prohibited from deleting, altering, or in any way

Deleted: As a policy-making body, Council Members are given greater latitude than City employees to publicly express thoughts and opinions on local issues. However, e...

Deleted: additional risks

public records retention, personal privacy, First Amendment, the Americans with Disabilities Act, and information security policies established by the City of Lago Vista.

Deleted: HIPPA privacy,

C. Open Meetings Act

Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a "meeting" to which the *Texas Open Meetings Act* applies. If the Act applies to a social media discussion, an agenda must be posted seventy-two (72) hours in advance, and the public must be allowed to attend and participate.

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Therefore, officials should consider the following when using personal social media accounts:

- Maintaining completely separate social media accounts, one for strictly personal use, i.e. accounts that will not address public business; and another for their political activities, where they can address their own personal opinions and thoughts on public business (as opposed to official communications on behalf of the City).
- For officials who choose to create a social media account specifically to engage with constituents on public business, a best practice is to keep this account distinct and separate from other personal account(s) that you maintain.

- Remove elected titles from profiles used to identify a purely personal social media account, and clearly state how constituents can communicate regarding public matters if they locate the personal account first.

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- Include an introductory statement in the profile or about section of the personal or political account that defines the purpose and topical scope of your account:

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"This account is for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Lago Vista. If you are a citizen of Lago Vista and would like to discuss City business, please go to www.lagovistatexas.gov or contact me at [official email]."

- On a purely personal account, redirect information to official accounts, sites, or emails, and avoid making posts related to your official position and duties.
- Redirect dialogue or requests regarding official city business to an alternative means of communication (i.e., email, phone, or a specifically political social media account).
- Avoid commenting on local issues where other Council members are also participating in discussion.

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- ~~Only make post or~~ comments on behalf of the City and/or the City Council ~~when specifically authorized to do so, and do not make such posts on your personal or political social media accounts.~~

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- Avoid making posts ~~on your personal or political social media account referencing your~~ official capacity as an elected official.

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- ~~On a purely personal social media account, avoid~~ making posts and /or comments regarding City business.

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D. Use of Official Accounts

~~Therefore, should consider the following recommendations:~~

Deleted: For officials who choose to create a social media account to engage with constituents, a best practice is to keep this account distinct and separate from other personal account(s) that you maintain.¶

- Make it Official

Your ~~political~~ account profile, description, and photo should clearly indicate your position as a member of the Lago Vista Council and your intent to use the account as a way of communicating with your constituents, ~~but not to speak on behalf of the City.~~

Deleted: Elected officials increasingly use social media for reelection purposes. However, mixing campaign and constituent communications from the same account could put you at risk of violating laws that prohibit using government resources for political purposes. ¶

Deleted: you

- Your account is a public forum

Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny and *First Amendment* activities generally may not be prohibited. So, when in doubt, do not delete it.

- Prohibited content is defined by City policy

For consistency, ~~manage~~ prohibited content on your accounts in the same way City-administered accounts are managed ~~as addressed in this Policy.~~

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- Campaign separately

Council members in office ~~shall~~ not use City administered or funded social media accounts ~~to advocate for or against persons or measures on the ballot.~~

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Deleted: It is equivalent to campaigning from the dais during a public meeting, which violates state law.

- Involve legal counsel

If you are unsure about publishing certain content or feel you are justified in the removal of content, involve legal counsel before making a decision.

E. Security

Council members need to take every precaution to prevent fraud or unauthorized access to social media applications. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including:

- Making unofficial posts, tweets, or messages that will be seen by the public as official messages;
- Encouraging users to either click links or download unwanted applications that the attacker has added to the site;
- Accessing, compromising, or disabling a City system;
- Redirecting users to sites that look like a City site but are used to gather data that could be used for unauthorized purposes (e.g., phishing);
- Using a compromised site to spread malware; and/or
- Acquiring confidential information about city employees or citizens (e.g., social engineering)

Violation of Policy

This policy is not meant to circumvent or supersede any of the other processes, policies or laws that are applicable to the City Council. Social media activity and conduct by Council members should not only comply with these policy terms, but all other processes, policies, and laws applicable to elected officials.

XI. Members of Boards, Committees, and Commissions

A. Use of Personal Accounts

In general, the same rules set out for Council members apply to appointed members of City Boards, Committees, or Commissions.

B. Social Media Accounts Representing a Board, Committee, or Commission

Generally, use of non-City sponsored personal or group websites or social media sites for official dissemination of information by boards, committees, and commissions is prohibited. Instead, appointed members of City boards, committees, and commissions should use only the City Website or Social Media Sites for dissemination of official information from these bodies. However, any board, committee or commission desiring to establish a social media site for that body may submit a plan to the City Manager for review and if approved, additional guidelines will be provided.



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Deleted: As a policy-making body, Council Members are given greater latitude than City employees to publicly express thoughts and opinions on local issues. However, elected officials should be aware of additional risks related to their general participation on social media.

Deleted: B. Compliance with Federal State and Local Boards, Commissions and Committee members that use social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to laws and policies regarding copyright, use of photographs, public records retention, personal privacy, First Amendment, HIPPA privacy, the Americans with Disabilities Act, and information security policies established by the City of Lago Vista. ¶
C

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Moved up [2]: Employees' personal social media sites should remain personal in nature and should not be commingled or used for work-related purposes or to conduct official city business. Employees should not use their City email account or password when accessing personal social media accounts. Personal and City social media accounts should not be synchronized for dual access or reference purposes. ¶

Deleted: Employees ¶

A. Personal Responsibility ¶

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy

Deleted: The intent of these standards is to regulate the and distribution of information concerning the City, its employees, and citizens through electronic media, including, but not limited to online forums, instant messaging, and internet social media and blogging sites. All City employees must be cognizant that how they represent themselves on social media publication reflects on the City whether with respect to City social media sites or personal ones. Public and private or personal and professional avenues of communication ...

Deleted: D. Use of City Resources ¶

Employees may use City-owned assets and equipment or resources (computers and cellphones) to access social media sites (personal or City sites) on a limited basis. ...

Deleted: Identify Yourself ¶

When creating or using social media accounts that require individual identification, authorized users speaking on behalf of the City should identify ...

Moved up [3]: H. Violation of Policy ¶

This policy is not meant to circumvent or supersede any of the other processes, policies or laws that are applicable to the employees. Social media activity and conduct by employees should not only comply with these policy terms, but all other processes, policies and laws that may apply as well. Employees using social media in violation of this policy may face disciplinary action up to and including termination.¶

Deleted: • No Privacy Expectation ¶

¶
Employees should have no expectation of privacy as to information stored on City computers, networks, databases, or devices. Furthermore, there should be no expectation of privacy regarding any communications between any City employee and the public when the employee is in the course and scope of performing his/her assigned duties. ¶

G. Security ¶

City employees need to take every precaution to prevent fraud or unauthorized access to social media applications. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including: ¶

- Making unofficial posts, tweets, or messages that will be seen by the public as official messages; ¶
- Encouraging users to either click links or download unwanted applications that the attacker has added to the site; ¶
- Accessing, compromising, or disabling a City system; ¶
- Redirecting users to sites that look like a City site but are used to gather data that could be used for unauthorized purposes (e.g., phishing); ¶
- Using a compromised site to spread malware; and/or ¶
- Acquiring confidential information about city employees or citizens (e.g., social engineering) ¶

Deleted: Glossary/Definitions ¶

Article - An original posting of content to a social media site or the city website. ¶

City Website or Social Media Sites The website or social media site hosted or controlled by the City of Lago Vista. ¶

Comment - A response to social media content. ¶

Post - In relation to social media accounts or online activity, anything published in an online forum or social media account. ¶

Social media and Social networking - Refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Councilor Saum, City Council
SUBJECT:	Discussion, consideration, and possible action regarding the creation of The No Taxpayer Waste Procurement Process.
BACKGROUND:	The purpose of this ordinance is to ensure that the City of Lago Vista prioritizes fiscal responsibility in its procurement processes by encouraging cost-effective solutions that meet or exceed the city’s needs without unnecessary expenditure, in compliance with applicable state laws, local ordinances, and city policies.
FINDINGS:	Findings: Councilman Saum is requesting that the Council consider approving this program to allow respondents to any RFP or bid process to propose alternative project scopes if, in their professional judgment, they believe a smaller or differently configured scope would better serve the City's actual needs while reducing overall costs. Citizens have expressed concern over previous RFPs requirements, including the recent Golf Course Irrigation System RFP, that stated “the Proposer must agree to complete the project in accordance to the plans and specifications in the Attachments in this document.” If a proposer wants to win the project currently, they may not feel comfortable asking the City if they could supply a different scope of work in the proposal. Proposer’s may have the ability to make that request now, but it is not explicit in the procurement and it currently does not state they would receive any benefit for showing the City how they could be saving money on the project. Proposals for alternative scopes must still comply with local preference requirements as outlined in Section 1.503 of the City Code and ensure fair and open competition as mandated by Texas Local Government Code Chapters 252 and 271.
FINANCIAL IMPACT:	TBD
ATTACHMENTS:	The No Taxpayer Waste Procurement Process (1).pdf

Proposed creation of Sec. 1.504 in the Code of Ordinances

Ordinance: "The No Taxpayer Waste Procurement Process"

Section 1: Purpose

The purpose of this ordinance is to ensure that the City of Lago Vista prioritizes fiscal responsibility in its procurement processes by encouraging cost-effective solutions that meet or exceed the city's needs without unnecessary expenditure, in compliance with applicable state laws, local ordinances, and city policies.

Section 2: Flexibility in Scope

The City shall allow respondents to any RFP or bid process to propose alternative project scopes if, in their professional judgment, they believe a smaller or differently configured scope would better serve the City's actual needs while reducing overall costs. Proposals for alternative scopes must still comply with local preference requirements as outlined in Section 1.503 of the City Code and ensure fair and open competition as mandated by Texas Local Government Code Chapters 252 and 271.

Section 3: Evaluation Criteria

In evaluating proposals, the City shall give additional consideration to bids that demonstrate:

- Documented cost savings through reduced scope without compromising quality or service, in compliance with Chapters 2251 and 2254 of the Texas Government Code.
- Innovative solutions that meet the City's needs more efficiently than outlined in the original RFP, subject to review by the relevant department for adherence to statutory and regulatory requirements.
- Evidence-based justifications for scope adjustments, accompanied by a detailed report on the projected impact on project outcomes and compliance with existing city policies and state laws.

Section 4: Certification of Need and Cost-Efficiency

The winning bidder shall be required to certify, in writing, that it is their professional opinion that the project they have proposed:

1. Meets the actual needs of the City, rather than wants, in compliance with ethical standards outlined in Article 1.800 of the City Ethics Policy.
2. Is being completed in the most cost-efficient manner possible, while adhering to all applicable laws and regulations governing municipal contracting and procurement.

If the bidder believes that the project scope exceeds the City's base needs, they must provide a detailed report explaining why the proposed scope goes beyond those needs. This report must

be reviewed by the appropriate City department for compliance with Chapter 252 of the Texas Local Government Code and approved by the City Council, which will then sign off to acknowledge that the project exceeds base needs but has been chosen to proceed regardless.

Section 5: Reward for Cost Savings

Contractors whose proposals lead to documented cost savings may be eligible for a financial incentive, such as a percentage of the savings, subject to City Council approval and compliance with Chapter 2252 and 2254 of the Texas Government Code. The incentive program must be structured in a way that does not violate state laws governing municipal finance or constitute an improper use of public funds.

Section 6: Implementation and Oversight

The City Manager's office shall oversee the implementation of this ordinance, ensuring all procurement activities are conducted in accordance with Chapter 252 and Chapter 271 of the Texas Local Government Code and other applicable statutes. The City Manager shall report annually to the City Council on the ordinance's impact on procurement efficiency and cost savings, including any legal or ethical issues that have arisen under its implementation during the annual budget process.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	September 5, 2024
SUBMITTED BY:	Councilor Saum, City Council
SUBJECT:	Discussion, consideration, and possible action regarding the creation of a Voluntary Fee Program for the Lago Vista Golf Course.
BACKGROUND:	The purpose of the Voluntary Fee Program for the Lago Vista Golf Course is to generate additional revenue for the maintenance and improvement of the golf course through a voluntary contribution system. The program includes provisions for optional contributions related to annual memberships, daily golf rates, events, and tournaments. This initiative allows golfers and event participants to support the course beyond their standard fees, providing a flexible approach to enhancing the quality and sustainability of the golf course.
FINDINGS:	Councilman Saum is requesting that the Council consider approving this program to secure additional funding for the Lago Vista Golf Course while keeping the contributions voluntary, thereby allowing participants to support the facility according to their preferences.
FINANCIAL IMPACT:	TBD
ATTACHMENTS:	Golf Voluntary Fee Ordinance.pdf

Proposed to be added to section 10.200 Golf Course Fees

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A VOLUNTARY FEE PROGRAM FOR THE LAGO VISTA GOLF COURSE, INCLUDING OPT-IN AND OPT-OUT PROVISIONS FOR ANNUAL MEMBERSHIPS, DAILY RATES, EVENTS, AND TOURNAMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lago Vista recognizes the importance of maintaining and improving the Lago Vista Golf Course as a valuable community resource; and

WHEREAS, the City desires to establish a voluntary fee program to generate additional revenue for the enhancement and maintenance of the Golf Course, while giving patrons flexibility in their contributions.

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

Section 1. Creation of Voluntary Fee Program for Golf Course

Annual Fees:

- A voluntary fee of \$100 per year for single/junior or \$110 for family will be added to all annual golf fees by default. Members may opt out of this fee at the time of enrollment or renewal.

Semi-Annual Fees:

- A voluntary fee of \$70 per year for single/junior or \$75 per year for family will be added to all annual golf fees by default. Members may opt out of this fee at the time of enrollment or renewal.

Monthly Fees:

- A voluntary fee of \$10 per year for single or \$15 per year for family will be added to all monthly golf fees by default. Members may opt out of this fee at the time of enrollment or renewal.

Junior Fees:

A voluntary fee of \$50 per year will be added to all Junior golf fees by default. Members may opt out of this fee at the time of enrollment or renewal.

Range Fees:

- A voluntary fee of \$50 per year or \$5 per month will be added to all annual golf fees by default. Members may opt out of this fee at the time of enrollment or renewal.

Daily Golf Rates:

- A voluntary fee of \$5 will be offered as an opt-in option for all daily golf rates. Patrons may choose to pay this amount, enter a custom amount, or decline to contribute.

Golf Course Events:

- For any events held at the Golf Course, a voluntary contribution option will be available. Patrons may choose to contribute \$50, a custom amount, or decline. This option will be prominently featured in event registration materials.

Golf Tournaments:

- A \$100 voluntary fee will be automatically added to the registration for all golf tournaments. Organizers may opt out of this fee at the time of registration.

Section 2. Allocation of Revenues

- All funds collected through this voluntary fee program shall be used exclusively for the maintenance, improvement, and enhancement of the Lago Vista Golf Course.

- The City may retain 2% of all voluntary fee revenues for administrative costs related to the management of these funds.

Section 3. Reporting and Transparency

- An annual report detailing the funds collected through this voluntary fee program and their allocation shall be published and made available to the public during the budget process each year.

Section 4. Severability

- If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Section 5. Effective Date

- This Ordinance shall become effective upon adoption by second and final reading, with voluntary fees being applied to relevant memberships, daily rates, events, and tournaments beginning [Date].