



**AGENDA  
CITY COUNCIL REGULAR MEETING  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX  
MARCH 19, 2026 AT 2:30 PM**

**REGULAR SESSION WILL RECONVENE AT 4:00PM**

**JOIN MEETING VIA VIDEO CONFERENCE**

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

<https://meet.goto.com/242387805>

You can also dial in using your phone.

Access Code: 242-387-805

United States: +1 (646) 749-3122

**I. CALL TO ORDER, CALL OF ROLL**

Shane Saum, Mayor

Amanda Chavarria, Council Member

Jess Hall, Council Member

Adam Benefield, Council Member

Norma Owen, Mayor Pro Tem

Karen Van Ness, Council Member

Paul Prince, Council Member

**II. EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

1. Consultation with City Attorney concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed) pursuant to Texas Government Code Section 551.071.
2. Consult with City Attorney concerning the purchase of property located at 20624 FM 1431, Lago Vista, Texas, 78645, (Casey Building) Pursuant to Texas Government Code Section 551.072.
3. Consult with City Attorney pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.
4. Consultation with Legal Counsel to receive update and legal advice on notice of claim and demand from A Benefield (Section 551.071 Advice of Counsel and

Section 1.05 Texas Disciplinary Rules of Professional Conduct).

5. Consultation with City Attorney pursuant to Government Code Sec. 551.071 to receive legal advice regarding procedures for communication with the City Attorney.
6. Consultation with City Attorney to receive legal advice concerning scope of municipal development agreements and legal requirements related thereto (Section 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

**III. 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:

1. Consultation with City Attorney concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed) pursuant to Texas Government Code Section 551.071.
2. Consult with City Attorney concerning the purchase of property located at 20624 FM 1431, Lago Vista, Texas, 78645, (Casey Building) Pursuant to Texas Government Code Section 551.072.
3. Consult with City Attorney pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.
4. Consultation with Legal Counsel to receive update and legal advice on notice of claim and demand from A Benefield (Section 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).
5. Consultation with City Attorney pursuant to Government Code Sec. 551.071 to receive legal advice regarding procedures for communication with the City Attorney.
6. Consultation with City Attorney to receive legal advice concerning scope of municipal development agreements and legal requirements related thereto (Section 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct).

**IV. INVOCATION**

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

**VI. 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 4:00 p.m.

[Citizen Participation Registration Form](#)

## **VII. ITEMS OF COMMUNITY INTEREST**

## **VIII. PRESENTATIONS & PROCLAMATIONS**

1. Presentation and discussion by McCoy Consulting regarding grant and fund development, including a bi-annual report update.

## **IX. PUBLIC HEARING AND POSSIBLE ACTION**

1. Open A Public Hearing regarding an Ordinance Of The City Of Lago Vista, Texas, Amending Chapter 14 Also Known As "Zoning Ordinance" Of The Code Of Ordinances, Specifically Exhibit A, Part Iv, Table B (Use Table), By Adding A New Use Category For Indoor Inventory Storage And Allowing Such Use In All Commercial Zoning Districts; Providing For Purpose And Intent; Providing The Amendment; Providing For Use Description; Providing For A Finding Of Fact Clause; Providing For Severability; Providing For A Repealer; Providing An Effective Date; Providing For A Projects In Transition Clause; Providing For A Codification And Publication Clause And Providing An Open Meetings Clause.
2. Consideration and possible action to approve Ordinance No. 26-03-19-01 of The City Of Lago Vista, Texas, Amending Chapter 14 Also Known As "Zoning Ordinance" Of The Code Of Ordinances, Specifically Exhibit A, Part Iv, Table B (Use Table), By Adding A New Use Category For Indoor Inventory Storage And Allowing Such Use In All Commercial Zoning Districts; Providing For Purpose And Intent; Providing The Amendment; Providing For Use Description; Providing For A Finding Of Fact Clause; Providing For Severability; Providing For A Repealer; Providing An Effective Date; Providing For A Projects In Transition Clause; Providing For A Codification And Publication Clause And Providing An Open Meetings Clause.

## **X. 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.

1. Action regarding the February 19, 2026, City Council Meeting Minutes.
2. Action regarding the March 2, 2026, City Council Called Meeting Minutes.
3. Action regarding the March 5, 2026, City Council Meeting Minutes.

## **XI. ACTION ITEMS**

1. Consideration and possible action approving the Unified Development Code

#### Guidelines.

2. Consideration and possible action regarding the establishment of the Infrastructure Planning Advisory Subcommittee and approval of the attached charter.
3. Consideration and possible action to approve a Franchise Agreement with Pedernales Electric Cooperative (PEC).
4. Consideration and possible action to correct the official minutes of the December 4, 2025 Regular City Council Meeting to ensure the voting record is consistent with council precedent and accurately reflects council procedure.
5. Consideration and possible action regarding the creation of the Capital Improvements Advisory Committee to meet requirements under Texas state law related to impact fees and for council to give direction.

### **XII. WORK SESSION**

1. Discussion regarding proposed revisions to the City of Lago Vista Rules of Procedure.
2. Discussion and possible direction regarding short-term rental and event venue regulatory options.
3. Discussion and possible direction regarding the City's Code Compliance and Code Enforcement program.

### **XIII. STAFF AND COUNCIL LIAISON REPORTS**

- A. Routine Reports from City Staff.
- B. Routine Reports from City Council Board/Commission/Committee Liaisons,

### **XIV. ADJOURNMENT**

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board in accordance with Government Code section 551.041 located at all times in City Hall in said City by 5:00 pm on the 11th day of March 2026.

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Robin Smith , 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:** March 19, 2026

**SUBMITTED BY:** Mayor Pro-Tem Owen, City Council

**SUBJECT:** Presentation and discussion by McCoy Consulting regarding grant and fund development, including a bi-annual report update.

**BACKGROUND:** The Community Center / Emergency Shelter concept has been identified as a strategic opportunity to enhance:

- Emergency preparedness and disaster response capabilities
- Long-term community resilience
- Multi-use civic infrastructure
- Economic development and quality-of-life amenities

Two EDA programs are currently under consideration:

1. EDA Disaster Supplemental Program
2. EDA Economic Adjustment Assistance (EAA) Program

EDA participation may fund between 60% and 80% of eligible project costs. Any awarded funding will require a local match from the City or other eligible sources.

**RECOMMENDATION:** Direction Regarding Potential EDA Grant Applications for the Community Center / Emergency Shelter Project, Including Matching Fund Strategy and Funding Options.

**ATTACHMENTS:**

[2026 Monthly Report - McCoy Consulting.pdf](#)

# Grant & Funding Development Update

**Presented by:** Brittany McCoy

**Meeting Week:** March 16, 2026

**Scan the QR Code to View All Project Mockups**



## Summary

Current grant and funding pipeline:

- **2 applications submitted**
- **2 applications ready for review**
- **2 federal infrastructure opportunities pending match funding guidance**

Additionally:

- **Civic Center land identified**
- **Project visuals developed**
- **Energy infrastructure partnership discussions underway**

These steps position the City to move forward with **major external funding opportunities for the Community Center / Emergency Shelter project.**

# 1. Key Progress Since Last Monthly Report

## Civic Center Site Identification

- **City-owned land has been identified** for the proposed Community Center / Emergency Shelter project.
- The site was shared and reviewed with assistance from **David Montgomery-Scott and Don Johndrow**.
- The parcel is located within the **Civic Center campus area**, providing proximity to existing municipal services and facilities.

The proposed project would be located on approximately **five acres behind the Police Department and near the Public Library**, allowing the facility to function as both a community gathering space and an emergency resilience hub.

## Next Step Required

To move forward with development planning:

- **100% City approval is required** to proceed with project development on the identified Civic Center land.
- Once approval is secured, the project can move into:
  - site planning
  - conceptual engineering
  - and external funding applications.

## Project Visual Development

Conceptual **project visuals and renderings have been prepared** to support:

- Grant applications
- Project communication
- Community engagement.

These visuals will be shared with the committee and City leadership to help illustrate the scope and potential of the Community Center / Emergency Shelter initiative.

## Energy Infrastructure Partnership Exploration

Discussions are underway with a **Mississippi-based company specializing in self-sufficient solar power generation and battery storage systems.**

The goal is to explore whether integrated energy infrastructure could:

- Reduce overall project costs
- Accelerate construction timelines
- Provide **energy independence during emergencies**
- Support **backup power for the emergency shelter facility**

This approach could significantly strengthen the **resilience component of the project**, especially during power outages following severe storms or winter events that have impacted Travis County in recent years.

## 2. Work Completed (Since Last Report)

### T-Mobile Hometown Grant Program

- **Award Amount:** \$50,000
- **Project:** Civic Center Greenspace Build-Out
- **Purpose:** Outdoor public space improvements connected to the future Community Center campus.

#### Status

- Application **submitted for review March 9, 2026**

### AARP Community Challenge Grant

- **Award Amount:** \$5,000 Microgrant
- **Project:** Disaster Preparedness Kit Distribution

#### Purpose

Provide preparedness kits for residents, particularly seniors and vulnerable populations.

#### Status

- Application **submitted February 28, 2026**

### 3. Applications Ready for City Review

#### Entergy Open Grant

- **Potential Funding:** Community resilience / local programming
- **Status:** Draft complete and ready for review

#### Entergy Micro Grant

- **Potential Funding:** Small community initiatives
- **Status:** Draft complete and ready for review

### 4. Strategic Federal Funding Opportunities (Pending Match Decision)

Two major federal funding opportunities could support the **Community Center / Emergency Shelter project**.

#### U.S. Economic Development Administration

##### EDA Public Works Program – FY2025

Typical awards:

**\$1M – \$5M+**

Eligible uses:

- Public infrastructure
- Community facilities
- Economic resilience projects

#### U.S. Economic Development Administration

##### Economic Adjustment Assistance (EAA)

Typical awards:

**\$500K – \$5M+**

Eligible uses:

- Disaster recovery
- Infrastructure
- Economic resilience investments

## **Current Status**

Waiting for **City guidance regarding potential match funding** for these programs.

Once match feasibility is confirmed, full applications can be prepared for the **Community Center / Emergency Shelter facility development**.

## **5. Work Currently In Progress**

Ongoing grant development priorities include:

- Funding strategy for the **Community Center / Emergency Shelter project**
- Community resilience and disaster preparedness initiatives
- Corporate and foundation funding opportunities
- Community infrastructure and placemaking grants

These efforts align with the City's priority of strengthening **regional emergency preparedness and community resilience**.



# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** March 19, 2026

**SUBMITTED BY:** Jordan Strohmeyer, Development Services

**SUBJECT:** Open A Public Hearing regarding an Ordinance Of The City Of Lago Vista, Texas, Amending Chapter 14 Also Known As "Zoning Ordinance" Of The Code Of Ordinances, Specifically Exhibit A, Part Iv, Table B (Use Table), By Adding A New Use Category For Indoor Inventory Storage And Allowing Such Use In All Commercial Zoning Districts; Providing For Purpose And Intent; Providing The Amendment; Providing For Use Description; Providing For A Finding Of Fact Clause; Providing For Severability; Providing For A Repealer; Providing An Effective Date; Providing For A Projects In Transition Clause; Providing For A Codification And Publication Clause And Providing An Open Meetings Clause.

**BACKGROUND:** At the February 19, 2026 City Council meeting, Council directed staff to initiate a zoning text amendment to address situations where commercial businesses maintain limited inventory within their place of business but do not operate as warehouse or industrial facilities.

The current zoning ordinance does not clearly distinguish between inventory storage accessory to commercial uses and warehouse or logistics operations typically associated with industrial uses. This lack of distinction has created interpretation challenges when reviewing certain commercial activities.

The proposed amendment establishes a new use category titled Indoor Inventory Storage, defined as the storage of goods or materials entirely within an enclosed building and accessory to a permitted commercial use. The definition specifically excludes outdoor storage, distribution centers, freight terminals, and industrial warehousing operations.

The Planning and Zoning Commission conducted the required public hearing on March 12, 2026. During review of the ordinance, minor clerical inconsistencies were identified, including duplicate section numbering and a reference to an attachment that was not part of the amendment. As a result, the Commission indicated a preference for staff to return with a corrected draft prior to issuing a recommendation. No public comment has been submitted to Staff or was presented at the Commission meeting.

Although the Planning and Zoning Commission did not forward a recommendation, the item is properly before the City Council because zoning text amendments require a public hearing before the governing body pursuant to Texas Local Government Code Chapter 211. Public notice for the City Council hearing had already been issued prior to the Commission discussion. While the City Council is not required to take action following the hearing, staff recommends that the Council conduct the public hearing to satisfy the statutory requirement. Following the hearing, the Council may take action on the ordinance or direct staff to return the item to the Planning and Zoning Commission with the corrected draft.

## **FINDINGS:**

Staff evaluated the proposed Indoor Inventory Storage use against the purpose and intent of each zoning district established in Chapter 14 of the City's Zoning Ordinance. The use is intended to allow commercial businesses to maintain limited inventory within enclosed buildings while preventing warehouse, logistics, or distribution center operations in commercial areas. Residential districts are intended to preserve residential living environments and are therefore not appropriate locations for commercial inventory storage.

During review of the amendment, a question was raised regarding whether the use would be appropriate in several additional districts, including Commercial Marina (C-M), Airport (C-A), Utility/Governmental/Institutional (U-1), and Light Industrial (LI). Staff evaluated each district based on the stated purpose of the zoning classification.

### Commercial Marina (C-M)

The C-M district is intended for marina operations, including docking, servicing, and storage of watercraft. While some accessory storage may occur within marina operations, the district is primarily oriented toward marine-related activities. Establishing a general inventory storage use within the district could introduce commercial storage activities unrelated to marina operations.

*Staff Recommendation: Not permitted.*

#### Airport District (C-A)

The C-A district is intended for aviation-related commercial activities such as hangars, aircraft services, and aviation support uses. Storage associated with aviation activities already occurs within hangars and aviation facilities, and the proposed use category is not necessary to regulate these activities.

*Staff Recommendation: Not permitted as a standalone use.*

#### Utility / Governmental / Institutional (U-1)

The U-1 district is intended for public facilities, institutional uses, and governmental services. Commercial inventory storage associated with private business operations would not be consistent with the intent of this district.

*Staff Recommendation: Not permitted.*

#### Light Industrial (LI)

The LI district is intended to accommodate manufacturing, warehouse, and industrial activities, including storage and distribution operations. Indoor inventory storage associated with commercial activity is less intensive than warehouse uses already permitted within this district.

*Staff Recommendation: Permitted.*

Based on this analysis, staff recommends allowing the use in C-1, C-2, C-3, and LI districts.

#### **Proposed Addition to Table B – Use Regulations**

| STRUCTURE /<br>USE          | R-<br>1 | R-<br>2 | R-<br>4 | R-<br>MH | RR-<br>A | C-<br>1 | C-<br>2 | C-<br>M | C-<br>A | G-<br>1 | U-<br>1 | P1 | CR | C-<br>3 | LI |
|-----------------------------|---------|---------|---------|----------|----------|---------|---------|---------|---------|---------|---------|----|----|---------|----|
| Indoor Inventory<br>Storage | —       | —       | —       | —        | —        | v       | v       | —       | —       | —       | —       | —  | —  | v       | v  |

*Key:*  
*v = Allowed Use*  
*— = Not Permitted*

**ATTACHMENTS:**

[Ord. No. XXXXX \(Ch14Council\).pdf](#)

**ORDINANCE NO. XXXXXXXX**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14 ALSO KNOWN AS “ZONING ORDINANCE” OF THE CODE OF ORDINANCES, SPECIFICALLY EXHIBIT A, PART IV, TABLE B (USE TABLE), BY ADDING A NEW USE CATEGORY FOR INDOOR INVENTORY STORAGE AND ALLOWING SUCH USE IN ALL C1, C2, AND C3 ZONING DISTRICTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING THE AMENDMENT; PROVIDING FOR USE DESCRIPTION; PROVIDING FOR A FINDING OF FACT CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A PROJECTS IN TRANSITION CLAUSE; PROVIDING FOR A CODIFICATION AND PUBLICATION CLAUSE AND PROVIDING AN OPEN MEETINGS CLAUSE.**

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**Whereas,** The City Council of the City of Lago Vista, Texas, is authorized under Chapter 211 of the Texas Local Government Code to adopt and amend zoning regulations for the purpose of promoting the public health, safety, morals, and general welfare; and

**Whereas,** The City’s Zoning Ordinance, codified as Chapter 14 of the Code of Ordinances, establishes permitted and conditional land uses by zoning district through Exhibit A, Part IV, Table B (Use Table); and

**Whereas,** At a duly posted meeting on February 19, 2026, the City Council requested staff to initiate a zoning text amendment to establish Indoor Inventory Storage as a distinct use category and to allow such use within commercial zoning districts; and

**Whereas,** The City Council determined that certain commercial businesses require indoor inventory storage as a functional component of their operations and that such use is not adequately distinguished from warehouse or industrial uses under the current ordinance; and

**Whereas,** The City Council finds that indoor inventory storage, when conducted entirely within an enclosed structure and operated in compliance with all applicable zoning, building, and performance standards, is compatible with commercial zoning districts and does not create adverse impacts to surrounding properties; and

**Whereas,** In accordance with state law and the City’s adopted zoning procedures, the proposed zoning text amendment was scheduled for public hearing before the Planning and

Zoning Commission on **March 12, 2026**, and thereafter for consideration by the City Council on **March 19, 2026**; and

**Whereas**, The Planning and Zoning Commission reviewed the proposed zoning text amendment and transmitted its recommendation to the City Council for final consideration;

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

**Section 1. Purpose And Intent.** The purpose of this ordinance is to amend the City's Zoning Ordinance to establish Indoor Inventory Storage as a distinct use category and to allow such use within all commercial zoning districts, subject to all applicable standards of Chapter 14 and other City regulations.

**Section 2. Amendment.** Chapter 14, Exhibit A, Part IV, Table B (Use Table) of the Code of Ordinances is hereby amended by adding a new use category titled "Indoor Inventory Storage," which shall be permitted in C1, C2, and C3 zoning districts, except as expressly amended herein, all other provisions of Chapter 14 shall remain in full force and effect.

**Section 3. Use Description.** For purposes of interpretation and administration of Chapter 14, Indoor Inventory Storage shall mean:

*The storage of goods, materials, or inventory entirely within an enclosed building, accessory to or associated with a permitted commercial use, where no outdoor storage, bulk distribution, freight terminal activity, or primary warehousing operations occur.*

Indoor Inventory Storage does **not** include:

- Outdoor storage of materials or equipment;
- Distribution centers, fulfillment centers, or freight terminals;
- Industrial warehousing or logistics operations involving frequent heavy truck traffic.

**Section 4. Finding 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 5. Severability.** If any section, subsection, article, paragraph, sentence, clause, 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. Repealing.** All ordinances and parts thereof in conflict herewith expressly repealed insofar as they conflict herewith. are hereby.

**Section 6. 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 7. Projects in Transition.** Projects in transition shall be reviewed and regulated in accordance with the Code in effect at the time a complete application was filed.

**Section 8. Codification and Publication.** The City Secretary is hereby directed to record, codify, and publish the above mentioned amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

**Section 9. Open Meetings Clause.** 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.

PASSED AND APPROVED on the 19<sup>th</sup> day of March 2026.

CITY OF LAGO VISTA, TEXAS

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Shane Saum, Mayor

ATTEST:

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Robin Smith, City Secretary



# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** March 19, 2026

**SUBMITTED BY:** Jordan Strohmeyer, Development Services

**SUBJECT:** Consideration and possible action to approve Ordinance No. 26-03-19-01 of The City Of Lago Vista, Texas, Amending Chapter 14 Also Known As "Zoning Ordinance" Of The Code Of Ordinances, Specifically Exhibit A, Part Iv, Table B (Use Table), By Adding A New Use Category For Indoor Inventory Storage And Allowing Such Use In All Commercial Zoning Districts; Providing For Purpose And Intent; Providing The Amendment; Providing For Use Description; Providing For A Finding Of Fact Clause; Providing For Severability; Providing For A Repealer; Providing An Effective Date; Providing For A Projects In Transition Clause; Providing For A Codification And Publication Clause And Providing An Open Meetings Clause.

**ATTACHMENTS:**

[Ord. No. 26-03-19-01.pdf](#)

**ORDINANCE NO. 26-03-19-01**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14 ALSO KNOWN AS “ZONING ORDINANCE” OF THE CODE OF ORDINANCES, SPECIFICALLY EXHIBIT A, PART IV, TABLE B (USE TABLE), BY ADDING A NEW USE CATEGORY FOR INDOOR INVENTORY STORAGE AND ALLOWING SUCH USE IN ALL COMMERCIAL ZONING DISTRICTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING THE AMENDMENT; PROVIDING FOR USE DESCRIPTION; PROVIDING FOR A FINDING OF FACT CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A PROJECTS IN TRANSITION CLAUSE; PROVIDING FOR A CODIFICATION AND PUBLICATION CLAUSE AND PROVIDING AN OPEN MEETINGS CLAUSE.**

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**Whereas,** The City Council of the City of Lago Vista, Texas, is authorized under Chapter 211 of the Texas Local Government Code to adopt and amend zoning regulations for the purpose of promoting the public health, safety, morals, and general welfare; and

**Whereas,** The City’s Zoning Ordinance, codified as Chapter 14 of the Code of Ordinances, establishes permitted and conditional land uses by zoning district through Exhibit A, Part IV, Table B (Use Table); and

**Whereas,** At a duly posted meeting on February 19, 2026, the City Council requested staff to initiate a zoning text amendment to establish Indoor Inventory Storage as a distinct use category and to allow such use within commercial zoning districts; and

**Whereas,** The City Council determined that certain commercial businesses require indoor inventory storage as a functional component of their operations and that such use is not adequately distinguished from warehouse or industrial uses under the current ordinance; and

**Whereas,** The City Council finds that indoor inventory storage, when conducted entirely within an enclosed structure and operated in compliance with all applicable zoning, building, and performance standards, is compatible with commercial zoning districts and does not create adverse impacts to surrounding properties; and

**Whereas,** In accordance with state law and the City’s adopted zoning procedures, the proposed zoning text amendment was scheduled for public hearing before the Planning and

Zoning Commission on **March 12, 2026**, and thereafter for consideration by the City Council on **March 19, 2026**; and

**Whereas**, The Planning and Zoning Commission reviewed the proposed zoning text amendment and transmitted its recommendation to the City Council for final consideration;

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

**Section 1. Purpose And Intent.** The purpose of this ordinance is to amend the City's Zoning Ordinance to establish Indoor Inventory Storage as a distinct use category and to allow such use within all commercial zoning districts, subject to all applicable standards of Chapter 14 and other City regulations.

**Section 2. Amendment.** Chapter 14, Exhibit A, Part IV, Table B (Use Table) of the Code of Ordinances is hereby amended by adding a new use category titled "Indoor Inventory Storage," which shall be permitted in all commercial zoning districts, as reflected in Exhibit A attached hereto and incorporated herein for all purposes.

Except as expressly amended herein, all other provisions of Chapter 14 shall remain in full force and effect.

**Section 2. Use Description.** For purposes of interpretation and administration of Chapter 14, Indoor Inventory Storage shall mean:

*The storage of goods, materials, or inventory entirely within an enclosed building, accessory to or associated with a permitted commercial use, where no outdoor storage, bulk distribution, freight terminal activity, or primary warehousing operations occur.*

Indoor Inventory Storage does **not** include:

- Outdoor storage of materials or equipment;
- Distribution centers, fulfillment centers, or freight terminals;
- Industrial warehousing or logistics operations involving frequent heavy truck traffic.

**Section 3. Finding 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 4. Severability.** If any section, subsection, article, paragraph, sentence, clause, 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. Repealing.** All ordinances and parts thereof in conflict herewith expressly repealed insofar as they conflict herewith. are hereby.

**Section 6. 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 7. Projects in Transition.** Projects in transition shall be reviewed and regulated in accordance with the Code in effect at the time a complete application was filed.

**Section 8. Codification and Publication.** The City Secretary is hereby directed to record, codify, and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

**Section 9. Open Meetings Clause.** 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.

PASSED AND APPROVED on the 19<sup>th</sup> day of March 2026.

CITY OF LAGO VISTA, TEXAS

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Shane Saum, Mayor

ATTEST:

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Robin Smith, City Secretary

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



# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** March 19, 2026

**SUBMITTED BY:** Robin Smith, City Secretary

**SUBJECT:** Action regarding the February 19, 2026, City Council Meeting Minutes.

**RECOMMENDATION:** Approval of the February 19, 2026, City Council Meeting Minutes.

**ATTACHMENTS:**  
[26-02-19-DRAFT MINUTES.pdf](#)



**CITY COUNCIL CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, FEBRUARY 19, 2026  
2:00 PM  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX**

Mayor Saum, Mayor  
Adam Benefield, Member  
Norma Owen, Mayor Pro Tem  
Paul Prince, Member  
Amanda Chavarria,  
Member  
Councilor Van Ness,  
Member  
Jess Hall, Member  
Charles West, City Manager  
Brad Bullock, City Attorney

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Present: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall, Charles West Absent: Brad Bullock

City Attorney - Art Rodriguez in attendance. Councilor Chavarria arrived at 2:35 pm.  
City Attorney – Brad Bullock arrived at 5:35 pm.

**REGULAR SESSION WILL RECONVENE AT**

**4:00PM JOIN MEETING VIA VIDEO CONFERENCE**

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

<https://meet.goto.com/242387805>

You can also dial in using your phone.

Access Code: 242-387-805

United States: +1 (646) 749-3122

**I. CALL TO ORDER, CALL OF ROLL**

Shane Saum, Mayor

Amanda Chavarria, Council Member

Jess Hall, Council Member

Adam Benefield, Council Member

Norma Owen, Mayor Pro Tem

Karen Van Ness, Council Member

Paul Prince, Council Member

**II. EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

1. Consult with Legal Counsel concerning the purchase of property, Pursuant to Texas Government Code Section 551.072.
2. Consultation with City Attorney pursuant to Government Code Sec. 551.071 for rendition of legal advice related to zoning designations, special use permits, and process for changing and approval thereof.

3. Consultation with City Attorney pursuant to Government Code Sec. 551.071 for the rendition of legal advice related to Notice of Claim and Demand for Corrective Action by A. Benefield and answer legal questions related thereto.

**III. 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:

1. Consult with Legal Counsel concerning the purchase of property, Pursuant to Texas Government Code Section 551.072.

NO ACTION

2. Consultation with City Attorney pursuant to Government Code Sec. 551.071 for the rendition of legal advice related to Notice of Claim and Demand for Corrective Action by A. Benefield and answer legal questions related thereto.
- NO ACTION

3. Consultation with City Attorney pursuant to Government Code Sec. 551.071 for rendition of legal advice related to zoning designations, special use permits, and process for changing and approval thereof.

Moved by Norma Owen; seconded by Paul Prince to Approve

Motion to direct staff to initiate a text amendment to the table of allowed uses of C-1, specifically to include indoor inventory storage, which also creates an allowance for the C-2 and C-3 category.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

**IV. INVOCATION**

*Invocation lead by Councilor Chavarria.*

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

**VI. 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.

*David VonOhlerking and Ebz Vonohlerking speak on concerns of Flock cameras.*

**VII. ITEMS OF COMMUNITY INTEREST**

## VIII. PUBLIC HEARING

1. **25-2905-PDD-REZ:** Open a Public Hearing for discussion on the rezoning of 19708 Boggy Ford Road, ABS189 SUR 98 CAMPBELL M F ACR 7.055 (AKA LOT 32 RAN CHOL CIELO) from TR-1 to a Planned Development District Rezoning pursuant to Section 10 Chapter 14 of the City of Lago Vista Code of Ordinances.

*The Director of Development Services presented the item and responded to questions from the City Council.*

*The owner for the proposed hotel speaks to Council along with Civil Engineer.*

*Public Hearing opened at 5:00 pm. PH closed at 5:38 pm.*

*Citizen Comments: Lynda Aird requested that the item be returned to the Planning & Zoning Commission prior to Council taking action.*

*Robert Ruggerio expressed concerns regarding water availability and water pressure.*

*Sally Ruggerio voiced concerns related to water capacity, traffic impacts, and potential fire risks.*

*Lia Fowler expressed concerns regarding traffic and the proposed project location.*

*Constance Mendez shared concerns about the location of the proposed hotel.*

*Jay Mendez expressed concerns regarding the hotel's anticipated water usage.*

*Julie Burgard echoed concerns related to water and traffic impacts.*

*Dave Stewart commented on water pressure concerns.*

*Paul Roberts provided comments and offered advice to Council regarding how to proceed.*

*Ebz VonOhlerking spoke in support of property rights.*

*Jeff Hewgley submitted an email, which the Mayor read into the record outlining his concerns.*

*Chris [Last Name Unknown] expressed concerns regarding potential light and noise pollution.*

*D. Thompson provided comments remotely.*

*Public Hearing Closed: 5:38 pm*

*The City Council discussed the item. The City Attorney, Brad Bullock, responded to questions from the City Council.*

*Following discussion, the City Council directed that the item be referred back to the Planning & Zoning Commission for further consideration.*

## IX. PRESENTATIONS & PROCLAMATIONS

1. Proclamation Declaring February, 2026, as Government Communicators Day in the City of Lago Vista.  
*The Mayor presented a proclamation to the City of Lago Vista Communications and Marketing Director, Amanda Harkins.*
2. Presentation by the Charter Review Committee regarding the proposed rewrite of the City of Lago Vista Charter.  
*Lynda Aird and Robert Owen with Charter Review Committee present draft Charter for City Council to review.*  
*Citizen comment by Paul Roberts.*  
*Council Members discussed the item and expressed their appreciation to the Charter Review Committee for their hard work and dedication.*  
*City attorney, Brad Bullock and City Council discuss the best way to proceed to review the Charter.*

#### **X. 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.

1. Action regarding the January 15, 2026, City Council Meeting Minutes.

Moved by Norma Owen; seconded by Paul Prince to Approve

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

2. Action regarding the February 5, 2026, City Council Meeting Minutes.

Moved by Norma Owen; seconded by Paul Prince to Approve

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

3. Consideration and possible action to approve Resolution No. 26-2194 dissolution of the Economic Development Committee.

*Citizen Comments by Paul Roberts.*

Approved with Amendment of name to reflect "Economic Development Advisory Committee"

Moved by Norma Owen; seconded by Paul Prince to Approve as Amended

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

4. Consideration and possible action regarding the designation of an Acting City Manager in the event of an emergency, absence, or disability.

*Citizen Comments by Paul Roberts.*

Approved with Revised Letter.

Moved by Norma Owen; seconded by Amanda Chavarria to Approve as Amended

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

5. Consideration and possible action to appoint code diagnostic sub-committee.

Moved by Amanda Chavarria; seconded Karen Van Ness to Approve

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

6. Consideration and possible action to approve Ordinance No. 26-02-19-01; Amending Chapter 9, Article 9.8, Section 9.805 Of The Code Of Ordinances Also Known As "Duties And Powers"; Providing For A Finding Of Fact Clause; Providing For Severability; Providing For A Repealer; Providing An Effective Date; Providing For A Projects In Transition Clause; Providing For A Codification And Publication Clause And Providing An Open Meetings Clause.  
*Citizen Comment by Paul Roberts.*

Moved by Paul Prince; seconded by Norma Owen to Approve as Amended

motion to approve with modification to Section 9.805, sub section B from shall to may. Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

7. Consideration and possible action regarding amendments to the Rules of Procedure and Ethics policies.  
No action was taken.
8. Consideration and possible action regarding the removal of the City Council social media policy.  
No action was taken.

## **XI. ACTION ITEMS**

1. Consideration and possible action to amend permit fees at the request of Lago Homes for the property located at 21313 Cardinal Avenue, Permit No.11783. *Director of Development, Jordan Strohmeyer and City Council discuss the item prior to vote.*

Moved by Paul Prince; seconded by Jess Hall to Approve as Amended Amend to pay permit fee of .25 cents per square foot.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Councilor Van Ness, Jess Hall, Amanda Chavarria

Voting Against: None

2. Consideration and possible action to approve the City of Lago Vista Strategic Work Plan for Fiscal Year 2025-2026.  
A motion was made to approve the item, with direction to bring back the HR Strategic Plan for review.

Moved by Paul Prince; seconded Amanda Chavarria to Approve

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

3. Consideration and possible action to establish a Utility Advisory Committee.  
*Council discussed the item and directed questions to staff.*  
*Citizen Comment by Dave Stewart.*

Moved by Norma Owen; seconded by Councilor Van Ness to Table to next meeting.

Motion to table: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

4. Consideration and possible action to create a Mediator-Style Function (position) to Address Citizen Concerns and Complaints.  
*Citizen Comment by David VonOhlerking.*  
*City Council directed the City Manager to designate appropriate staff member (s) to obtain the necessary training to serve as the Civic Navigator liaison.*

## **XII. WORK SESSION**

1. Budget workshop.  
*City Manager, Charles West and Council discuss expectations for budget.*  
*Finance Director, Nichole Navarro gives update.*
2. Discussion to adopt a HOT Fund Policy.  
*Council and City Attorney discuss item.*  
*Citizen Comment by Dave Snyder and Paul Roberts.*  
*City Attorney sends council TML article on this topic.*

## **XIII. STAFF AND COUNCIL LIAISON REPORTS**

1. Routine Reports from City Staff.
2. Routine Reports from City Council.

*Councilor Jess Hall provided an update on the Golf Course Advisory Committee.*  
*Councilor Amanda Chavarria provided updates on the Library Board, Building Standards Commission, Keep Lago Vista Beautiful (KLVB), the La Primavera event, and the Lago Vista Women's Club.*  
*Mayor Pro Tem Norma Owen provided updates on the Economic Development Committee and Lago Vista ISD.*  
*Mayor Shane Saum provided an update on the Airport Advisory Board.*  
*Councilor Karen Van Ness provided an update on the Parks and Recreation Advisory Committee.*  
*Councilor Paul Prince provided an update on the Planning and Zoning Commission.*

## **XIV. ADJOURNMENT**

**Mayor adjourns meeting at: 9:25 pm.**

*[Approval Follows]*

**CITY OF LAGO VISTA:**

---

Shane Saum, Mayor

ATTEST:

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Robin Smith, City Secretary

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



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Robin Smith, City Secretary

**SUBJECT:** Action regarding the March 2, 2026, City Council Called Meeting Minutes.

**RECOMMENDATION:** Approval of the March 2, 2026, City Council Called Meeting Minutes.

**ATTACHMENTS:**  
[26-03-02- DRAFT Minutes.pdf](#)



**CITY COUNCIL CITY COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, MARCH 2, 2026  
6:30 PM  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX**

Mayor Saum, Mayor  
Adam Benefield, Member  
Norma Owen, Mayor Pro Tem  
Paul Prince, Member  
Amanda Chavarria,  
Member  
Councilor Van Ness,  
Member  
Jess Hall, Member  
Charles West, City Manager  
Brad Bullock, City Attorney

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Present: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall, Charles West, Brad Bullock City Attorney, Art Rodriguez City Attorney present. Attorney Melissa Cranford joins remotely.

**AMENDED AGENDA**

**JOIN MEETING VIA VIDEO CONFERENCE**

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You can also dial in using your phone.

Access Code: 242-387-805

United States: +1 (646) 749-3122

**I. CALL TO ORDER, CALL OF ROLL:**

*Mayor, Shane Saum called the meeting to order at 6:30 pm.*

Shane Saum, Mayor

Amanda Chavarria, Council Member

Jess Hall, Council Member

Adam Benefield, Council Member

Norma Owen, Mayor Pro Tem

Karen Van Ness, Council Member

Paul Prince, Council Member

## **II. EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

1. Consultation with Legal Counsel and deliberation regarding consideration of Charter and Ethics Complaints filed by Robert Owen and Gene Harris against Councilor Adam Benefield and 1/26/2026 Notice of Claim related thereto by Adam Benefield. (Texas Government Code Sections 551.071 and 551.074)

*Prior to Executive Session - Councilor Benefield has objections.*

***Council convenes into Executive Session at 6:45 pm.***

## **III. 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:  
*Council reconvenes into open session at: 7:53 pm*

2. Consultation with Legal Counsel and deliberation regarding consideration of Charter and Ethics Complaints filed by Robert Owen and Gene Harris against Councilor Adam Benefield and 1/26/2026 Notice of Claim related thereto by Adam Benefield. (Texas Government Code Sections 551.071 and 551.074)

*Mr. Gene Harris, Mr. Robert Owen and Councilor Benefield were sworn in by the Mayor Shane Saum prior comments on allegations.*

*Mr. Gene Harris, Robert Owen and Councilor Benefield each gave sworn statements to City Council regarding agenda items.*

*City Council convened back into Executive Session at 8:43 pm and reconvened into open session at 9:34 pm.*

## **IV. ACTION ITEMS**

1. Conduct a hearing, and consideration and possible action regarding Charter and Ethics Complaints filed by Robert Owen and Gene Harris against Councilor Adam Benefield pursuant to City of Lago Code of Ordinances Sec. 1.1810(f)(7).

**Allegation One:** Moved by Paul Prince; seconded by Jess Hall  
Motion: to take no action.

Motion: 6-0

Voting For: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince

**Allegation Two:** Moved by Amanda Chavarria; seconded by Norma Owen motion to dismiss.

Motion: 6-0

Voting For: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince

**Allegation Three:** Moved by Paul Prince; seconded by Amanda Chavarria Motion: to take no action.

Motion: 6-0

Voting For: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince

**Allegation Four:** Moved by Paul Prince; seconded by Karen Van Ness Motion: to take no action.

Motion: 6-0

Voting For: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince

## **V. ADJOURNMENT**

**MAYOR ADJOURNED MEETING AT 9:35 PM.**

**CITY OF LAGO VISTA:**

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Shane Saum, Mayor

ATTEST:

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Robin Smith, City Secretary

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



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Robin Smith, City Secretary

**SUBJECT:** Action regarding the March 5, 2026, City Council Meeting Minutes.

**RECOMMENDATION:** Approval of the March 5, 2026, City Council Meeting Minutes.

**ATTACHMENTS:**  
[26-03-05 Draft minutes.pdf](#)



**CITY COUNCIL CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, MARCH 5, 2026  
3:00 PM  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX**

Mayor Saum, Mayor  
Adam Benefield, Member  
Norma Owen, Mayor Pro Tem  
Paul Prince, Member  
Amanda Chavarria, Member  
Karen Van Ness, Member  
Jess Hall, Member

Charles West, City Manager  
Brad Bullock, City Attorney

---

Present: Jess Hall, Charles West, Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Brad Bullock, Councilor Amanda Chavarria joins the meeting remotely.

**AMENDED AGENDA**

**REGULAR SESSION WILL RECONVENE AT**

**4:00PM JOIN MEETING VIA VIDEO CONFERENCE**

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

<https://meet.goto.com/242387805>

You can also dial in using your phone.

Access Code: 242-387-805

United States: +1 (646) 749-3122

**I. CALL TO ORDER, CALL OF ROLL**

Shane Saum, Mayor  
Amanda Chavarria, Council Member  
Jess Hall, Council Member

Norma Owen, Mayor Pro Tem  
Karen Van Ness, Council Member  
Paul Prince, Council Member  
Adam Benefield, Council Member

## **II. EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

1. Consult with Legal Counsel concerning the purchase of property, Pursuant to Texas Government Code Section 551.072.
2. Consultation with Legal Counsel pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.
3. Consultation with Legal Counsel pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.
4. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Police Chief.

## **III. 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:

1. Consult with Legal Counsel concerning the purchase of property, Pursuant to Texas Government Code Section 551.072.

Moved by Norma Owen; seconded by Councilor Van Ness to Authorize City Manager to negotiate real property.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

2. Consultation with Legal Counsel pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.  
*No Action.*

3. Consultation with Legal Counsel pursuant to Texas Government Code Section 551.071 to receive legal advice from the City's employment law/HR attorney concerning proposed revisions to the City's Human Resources policies.  
*No Action.*
4. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Police Chief.

Moved by Norma Owen; seconded by Jess Hall  
To approve City Manager to hire Ron Joy, Police Chief.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

#### **IV. INVOCATION**

*Invocation lead by Pastor Dale Chrisman.*

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

#### **VI. 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 4:00 p.m.

[Citizen Participation Registration Form](#)

*No Citizen Comments.*

#### **VII. ITEMS OF COMMUNITY INTEREST**

#### **VIII. PRESENTATIONS & PROCLAMATIONS**

*No items.*

#### **IX. PUBLIC HEARING AND POSSIBLE ACTION**

1. Open a Public Hearing regarding the issuance of the City's General Obligation Refunding Bonds for debt service savings to taxpayers of the City in an amount not to exceed \$14,080.00.

*The public hearing opened at 6:52 pm. No public comments.*

*The public hearing closed at 6:52 pm.*

2. Consider and take possible action with respect to an Ordinance Ratifying Ordinance No. 26-01-06-02 Authorizing The Issuance Of City Of Lago Vista, Texas General Obligation Refunding Bonds In An Amount Not To Exceed \$14,080,000 In One Or More Series; Approving An Official Statement, A Paying Agent/Registrar Agreement, A Bond Purchase Agreement, And An Escrow Agreement As Needed For The Sale Of Bonds; Establishing The Procedures For Selling And Delivering One Or More Series Of The Bonds; Providing For The Approval Of This Ordinance On One Reading Only As Authorized By State Law; And Authorizing Other Matters Relating To The Bonds.

*Thomas Lastrapes of Tijerina Financial Consulting presented information to the Council regarding the Refunding Bonds, Series 2026, and responded to questions from Council.*

Moved by Norma Owen; seconded by Councilor Van Ness to Approve.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

## **X. ACTION ITEMS**

1. Consideration and possible action to approve Resolution No. 26-2195; vacation of easement application for 21321 Paseo De Vaca.

Moved by Jess Hall; seconded by Paul Prince

Motion to Table – To allow applicant to apply for variance and appear before the Board of Adjustment for consideration.

Motion to table: 6- 1

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Councilor Van Ness, Jess Hall

Voting Against: Amanda Chavarria

2. Consideration and possible action to approve Resolution No. 26-2196; vacation of easement application for 21301 Pioneer Cove.

Moved by Adam Benefield; seconded by Paul Prince

Motion to Approve.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

3. Consideration and possible action to approve Resolution No. 26-2197; vacation of easement application for 3405 Boone Dr.

Moved by Adam Benefield; seconded by Councilor Van Ness

Motion to Table – To allow homeowner an opportunity to present the situation to the City Council for consideration.

Motion to table 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

4. Consideration and possible action to approve Resolution No. 26-2198, a resolution demonstrating City Council support for Fiscal Year 2027 Community Project Funding.

Moved by Norma Owen; seconded by Jess Hall

Motion to Approve.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince,  
Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

## **XI. WORK SESSION**

1. Discussion and direction on proposed sequencing of the street resurfacing and drainage planning for future phases.

*Victor provided an update to the City Council regarding the proposed sequencing of street resurfacing and drainage planning for future phases. Council discussed the item, and the City Attorney provided clarification on applicable requirements. City Manager Charles West recommended obtaining a Request for Qualifications (RFQ) based on square footage and bringing the item back to the City Council for further consideration.*

2. Discussion regarding the Interlocal Wholesale Wastewater Agreement with the City of Jonestown.

*Staff and Council discussed the proposed agreement. Direction was given for the City Manager and City Attorney to review the matter further and bring it back to the City Council for future consideration.*

3. Discussion and update to the Development fee schedule.  
*Director of Development Services, Jordan Strohmeyer presented the item and discussed the proposed fee schedule with City Council.*  
*Council directed staff to place item on the Discussion Board for further review.*
4. Discussion on proposed impact fee by Freese & Nichols.  
*Jessica with Freese and Nichols presents presentation and advises of legal requirements.*
5. Discussion regarding the Franchise Agreement with Pedernales Electric Cooperative (PEC).  
*Staff and City Council discuss, and Council directs to place item on the next agenda as an action item.*
6. Discussion regarding amendments to the Rules of Procedure.  
*Council discussed the proposed amendments and directed that the item be placed on the Discussion Board for further review.*
7. Discussion regarding amendments to the Ethics Policy.  
*City Council directed to place this item on the Discussion Board for further review.*
8. Discussion regarding the removal of the City Council Social Media Policy and consideration of adopting a City Council Code of Conduct.  
*The Mayor Pro Tem introduced the item and requested feedback from the Council. The Mayor suggested that the topic be incorporated into future training to be scheduled by City Manager Charles West.*
9. Discussion regarding the Charter review process, including scheduling, and anticipated timelines.  
*City Attorney Brad Bullock advised that his staff will provide comments in the next couple of weeks.*
10. Budget workshop.  
*City Manager, Charles West updates City Council budget schedule.*
11. Discussion and possible future direction concerning vexatious complainants.  
*Mayor and City Council discuss.*

## **XII. STAFF AND COUNCIL LIAISON REPORTS**

A. Routine Reports from City Staff.

B. Routine Reports from City Council Board/Commission/Committee Liaisons,

*Councilor Adam Benefield reported on a visit to the City of Jonestown to review their Short-Term Rental (STR) overlay program. He discussed the legal framework and overlay corridor concept with the City Attorney, Brad Bullock, and plans to present a*

discussion item on potentially establishing a similar overlay in Lago Vista at a future meeting.

Councilor Amanda Chavarria – presents update on KLV B and discussion regarding Bowden Point and ADA accessible walkway sculpture garden.

Mayor Pro Tem Norma Owen – presents finance committee update. Also reported on Economic Development Corporation (EDC) planning, including a March 17th meeting with a grant writer to present to the EDC and City Council.

Mayor Shane Saum - Youth Advisory Committee, no new updates; next meeting scheduled for Monday.

Airport Advisory, awaiting review of Airport Maintenance Agreement.

Government Affairs reported ongoing coordination with Travis County and the Texas Water Development Board regarding SIRENS program mapping and implementation.

Lago Vista has actively tracked and provided feedback on mapping discrepancies, including flood hazard areas, parks, and recreation areas.

Emergency Services District (ESD) the Mayor toured local fire stations and expressed appreciation for their organization and resources.

State of the City Upcoming presentation on March 11<sup>th</sup> to be held at K-Oaks.

Councilor Van Ness - no new update from Parks & Recreation Committee (PRAC).

City Manager Charles West will attend the POA Board meeting.

Councilor Prince updated that the Planning & Zoning Commission is reviewing the tree ordinance.

### **XIII. ADJOURNMENT**

Mayor adjourns meeting at 8:25 pm.

**CITY OF LAGO VISTA:**

---

Shane Saum, Mayor

ATTEST:

---

Robin Smith, City Secretary

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



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Van Ness, City Council

**SUBJECT:** Consideration and possible action approving the Unified Development Code Guidelines.

**ATTACHMENTS:**  
[UDC Project Charter\\_FINAL.pdf](#)

## **Unified Development Code (UDC) Project Charter**

### **City of Lago Vista**

The Unified Development Code (UDC) project has been chartered by the Lago Vista City Council to reorganize and unify the city's development regulations into a logical, integrated framework that follows the development process. This modernization effort is intended to improve the clarity, consistency, and usability of the city's development code through better organization and searchability, resolution of conflicting ordinances, compliance with state laws and regulations, and improved clarity and enforceability.

#### **Scope of Work**

The scope of this project is organizational and technical: to bring existing development-related ordinances into a unified and coherent structure. The project is not intended to re-litigate or revise adopted policy.

Updates are limited to:

- Ensuring legal compliance with state and federal laws and regulations.  
Recommendations should be resolved with the most restrictive language permitted that preserves the intent of the existing ordinance.
- Achieving code consistency by correcting internal conflicts or contradictions.  
Recommendations should be resolved in favor of the most recently adopted language, unless doing so would create noncompliance with state or federal law, in which case compliance controls.
- Updating outdated references and cross-citations.
- Clarifying language to support better enforceability without changing the spirit and intent of current policy.
- Restructuring into a unified organizational format.

Policy changes shall remain a separate, specifically initiated process which should follow the completion of the current unification project. Should this project require consideration of potential policy changes to achieve deconfliction or compliance with state / federal law or regulations, such policy proposals will be clearly identified as such and follow the normal policy consideration process; i.e., referred through the Planning and Zoning Commission, or Building and Standards Commission as appropriate, then to City Council for discussion, public input, and formal adoption.

## UDC Subcommittee

A subcommittee has been appointed by City Council to serve as a liaison between staff, consultants, commissions, and the full council to help maintain transparency and community engagement throughout the process. The subcommittee will review draft chapters and provide feedback to ensure accuracy and completeness, and will facilitate communication to ensure stakeholders' concerns are addressed by the project team.

Subcommittee Members include:

- Councilor Amanda Chavarria, City Council Place 3 and Liaison to the Building and Standards Commission
- Councilor Paul Prince, City Council Place 6 and Liaison to the Planning and Zoning Commission
- Mayor Shane R. Saum
- Lynda Aird, Chair, Planning and Zoning Commission
- Frank Robbins, Chair, Building and Standards Commission
- Citizen Representative: Paul Roberts
- Citizen Representative: Rachael Gonzales

## Project Management and Reporting

- The project plan presented by the city's Development Services Director serves as the initial starting point for project organization and prioritization. (Please see the *Proposed Code Organizing* table provided on January 20, 2026.) The current target for completion is September 2026.
- Transparency is paramount. Organizational and compliance changes should be clearly distinguished from any potential policy proposals.
- Staff will provide clear change summaries (i.e., current vs. proposed ordinances, redlines, current vs. proposed organizational structure, etc.) and ensure proper version control.
- Staff and subcommittee members will utilize a dedicated thread on the discussion board to track progress.
- Updates to sequencing of code sections, progress towards milestones, and/or required updates to the timing of key milestones, should be provided through a monthly reporting cadence to City Council.

# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DATE:</b>         | March 19, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>SUBMITTED BY:</b> | Mayor Pro-Tem Owen, City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SUBJECT:</b>      | Consideration and possible action regarding the establishment of the Infrastructure Planning Advisory Subcommittee and approval of the attached charter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>BACKGROUND:</b>   | <p>The City Council previously utilized an Irrigation Subcommittee to review the sequencing of wastewater effluent infrastructure and the Cedar Breaks irrigation system, including golf course irrigation reuse planning. Through that process, the subcommittee assisted staff and Council in reviewing infrastructure sequencing, wastewater reuse considerations, and related capital planning issues.</p> <p>At the February 19, 2026 City Council meeting, Council discussed expanding the advisory model used by the Irrigation Subcommittee to address broader infrastructure planning needs. During that meeting, a motion was made to establish a Utility Advisory Subcommittee; however, the motion was amended and unanimously approved to table the item in order to allow refinement of the proposed charter and to ensure continuity with the work and experience developed through the Irrigation Subcommittee.</p> <p>The attached charter proposes the creation of an Infrastructure Planning Advisory Subcommittee that builds upon the collaborative advisory model established through the Irrigation Subcommittee while expanding the scope to include broader infrastructure planning considerations.</p> |
| <b>FINDINGS:</b>     | <p>The proposed Infrastructure Planning Advisory Subcommittee would provide structured advisory support to the City Council regarding long-range infrastructure planning, including:</p> <ul style="list-style-type: none"><li>• Water systems</li><li>• Wastewater systems</li><li>• Drainage infrastructure</li><li>• Street capital systems</li><li>• Capital Improvement Plan (CIP) sequencing</li></ul> <p>The subcommittee would provide system-level advisory input regarding infrastructure reinvestment, technology evaluation, regulatory considerations, and long-range financial planning</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

related to major capital systems.

The subcommittee would operate strictly in an advisory capacity and would not exercise operational, procurement, or policymaking authority.

**FINANCIAL IMPACT:**

No direct financial impact is associated with the creation of the advisory subcommittee. The body would provide advisory input related to long-range infrastructure planning and capital sequencing.

**ATTACHMENTS:**

[Infrastructure Planning and Advisory Subcommittee Charter.pdf](#)

**INFRASTRUCTURE PLANNING ADVISORY SUBCOMMITTEE CHARTER**

*(Draft for Council Consideration – March 19, 2026)*

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**ARTICLE I. PURPOSE**

The **Infrastructure Planning Advisory Subcommittee (IPAS)** is established to provide strategic and structured advisory support to the City Council regarding long-range infrastructure planning, including water, wastewater, drainage, and street capital systems, with a focus on system integration, financial sustainability, and capital sequencing.

The Subcommittee is intended to support City Council understanding of long-range infrastructure planning during a period of significant capital investment and system transition. The Subcommittee exists to improve decision clarity, promote transparency, and provide system-level perspective as the City addresses increasing infrastructure complexity and long-term capital needs.

This Subcommittee also builds upon the work and experience developed through the City Council's Irrigation Subcommittee, which provided review and coordination during the planning and sequencing of effluent irrigation to the golf course and related wastewater infrastructure projects.

The Infrastructure Planning Advisory Subcommittee is intended to continue that collaborative advisory model while expanding the scope to consider broader infrastructure planning and capital sequencing across the City's utility and transportation systems.

The Subcommittee is advisory only and shall not exercise operational, managerial, or policymaking authority.

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**ARTICLE II. APPLICABILITY AND STATUS**

The Infrastructure Planning Advisory Subcommittee:

1. Is a Council-created subcommittee.
2. Operates as an advisory working body.
3. Does not constitute a standing board or commission.
4. Does not exercise quasi-judicial authority.

The Subcommittee shall function as a time-limited advisory body unless extended by Council action.

---

## **ARTICLE III. – ROLE CLARIFICATION**

The Infrastructure Planning Advisory Subcommittee is intended to function as a collaborative advisory resource to the City Council and City staff. The Subcommittee may provide historical perspective, system-level observations, and strategic planning insight regarding infrastructure planning and capital sequencing.

The Subcommittee does not replace the professional responsibilities of the City’s engineering consultants, staff engineers, or the City’s engineer-of-record. Technical design, engineering analysis, regulatory compliance determinations, procurement processes, and construction administration remain the responsibility of City staff and the City’s contracted engineering professionals.

Recommendations or observations from the Subcommittee shall be considered advisory in nature and may be evaluated by staff and consultants as part of the City’s broader infrastructure planning and decision-making processes.

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## **ARTICLE IV. SCOPE OF WORK**

The Subcommittee shall operate primarily at the system-wide strategic planning level and may review capital project sequencing, infrastructure capacity planning, and long-range system considerations, but shall not perform technical engineering review of individual project designs.

Primary areas of review may include:

### **4.1 Holistic Capital Improvement Planning (CIP)**

- Evaluate infrastructure projects as an integrated system, including water, wastewater, drainage, and streets.
- Review project sequencing, dependencies, and risk exposure.
- Identify gaps in repair, recapitalization, and expansion planning.

---

### **4.2 Repair, Recapitalization, and Expansion Balance**

Assist Council in evaluating tradeoffs between:

- Repair of existing infrastructure assets
  - Recapitalization of aging infrastructure
  - Expansion to accommodate community growth
-

### 4.3 Technology and Innovation Review

- Evaluate emerging technologies related to water and wastewater infrastructure, including reuse and reclamation strategies.
  - Consider lifecycle cost, operational impact, and regulatory implications.
  - Identify future-ready infrastructure solutions and potential cost-saving alternatives.
- 

### 4.4 Inflow and Infiltration (I&I) and Peak Flow Strategy

- Review data-driven approaches to reduce inflow and infiltration.
  - Assess whether mitigation strategies may offset infrastructure expansion timing or cost.
- 

### 4.5 Financial and System-Level Insight

Provide perspective regarding:

- Infrastructure funding strategies
- Bond capacity impacts
- Ratepayer affordability
- Long-term capital sequencing
- Infrastructure partnerships where appropriate

The Subcommittee **shall not review or make recommendations on:**

- Land use or zoning matters
- Development entitlements
- Procurement decisions
- Contract awards
- Operational management of staff

Financial discussions are conceptual and advisory only and shall not substitute for formal financial analysis prepared by City staff.

---

## **ARTICLE V. GUARDRAILS AND LIMITATIONS**

Members may offer historical perspective, system knowledge, and conceptual insights regarding infrastructure planning, but shall not provide or present independent engineering analysis in place of the City's engineering consultants.

To preserve clarity of roles:

1. The Subcommittee shall not direct staff.
2. The Subcommittee shall not negotiate with vendors or consultants.
3. The Subcommittee shall not independently retain consultants.
4. Recommendations shall be forwarded to Council through a Council member liaison or written report.
5. Staff shall retain full operational authority.

Members must disclose conflicts of interest and may not bid on City work during their term of service. Requests for information from consultants shall be coordinated through the City Manager or designee. Nothing in this charter shall be interpreted to supersede the professional recommendations of the City's engineer-of-record.

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## **ARTICLE VI. STRUCTURE**

### **6.1 Membership**

The Subcommittee shall consist of:

- Three (3) City Council members
- Up to four (4) citizen members with relevant expertise

Council Members serving on the Subcommittee:

- Paul Prince
- Norma Owen
- Adam Benefield

Citizen members may be appointed by council based on demonstrated experience in infrastructure systems, engineering, construction, finance, or municipal operations. Citizen members may include individuals with professional or historical knowledge of the City's infrastructure systems.

Initial proposed citizen members may include:

- Jay Keany
- Dave Stewart

- Jim Cason
- Phil Henderson

Council may adjust membership by motion.

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## **6.2 Expertise**

Members should collectively represent expertise in areas such as:

- Water and Wastewater systems
  - Infrastructure construction and rehabilitation
  - Electrical and utility systems
  - Regulatory compliance
  - Financial and bond analysis
  - Municipal infrastructure planning
- 

## **6.3 Staff Support**

The **City Manager or designee** shall provide staff support and technical coordination as needed.

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# **ARTICLE VII. OPERATIONS**

## **7.1 Meeting Format**

The Subcommittee may meet:

- As needed
- At the call of the Council liaison
- In coordination with staff

The Subcommittee shall function as a working advisory group and may operate in an informal structure consistent with Council direction. Meetings shall be scheduled through the City Manager's office.

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## 7.2 Transparency

The Subcommittee shall:

- Provide periodic summary updates to Council
  - Present findings or recommendations in open session when appropriate
  - Ensure recommendations are documented in writing
- 

## ARTICLE VIII. TERM AND SUNSET

The Infrastructure Planning Advisory Subcommittee shall operate as a **pilot initiative for an initial term of twenty-four (24) months** from the date of Council approval.

Prior to expiration, Council shall evaluate:

- Effectiveness
- Ongoing need
- Scope adjustments
- Continuation or dissolution

Council may extend, modify, or dissolve the Subcommittee at any time.

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## ARTICLE IX. REPORTING

The Subcommittee shall:

- Provide structured updates during Council workshops or regular meetings
- Clearly distinguish between:
  - System-level analysis
  - Staff recommendations
  - Policy considerations

The Subcommittee's role is to inform Council decision-making, not substitute for staff analysis or engineering reports.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Charles West, City Manager

**SUBJECT:** Consideration and possible action to approve a Franchise Agreement with Pedernales Electric Cooperative (PEC).

### ATTACHMENTS:

[RE\\_PEC Franchise Agreement - Charles West - Outlook.pdf](#)  
[PEC Discussion Board.pdf](#)  
[Franchise\\_Agreement\\_2025-06-12\\_FINAL\\_29\\_\(2\).pdf](#)  
[2026-03-19 PEC Franchise Agreement.docx](#)

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**RE: PEC Franchise Agreement**

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**From** Victor Manzano <Victor.Manzano@lagovistatexas.gov>

**Date** Wed 2025-12-10 5:33 PM

**To** Ernesto Rios <Ernesto.Rios@lagovistatexas.gov>

**Cc** Charles West <Charles.West@lagovistatexas.gov>; Shane Saum <Shane.Saum@lagovistatexas.gov>; Jordan Strohmeyer <Jordan.Strohmeyer@lagovistatexas.gov>

Everyone,

I know this is a long email but a lot needs to be said about this agreement. While I am no expert on franchise agreements, these are issues that I believe need to be addressed.

Overall this agreement really needs some work as it shift a lot of financial risk to the city, reduces city authority over its own ROW, provides PEC with broad discretion while limiting City oversight, creates long term cost exposure for relocations, undergrounding, and ROW maintenance, and limits City flexibility in future ordinances, third-party negotiations, and infrastructure planning.

#### Section 3

- Design, construction and maintenance shall comply with City construction, excavation, and restoration standards when installing, repairing, or upgrading underground electric facilities within the Public Right-of-Way. Pavement cuts, trench backfill, boring methods, and surface restoration shall meet City requirements.
  - Hopefully stating City Requirements allows us to require them to bore any roads that have been overlayed within the last 5 years
- Any installation to be done within the ROW by the cooperative or its subcontractors needs to be permitted and approved by the city prior to installation.
  - Not sure if we need to add final inspections by the city in this part as it might fit better somewhere else.
- Places disturbed by the cooperative and its subcontractors shall be restored not only to existing condition but city standards.
- How I read 3.4 is they are allowed to trim and cut down trees without city permission, during oak wilt season, and during the golden cheek warbler nesting season. This allows for them to install a pole or structures next to a tree and then after its installed cut the tree down if they deem necessary without notifying or paying tree mitigations. (but I could be wrong that is just how I read it)
  - I think they should be required to permit tree trimming as there are no fees but city needs to be notified when and where they are working and who is responsible for the work.

#### Section 4

- Are we able to shift the coordination for new subdivisions so the responsibility is on the developers.
- While I don't have a problem with 4.3 due to the terrain I do want to note that have the ability to do both underground and above ground even in new subdivisions as they deem necessary.
  - Do we want to limit this to older parts of Lago and not new subdivision unless approved by the city?

- 4.4 the wording of “reasonable consideration” needs to be more defined to require them to provide underground feasibility assessment which includes cost, constructability, access, and long-term maintenance considerations. If the city is being required to pay the difference in cost we should reserve the opportunity to audit and justify the cost before payment is required. Also I would limit the advanced payment to 50% and the remaining to be invoiced during the duration of the project.
  - I would also like to see if they are choosing to install overhead and trees need to be cleared for maintenance access that they will be responsible for paying tree mitigation to the city
  - The “City improvements” language is concerning. This should only apply to PEC facilities within a designated PUE.
    - BTW our construction details (PV-2 & PV-3) require telecommunication and electrical to be located outside of the ROW and within the PUE.

#### Section 5

- If I am understanding both 4.4 and 5.1 PEC will only pay for relocating overhead, and only has to consider doing underground but never has to unless the city pays for it. This parts of the agreement gives PEC a lot of control on City projects and puts the cost heavily on the city along with that the city is also liable for future disturbances.
- 5.2 So they are willing to relocate overhead at their cost but if the city gets funds from the government on a project they are to be reimbursed for their portion of the cost. The verbiage of their portion needs to be more defined and state in what cases. As this could also apply when the City selects undergrounding, meaning the City would pay the full cost difference between overhead and underground construction while PEC could still seek reimbursement from the funding sources. It needs to say any reimbursement paid to PEC shall be limited to overhead to overhead relocation costs and limited to the same percentage of eligible electrical utility relocation costs.
  - I am not sure if I am understanding this but say we get a 50% funding grant for the Lohman Expansion project and they pay 100K for relocation overhead to overhead. Would their “portion” be 100K or 50K?
- It is normal within these contracts between the city and a cooperative to dictate how the cooperative does business with future 3<sup>rd</sup> parties? I find it very uncomfortable that their 3<sup>rd</sup> party reimbursement rights are included in the agreement with the city.

#### Section 6

- The responsibilities outlined in Section 6.1 appear to conflict with how PEC allocates risk and cost elsewhere in the agreement. Under other provisions, if City improvements are placed over PEC infrastructure, PEC expects the City to bear the financial burden for future disturbances. However, Section 6.1 allows PEC to place facilities within the Public Right-of-Way when space outside the ROW if space is insufficient, and if those facilities are placed in a City designated public utility easement, any future relocation is at the City's expense. PUE's should not be located in the ROW unless the ROW width exceeds City standards, and when the City does allow PEC facilities within the ROW, relocation should remain PEC's responsibility if their placement contributes to future conflicts. The current language may give PEC additional leverage and financial protection that is inconsistent with typical ROW management practices.

#### Section 7

- This verbiage gives PEC full control over 3<sup>rd</sup> party pole attachments without providing any protections for the City's broadband or communication goals. While third parties must obtain City ROW approval, the City has no ability to ensure PEC does not impose unreasonable conditions, delays, or fees that could hinder providers from serving residents. Given PEC's broad rights elsewhere in the agreement, this section should clarify that PEC may not unreasonably deny or restrict attachments when safety and reliability standards are met, so that City communication objectives are not limited by PEC's contractual discretion.

#### Section 8

- Gross negligence needs to be revised to ordinary negligence.

#### Section 9

- I think 10 years is fine but it shouldn't automatically renew as along change in that time and would like to give future staff the ability to dictate terms as we are doing now.

#### Section 10

- 2% is low but maybe we can request PEC revenue data to ensure fair value and needs to be evaluated quarterly. The city should collect fee in regards to ROW permits, tree mitigation fees, street cut fees, and actual damage caused by construction. Revenues from Cooperative pole should not be excluded. I don't understand why they would need to list this fee on customer bills as the fee is to pay for their infrastructure that is located within easements on customer property or within the ROW. This just makes it look like they are passing the fee directly towards customers and the city is to blame. We should add that the city reserves the right to audit PEC revenue calculations, late payment fees, and clear reporting requirement. I think the 45days should be 30days but that is the least of the problems.

#### Section 11

- The city shouldn't be limited to requesting report once per year but once per quarter. If no request have been made by the city in a one year time period then PEC should be required to send the city a report each year.

#### Section 12

- No comment

This memo below is not to single out PEC but both power and communication companies and what Public Work faces when dealing with these companies.

Power and communication companies and their contractors continue to create avoidable problems when doing maintenance or construction in infill areas of Lago Vista. These issues range from damaging City infrastructure (road, utilities, & drainage) to creating safety hazards. When I first work at the city there were was no such thing as a ROW permit and not only were power and communication companies doing whatever they please but also 3<sup>rd</sup> party contractor working on water and sewer extension. Since then we have created ROW permits requirement which cover reviewing and approving design expansions and location for pole installations, preconstruction meeting, and final inspections. However this hasn't completely solved a lot of the issue Public Work faces and I believe now is the time to fix these issue with this franchise agreement.

- Shallow or improperly installed lines that conflict with other utilities and drainage. (Requiring them to follow our construction specs will fix in some cases)
- Unapproved road cuts no only across road ways but around driveways and into the road to avoid driveway cuts, which leads to long-term pavement failure.
  - This issue does not occur during installation of mainline infrastructure, as those activities are regulated through our ROW permit process. The problem arises when individual builders request power and communication service for new homes in older parts of Lago. At this time, I don't believe there is a process requiring builders to identify which pedestal they intend to connect to, nor is there any inspection step to verify proper routing, placement, or depth of secondary service. As a result, pedestals may be located across the street from the home without the City's knowledge, creating unmarked secondary lines and avoidable safety and infrastructure conflicts.
- Pedestals installed on the opposite side of the street or extending across adjacent properties, forcing unnecessary road crossings and subcontractors installing line without conduits.
  - Secondary electric lines are line that run from the pedestal to the house, when locates are called only primary lines are marked. When pedestals are placed across the street, the secondary service lateral is unmarked and becomes a major hazard.
    - Personally while working with utilities on a water main extension we encountered a secondary service by hitting it with a rock saw trencher, causing sparks and posing a

real risk to the crew. This type of incident is preventable with proper routing.

- No enforcement mechanism allowing the City to require power and communications to correct mistakes or relocate improperly installed equipment.

Thanks,

**Victor Manzano**

CIP Manager

City of Lago Vista

[Victor.Manzano@lagovistatexas.gov](mailto:Victor.Manzano@lagovistatexas.gov)

512-267-1155 Ext. 305



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**From:** Ernesto Rios <[Ernesto.Rios@lagovistatexas.gov](mailto:Ernesto.Rios@lagovistatexas.gov)>

**Sent:** Monday, December 8, 2025 7:56 AM

**To:** Victor Manzano <[Victor.Manzano@lagovistatexas.gov](mailto:Victor.Manzano@lagovistatexas.gov)>

**Subject:** FW: PEC Franchise Agreement

Victor,

Any thoughts.

Thank you

Ernesto Rios

Director of Public Works

---

**From:** Charles West <[Charles.West@lagovistatexas.gov](mailto:Charles.West@lagovistatexas.gov)>

**Sent:** Thursday, December 4, 2025 8:12 AM

**To:** Jordan Strohmeier <[Jordan.Strohmeier@lagovistatexas.gov](mailto:Jordan.Strohmeier@lagovistatexas.gov)>; Ernesto Rios <[Ernesto.Rios@lagovistatexas.gov](mailto:Ernesto.Rios@lagovistatexas.gov)>

**Cc:** Shane Saum <[Shane.Saum@lagovistatexas.gov](mailto:Shane.Saum@lagovistatexas.gov)>

**Subject:** PEC Franchise Agreement

Staff,

I need any construction requirements you would like added to this agreement so we can get a final draft sent to Council and PEC for approval. My only concern with the construction portion is if they do any open cuts to our streets, which I am not a fan of, the repair needs to include the use of flowable fill placed in the cut to assist with the preventions of settlement in the street where the cut is made.

Please get this information back to me no later than January 15, 2026.

Thanks,

Charles



**Charles West****City Manager**

P.O. Box 4727

Lago Vista, TX 78645

Office: (512) 267-1155 ext. 100

Mobile: (737) 291-8800

[charles.west@lagovistatexas.gov](mailto:charles.west@lagovistatexas.gov)

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[Book time to meet with me](#)

Colleagues,

I reviewed the proposed 10-year franchise agreement with Pedernales Electric Cooperative (PEC) and used ChatGPT to assist in my analysis. Below are my key concerns coupled with related questions for Council discussion:

|                                                                                                                                                                        |                   |             |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|---------------|
| <b>1.</b>                                                                                                                                                              | <b>Relocation</b> | <b>Cost</b> | <b>Burden</b> |
| Concern: The ordinance places the cost of relocating or undergrounding PEC facilities on the City when such work is tied to public projects or beautification efforts. |                   |             |               |
| <b>Question:</b> Does this match the cost-sharing structure in our previous PEC franchise, or are we assuming greater fiscal responsibility now?                       |                   |             |               |

|                                                                                                                                                                                     |                  |            |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|--------------|
| <b>2.</b>                                                                                                                                                                           | <b>Franchise</b> | <b>Fee</b> | <b>Level</b> |
| Concern: The 2% franchise fee may be below the rate collected by comparable cities.                                                                                                 |                  |            |              |
| <b>Question:</b> Can staff confirm whether 2% aligns with PEC's agreements in nearby jurisdictions such as Jonestown or Marble Falls, and whether a higher rate could be justified? |                  |            |              |

|                                                                                                                                                                         |                  |                |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|---------------|
| <b>3.</b>                                                                                                                                                               | <b>Automatic</b> | <b>Renewal</b> | <b>Clause</b> |
| Concern: Section 9 provides for automatic six-month renewals unless canceled, which may limit Council's ability to revisit or renegotiate terms after the 10-year term. |                  |                |               |
| <b>Question:</b> Should we request language requiring Council reauthorization at the end of the initial term rather than indefinite auto-renewal?                       |                  |                |               |

|                                                                                                                                                |                   |                   |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|------------------|
| <b>4.</b>                                                                                                                                      | <b>Vegetation</b> | <b>Management</b> | <b>Exemption</b> |
| Concern: PEC is exempt from city tree-trimming permits or fees, which could conflict with tree preservation or parkland maintenance standards. |                   |                   |                  |
| <b>Question:</b> Should PEC be required to notify City staff before large-scale trimming or vegetation removal within city-maintained areas?   |                   |                   |                  |

|                                                                                                                                                     |             |                     |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------|--------------------|
| <b>5.</b>                                                                                                                                           | <b>City</b> | <b>Coordination</b> | <b>Obligations</b> |
| Concern: The City is required to provide PEC with updated capital improvement plans and schedules.                                                  |             |                     |                    |
| <b>Question:</b> Do Public Works and Engineering currently have procedures to meet this requirement, or would new coordination processes be needed? |             |                     |                    |

|                                                                                                                                           |                        |              |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|
| <b>6.</b>                                                                                                                                 | <b>Indemnification</b> | <b>Scope</b> |
| Concern: PEC indemnifies the City only for willful or gross negligence, excluding ordinary negligence.                                    |                        |              |
| <b>Question:</b> Would PEC consider expanding indemnification to include ordinary negligence, which is a more typical municipal standard? |                        |              |

|                                                                                                                                              |               |           |              |               |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------|--------------|---------------|
| <b>7.</b>                                                                                                                                    | <b>Waiver</b> | <b>of</b> | <b>Prior</b> | <b>Claims</b> |
| Concern: The City waives any claims arising from prior franchise agreements.                                                                 |               |           |              |               |
| <b>Question:</b> Has staff verified that there are no outstanding billing discrepancies or disputes with PEC before this waiver is accepted? |               |           |              |               |

#### Summary:

The proposed ordinance appears generally standard and functional, but a few sections warrant clarification before approval. These questions aim to ensure the City fully understands its financial and operational obligations under the new 10-year term.

Thank you, Councilman, for getting the PEC franchise agreement discussion moving forward. I appreciate the work that's already gone into this and wanted to share some ideas for consideration as we refine our approach. I think we have a great opportunity to modernize this agreement in a way that benefits our citizens, supports reliability, and strengthens our partnership with PEC.

- I do not think there should be an auto-renew.
- If we go down to the 2%, we should push for some in-kind services that could help us reduce other city costs that we may have used that additional revenue for.
- We should require coordination on vegetation management so we can maximize it for better wildfire prevention and citizen transparency of work being done.

Here are my asks:

1. **Infrastructure Modernization**

- a. I support including a joint trenching or "dig once" policy to ensure PEC coordinates underground work with city projects and other utilities. This can save taxpayer dollars and minimize repeated road cuts.
- b. I'd also like to explore the idea of allowing city conduit or fiber to be installed in PEC trenches during new construction. Is there a need or benefit for Lago Vista to do this as part of our long-term infrastructure planning?

2. **Grid Resilience and Emergency Coordination**

- a. I strongly believe our water plants and critical facilities should be on PEC's priority restoration list after storm events. This should be formalized in the agreement as part of our resilience planning.
- b. I also recommend that PEC designate a liaison to our Emergency Operations Center during major weather events or declared disasters. Having that direct communication line will help with coordination and public safety.

3. **Data and Transparency**

- a. I'd like to see a reliability reporting requirement that includes feeder-level outage data shared with the City on a quarterly basis.
- b. PEC should provide GIS data and coordination on right-of-way locations, planned upgrades, and easements to improve planning for city projects.
- c. We could also include a public performance dashboard so citizens can easily track streetlight repairs, outage trends, and vegetation trimming schedules.

4. **Sustainability and Community Development**

- a. I recommend adding a clause allowing a portion of the franchise fee or PEC contribution to fund energy efficiency programs for residents and city facilities. This could also help offset costs related to maintaining dark-sky compliance, which is important to our community.
- b. PEC could partner with the City to install a few public EV charging stations at city facilities or parks. Usage data from those chargers could help us plan for future growth.
- c. I also support including a workforce and education partnership with LVISD or local

schools to promote lineworker training, safety education, and STEM-related opportunities.

5. **Aesthetics, Environmental, and Safety**
  - a. I'd like to see a vegetation partnership formalized in the agreement. That could include wildfire mitigation coordination, a shared trimming schedule, and better public notice for upcoming work.
  - b. As part of this, PEC could complete streetlight upgrades to full LED and dark-sky compliant fixtures with an online tracker for repairs.
6. **Financial and Administrative Innovation**
  - a. I recommend adding a shared grant pursuit clause so PEC and the City can partner on state or federal grant opportunities, including with other nearby cities or Travis County, especially those focused on grid reliability, wildfire mitigation, or renewable energy.
7. **Governance and Accountability**
  - a. We should include an annual joint work plan with PEC that outlines shared priorities for the year and progress updates.
  - b. I also support adding a formal mid-term review, ideally at the five-year mark, to evaluate performance, community benefit, and opportunities for new collaboration.
8. **Citizen Engagement**
  - a. I'd like to propose annual public safety coordination days where PEC and the City host community education events on topics like power-line safety, wildfire prevention, and storm readiness.

Thank you, Shane, for laying out a thoughtful and forward-looking set of priorities. I support the direction you've outlined and appreciate the focus on reliability, wildfire mitigation, improved transparency, and long-term infrastructure planning. Since my term concludes this week, I simply want to contribute context and contract-ready considerations based on our current franchise, how similar agreements are structured in other cities, and the items previously raised during Council discussion. The new Council may use, modify, or disregard the following as it sees fit.

### **Core Position Points from Prior Council Discussion**

1. **No automatic renewal.** At the end of the 10-year term, the agreement should expire unless affirmatively renewed by Council after public review.
2. **Maintain the 4% franchise fee.** Our current agreement is 4%. We should retain 4%. If PEC pushes to reduce the fee to 2%, then any consideration of that reduction should be paired with meaningful in-kind value and programmatic commitments that directly reduce City costs or improve resilience.

### **Negotiation Objectives (Clause Concepts + Questions)**

#### **Infrastructure Modernization**

- **Joint Trenching / “Dig Once.”** Require coordination of underground work with the City and other utilities to reduce repeated road cuts and integrate with City capital project schedules.
- **City Conduit / Fiber Placement.** Allow City-owned spare conduit or fiber to be placed in PEC trenches during construction, subject to safety and standards.

**Questions:** – Will PEC agree to a joint trenching clause tied to the City’s CIP and subdivision approvals? – Under what standards can City conduit/fiber be placed in PEC trenches and what cost-sharing is appropriate?

### **Grid Resilience & Emergency Coordination**

- **Priority Restoration.** Designate City critical facilities (water plants, wells, lift stations, EOC, PD/FD) on PEC’s priority restoration list with an annually updated exhibit.
- **EOC Liaison.** PEC designates a liaison to the City’s Emergency Operations Center during major events.

**Questions:** – Can PEC formalize an annually updated critical-facilities exhibit and communication protocol? – Will PEC staff a named EOC liaison during storm events and participate in post-incident reviews?

### **Data, Planning & Transparency**

- **Reliability Reporting.** Quarterly feeder-level outage and reliability metrics with cause codes.
- **GIS Coordination.** Provide ROW/easement GIS layers and planned upgrade schedules under an MOU.
- **Public Dashboard.** Online visibility into outage trends, streetlight repair status, and upcoming vegetation work.

**Questions:** – What feeder-level reliability detail is feasible under security constraints? – Can PEC share GIS data under confidentiality protections? – Is PEC willing to participate in a shared public performance dashboard?

### **Vegetation, Aesthetics, Environmental, and Safety**

- **Vegetation Partnership.** Joint wildfire-mitigation planning, shared trimming schedule, advance notice in parks/trails/gateway corridors.

- **Streetlight Program.** Conversion of City-served streetlights to LED, dark-sky compliant fixtures with repair tracking.

**Questions:** – Can PEC provide advance notice and post-work reporting for high-impact trimming areas? – Will PEC commit to dark-sky compliant replacements and a time-bound conversion schedule?

## **Sustainability & Community Development**

- **Energy Efficiency Funding.** An annual contribution (or portion of franchise fee value) for resident and City facility efficiency improvements.
- **EV Charging Pilots.** 2–4 public chargers with usage data to inform policy.
- **Workforce & Education Partnerships.** LVISD lineworker and STEM support opportunities.

**Questions:** – What funding level for efficiency programs is realistic? – Is PEC open to EV pilot installs with shared data? – Can PEC formalize an LVISD partnership with annual reporting?

## **Financial & Administrative Innovation**

- **Shared Grant Applications.** Partner on grants related to grid reliability, wildfire planning, or multi-jurisdiction resilience.

**Question:** – Will PEC co-sponsor or provide match contributions when feasible?

## **Governance & Accountability**

- **Annual Joint Work Plan.** Shared annual priorities, timelines, and progress tracking.
- **Mid-Term Review at Year Five.** Evaluate performance, community benefits, and opportunities for adjustments.

**Questions:** – Can PEC agree to annually adopt a shared work plan? – Will PEC support a formal mid-term performance review with amendment pathways?

## **Relocation, Undergrounding & Cost Allocation**

- Retain the standard rule: PEC pays for relocations associated with City public works in ROW; third parties reimburse PEC for third-party driven relocations. City pays overhead-to-underground differential only when undergrounding is a City-requested

aesthetic or policy choice beyond safety/reliability needs.

#### **Fallback In-Kind Value (If PEC Insists on 2%)**

- Annual energy-efficiency fund benefiting residents and City operations.
- Time-bound LED/dark-sky streetlight conversion at PEC cost.
- EV charging pilot sites with usage reporting.
- Joint trenching guarantee with City conduit rights.
- Quarterly reliability data + public performance dashboard.
- EOC liaison participation and annual emergency drills.

#### **Closing Note**

I share this to support continuity and to provide negotiation structure and historical context as the new Council steps into this work. I have full confidence in the incoming Council and appreciate the opportunity to contribute during transition. I look forward to supporting the City's continued progress from the outside.

## CITY OF LAGO VISTA, TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, GRANTING A TRANSMISSION AND DISTRIBUTION ELECTRIC UTILITY FRANCHISE TO PEDERNALES ELECTRIC COOPERATIVE, INC. FOR A TEN (10) YEAR TERM COMMENCING ON THE EFFECTIVE DATE; CONTAINING VARIOUS TERMS AND CONDITIONS WITH REGARD TO THE GRANT OF SUCH FRANCHISE; PROVIDING FOR THE SUPERSEDING OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES, OR POLICIES THAT ARE IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, that:**

Section 1. Grant. The City of LAGO VISTA, Texas (“City”), pursuant to this ordinance (“Ordinance”) does hereby grant unto Pedernales Electric Cooperative, Inc. and to any of the cooperative’s affiliates, successors and permitted assigns (“Cooperative”) (collectively “Parties”), the right, privilege, and franchise to erect, construct, maintain, operate, use, extend, remove, replace, reconstruct, and repair in, under, upon, over, and across, and along any and all of the present and future streets, lanes, alleys, hereafter owned or controlled by the City, and public utility easements owned by the City, and under, upon, over, and across any squares, parks, streams, or bridges, now or hereafter owned or controlled by the City (collectively, “Public Right-of-Way”), except and unless the City’s right to said property is exclusively vested in the City without right to allow access to another entity, a system of poles, transmission and distribution lines, wires, guys, anchors, conduits, conductor, transformers, enclosures, concrete pads, ground rods, cable risers, fiber optic cables and other desirable instrumentalities and appurtenances necessary or proper for the purpose of transmitting, distributing, carrying, conducting, conveying, supplying, furnishing and selling to the City and the inhabitants of the City or other person or persons, firms or corporations, whether within or without the City, electricity, energy, power, light, heat, energy services, and for any other purpose for which electricity or energy services may be now or hereafter used; and for communication signals or the capability and capacity for transport of communication signals of whatever kind and character; to carry and transport communication signals by means of said poles, transmission and distribution lines, wires, guys, conduits, conductor or other instrumentalities to sell and distribute same to the City, the inhabitants of said City, and any other persons, firms or corporations whether within or without the City.

Section 2. City Property; Annexation. It is expressly understood and agreed that this Ordinance grants the Cooperative the rights and privileges contained in Section 1 above only as to property located within the corporate limits of the City presently in the Cooperative’s service area and to property hereinafter annexed by the City which is located within the Cooperative’s service area. The City shall notify Cooperative in writing of the effective date of any annexation of property into the City limits that would require Cooperative to include such properties for purposes of calculations of any amounts due under this Ordinance. Cooperative shall not be liable for any

late payments, penalties or interest on the portion of a quarterly payment that does not include gross revenues for Cooperative customers within a newly annexed area until ninety (90) days after written notice from the City to the Cooperative of any such annexation. Thereafter the Cooperative shall assure that any and all customers located within such annexed territory be included and shown on its accounting system as being within the City. After such ninety (90) day written notice from the City to the Cooperative, all customers' accounts located within such annexed territory shall begin accrual for purposes of the payment provisions specified in this Ordinance.

### Section 3. Operations and Maintenance.

- 3.1 The design, construction and maintenance of the Cooperative facilities shall be in accordance with Cooperative standards. Structures, lines, guys, and other installations shall be erected consistent with the National Electrical Safety Code (NESC) and any other applicable state and national standards. 
- 3.2 The Cooperative may take such actions, including, but not limited to open-cutting streets, curbs and sidewalks, and boring, or utilizing any other methods it deems reasonably necessary to construct, operate and maintain the Cooperative facilities within the City, and remove obstructions to the Cooperative's facilities that endanger or interfere with the efficiency of the Cooperative's facilities.
- 3.3 The surface of any street, alley, or public way or place disturbed by the Cooperative shall be restored to substantially the same condition existing prior to the work by the Cooperative within a reasonable time after the completion of the work. No street, alley, or public way or place shall be encumbered by the Cooperative for a longer period than shall be reasonably necessary to execute the work.
- 3.4 Notwithstanding any City ordinance with respect to trees or vegetation near or around electric facilities, the Cooperative shall have the authority to trim, treat or remove trees and vegetation upon or overhanging its facilities that may endanger or interfere with the facilities and their operation, and to prevent the vegetation and the branches of such trees from coming in contact with the system or to the extent that safety standards of NESC or Cooperative standards require vegetation maintenance or removal given their proximity to electric facilities. The Cooperative's vegetation management practices shall be consistent with the safety requirements for pruning, repairing, maintaining, and removing vegetation in accordance with NESC Section 218 or other applicable law. The Cooperative shall be exempt from any permitting process or fees associated with the removal or maintenance of vegetation which poses risk to proper operation and safety of Cooperative facilities.

### Section 4. Construction and Expansion of Electric Facilities.

- 4.1 The Cooperative and City shall take all reasonable efforts to coordinate their planning and construction activities including accommodations for easements for Cooperative facilities, notwithstanding any exclusive municipal easements. The City will make reasonable efforts in connection with the review and approval of new subdivision developments to accommodate Cooperative electric facilities and Cooperative standards. The City will also

make reasonable efforts during right-of-way acquisition and the planning of new roadway construction to acquire a public utility easement in private property adjoining or adjacent to the Public Right-of-Way to accommodate the Cooperative facilities. City will provide to Cooperative its capital improvements plans and schedules on a regular basis, and as updated.

- 4.2 While the Cooperative's standard delivery system facilities consist of overhead or underground distribution facilities necessary to provide electric service, underground electric service to serve any customer may, by agreement with the Cooperative, be provided subject to the terms of its Tariff and Business Rules.
- 4.3 Notwithstanding any City ordinance with respect to placement of underground utilities, the City acknowledges that certain new and existing electric distribution facilities and infrastructure relating to electric delivery or system reliability and redundancy may be placed or remain overhead, including, but not limited to, distribution line improvements for substations and riser poles (that transition overhead lines into underground facilities), and system upgrades or relocations of existing overhead facilities. To the extent that safety standards of NESC or Cooperative standards require facilities to be placed overhead or remain overhead, such lines will remain or be placed overhead. To the extent any gateway corridor overlay or similar classification exists within the City, this Section 4.3 governs overhead placement of facilities.
- 4.4 The Cooperative shall, when planning improvements to existing distribution facilities in the Public Right-of-Way, give reasonable consideration to installing the upgraded distribution facilities underground; provided that if the City requires the upgraded facilities to be placed underground, it must pay the Cooperative in advance the differential cost between overhead and underground construction and facilities. In addition to ensure safe and reliable service, the Cooperative must approve any improvements to be placed by the City over, on, or across any underground Cooperative facilities, including without limitation, sidewalks, roadways, trails or landscaping. To the extent that the City places improvements upon Cooperative's underground facilities, the City at its expense will repair damage to any portion of the Public Right-of-Way caused by the Cooperative's maintenance or repair of its underground facilities.

To the extent the City selects underground construction of facilities in such case, in the event any additional future road widening or relocation project then is required by the City, the City shall pay the differential cost between overhead and underground for the facilities to remain underground.

#### Section 5. Relocation of Electric Facilities.

- 5.1. If the City, in order for the accommodation or new construction of its sewers, water lines, streets or other infrastructure project or public works including any beautification project, shall require any structures, lines, guys, or other installations of the Cooperative located in Public Right-of-Way to be shifted or relocated to a new position in other available Public Right-of-Way, such structures, lines, guys, or other installations shall be so shifted or

relocated by the Cooperative at the Cooperative's expense; provided, however, the City shall work with the Cooperative to determine the most cost effective method of relocation or shifting of the Cooperative's facilities. City shall give the Cooperative reasonable prior written notice of its projects requiring relocation of the Cooperative's facilities, and shall provide an alternate easement for relocation. For the avoidance of doubt, the City may not require the Cooperative to relocate its facilities underground in a public easement, and a location underground in a public easement will not constitute an "alternate easement" for purposes of this Section unless the City pays in advance the differential cost between overhead and underground for the facilities to be placed underground.

- 5.1.1. If City determines to abandon or vacate any Public Right-of-Way in which the Cooperative has facilities, such abandonment shall be conditioned on the City acquiring rights for the Cooperative to operate or continue to operate within such Public Right-of-Way.
- 5.2. In the event that Cooperative is required by the City to remove or relocate its facilities under this Section and City is eligible under federal, state county, local or other programs for reimbursement of costs and expense incurred by Cooperative as a result of such removal or relocation, and such reimbursement is required to be handled through the City, Cooperative costs and expenses shall be included in any application by City for reimbursement. City shall provide reasonable notice to Cooperative of the deadline for Cooperative to submit documentation of the costs and expense of such relocation to City. If reimbursement is available for relocation, the Cooperative shall receive its portion of reimbursement payments attributable to its facilities.
- 5.3. If a third-party desires or the City requires Cooperative to adapt or conform any of Cooperative's facilities, or in any way alter, relocate or change Cooperative's property to enable any third party (whether public or private), other than the City, to use the rights-of-way, Cooperative shall have the right to reimbursement of all costs, as a condition of any such alteration, change or relocation. If the third party does not agree to reimburse the Cooperative for its costs, the Cooperative will not be obligated to alter, relocate or change its facilities. The City shall, as part of any franchise agreement with any third party entered into after the date of this Ordinance, make all reasonable efforts to include language requiring the third party to reimburse Cooperative for any and all loss, cost or expense occasioned by the third party's request to alter, change or relocate Cooperative facilities.

#### Section 6. City Zoning Requirements.

- 6.1. If Cooperative is required to install facilities in which there is insufficient space outside the Public Right-of-Way for the Cooperative to locate its facilities, the City may designate a distinct area within the Public Right-of-Way as a public utility easement, and to the extent the Cooperative's design and safety standards allow, the Cooperative shall locate such facilities in the area designated by the City. However, to the extent the Cooperative's design and safety standards require certain electric equipment to be located outside of the area designated by the City, the City shall reasonably cooperate with the Cooperative to allow its facilities to be located in an area where safety standards can be met.

- 6.1.1. If Cooperative's facilities are located as described in this Section 6.1 and the City directs removal or relocation of such facilities under the provisions of Section 5.1, such removal or relocation of Cooperative's facilities shall be at City's expense.
- 6.1.2. If, pursuant to this Section 6.1, the Cooperative's facilities are located in an area within the Public Right-of-Way not designated by the City as a public utility easement, and the City directs removal or relocation of such facilities under the provisions of Section 5.1, such removal or relocation of Cooperative's facilities shall be at the Cooperative's expense.

Section 7. Pole Attachments. To the extent reasonable and feasible, the Cooperative shall permit private or public entities desiring to provide communication services to the City and its inhabitants to attach necessary equipment to existing Cooperative poles, provided that such attachment and use is feasible, does not interfere with Cooperative's ability to utilize its facilities for its purposes, and is not in conflict with the National Electric Safety Code, other safety procedures or requirements of Cooperative. Any entity desiring to attach equipment to the Cooperative's facilities must separately obtain any necessary right-of-way or easement or permits or licenses for its use. Such use shall be subject to the entity's execution of Cooperative's form of contract for pole attachment, acknowledgment and compliance of installation and construction standards for pole attachments, and payment of the Cooperative's applicable fees.

Section 8. Indemnification. **THE COOPERATIVE WILL INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES FROM AND AGAINST ANY AND ALL SUITS, LEGAL ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES, AND ATTORNEYS' FEES INCIDENT TO ANY WORK DONE IN THE PERFORMANCE OF THIS ORDINANCE ARISING OUT OF A WILLFUL OR GROSSLY NEGLIGENT ACT OR OMISSION OF THE COOPERATIVE, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES, PROVIDED, HOWEVER, THAT THE COOPERATIVE SHALL NOT BE LIABLE FOR ANY SUIT, ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES, AND ATTORNEYS' FEES ARISING OUT OF A WILLFUL ACT OR GROSSLY NEGLIGENT ACT OR OMISSION OF THE CITY, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES.**

Section 9. Term. This Ordinance shall be in force and effect for a period of ten (10) years from and after the Effective Date (as defined in Section 17) provided that, unless written notice is given by either party to the other not less than sixty (60) days before the expiration of this Ordinance, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice or by the adoption of a new franchise ordinance as agreed to by the Parties. The fee provided for in Section 10 of this Ordinance shall be effective for the Cooperative's gross revenues from its sale of energy and power sold within the City commencing on the first day of the month following the thirty (30) day notice period that the Cooperative provides to the Cooperative's customers.

Section 10. Franchise Fee. In consideration of the rights granted to the Cooperative herein, the Cooperative, during the term of this Ordinance shall pay a fee of two percent (2%) of the gross revenues received by the Cooperative from the Cooperative's sale of energy and power sold to customers within the city limits of the City during such previous year or previous quarter. It is agreed that such payment is in addition to any ad valorem tax now or hereafter to be assessed and collected under the authority of the City's charter or under the laws of the State of Texas. Other than with respect to such ad valorem taxes, the payment so provided for in this Section is in lieu of all other fees or charges of any nature, and the City shall not impose or collect, nor attempt to impose or collect, any other charge or fee in connection with the construction, operation, and maintenance of the Cooperative facilities within the City. The term "gross revenues" shall not include (1) local, state, or federal taxes collected by Cooperative that have been billed to its customers and separately stated on customers' bills, (2) the franchise fee paid under this Ordinance, (3) revenue uncollectible from customers (i.e., bad debts) with billing addresses in the City that may have previously been included in gross revenues, or (4) revenue from the Cooperative's pole attachment agreements. Cooperative shall be entitled to list the franchise fee as a separate line item on monthly bills of Cooperative members who have meters within the City limits. The payment provided for in this Section 10 will reflect the Cooperative's gross revenues on a quarterly basis and will be due to the City within forty-five (45) days after the close of each quarter in the Cooperative's fiscal year.

Section 11. Reports. Upon City's request, at reasonable intervals not to exceed once per fiscal year, the Cooperative will provide to City reports relating to energy and power sold by reason of the operation of the Cooperative within the City as provided in this Ordinance.

Section 12. Assignment. This Ordinance may be assigned by the Cooperative to any entity with the consent of the City, which consent shall not be unreasonably withheld. For the avoidance of doubt, a transfer of this Ordinance by virtue of a sale by the Cooperative of all or substantially all of its assets in the City shall not require consent of the City, but Cooperative shall provide City written notice within thirty (30) days of such transfer.

Section 13. Superseding Effect. This Ordinance supersedes for all purposes any other written agreements with respect to the franchise prior to the acceptance of this Ordinance. This Ordinance shall supersede and take precedence over inconsistent ordinances, resolutions, or regulations hereafter or previously passed by the City.

Section 14. Severability. The provisions of this Ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

Section 15. Notices. Notice to the Parties under this Ordinance shall be in writing and shall be sent by registered or certified mail, return receipt requested, or by express overnight mail service addressed as follows. Courtesy notice may additionally be sent by regular mail, however, such

service shall not excuse proper notice as set forth above. Parties may change their address by notifying the other party pursuant to this Section.

To the City:

City of \_\_\_\_\_, Texas

\_\_\_\_\_  
\_\_\_\_\_

To the Cooperative:

Pedernales Electric Cooperative, Inc.  
Attn: Commercial, Industrial and Municipal Relations  
PO Box 1  
Johnson City, Texas 78636-0001

With a copy to:  
Pedernales Electric Cooperative, Inc.  
Attn: Legal Services  
PO Box 1  
Johnson City, Texas 78636-0001

Notice shall be effective upon the earlier to occur of actual receipt or the expiration of three (3) business days from the date of deposit in an official depository of the United States Postal Service or from the date of deposit with an express service provider.

Section 16. Confidential Information. To the extent allowed by law, including the Texas Public Information Act (the "TPIA"), the City agrees to hold in strict confidence any non-public information, information marked proprietary or confidential that it receives from the Cooperative. The City will make reasonable efforts to (a) give the Cooperative prior written notice of a request for public information in a reasonably practicable time period to allow the Cooperative to seek a protective order, Texas Attorney General ruling, or other appropriate remedy, and (b) disclose only such information as is required under applicable law. Notwithstanding anything contained within this Ordinance to the contrary, if the release of information received from the Cooperative is required by the TPIA and applicable Texas Attorney General rulings and case law, then such release shall not be considered a violation of this Ordinance.

Section 17. Effective Date. This Ordinance shall take effect on the date on which the City passes and adopts it in the form authorized by the Cooperative and in accordance with the applicable provisions of Chapter 52 of the Texas Local Government Code (the "Effective Date"); provided, however, the payment of the franchise fee will be as described in Section 10.

Section 18. 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.

Section 19. Termination - Remedies. The franchise granted herein may be terminated only upon an uncured event of default of the terms of this Ordinance. City shall notify Cooperative in writing at least thirty (30) business days in advance of the City Council meeting at which the questions of termination shall be considered, and Cooperative shall have the right to appear before the City Council and raise any objections or defenses Cooperative may have that are relevant to the proposed forfeiture or termination. Any final decision of the City Council may be appealed by the Cooperative to District Court. Upon timely appeal by Cooperative of the City Council's decision terminating the franchise granted herein, the effective date of such termination shall be either when such appeal is withdrawn or a court order upholding the termination becomes final and unappealable. If no appeal is filed, the effective date of such termination shall be the one-hundred eightieth (180th) day following the date of the final termination decision of the City Council. Until the termination becomes effective the provisions of the franchise granted herein shall remain in effect for all purposes. Notwithstanding the foregoing, each party reserves its rights at law and in equity.

Section 20. Waiver of Claims. The Parties agree to waive any and all claims, asserted or unasserted, arising out of all prior franchise agreements between the Parties.

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**PASSED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.**

CITY OF \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

**ACKNOWLEDGED, ACCEPTED, AND AGREED TO:**

**PEDERNALES ELECTRIC COOPERATIVE, INC.**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**STATE OF TEXAS  
CITY OF LAGO VISTA**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA TEXAS, GRANTING A TRANSMISSION AND DISTRIBUTION ELECTRIC UTILITY FRANCHISE TO PEDERNALES ELECTRIC COOPERATIVE, INC. FOR A [TEN (10)] YEAR TERM COMMENCING ON THE EFFECTIVE DATE; CONTAINING VARIOUS TERMS AND CONDITIONS WITH REGARD TO THE GRANT OF SUCH FRANCHISE; PROVIDING FOR THE SUPERSEDING OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES, OR POLICIES THAT ARE IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA TEXAS, that:**

Section 1. Grant. The City of Lago Vista, Texas ("City"), pursuant to this ordinance ("Ordinance") does hereby grant unto Pedernales Electric Cooperative, Inc. and to any of the cooperative's affiliates, successors and permitted assigns ("Cooperative") (collectively "Parties"), the right, privilege, and franchise to erect, construct, maintain, operate, use, extend, remove, replace, reconstruct, and repair in, under, upon, over, and across, and along any and all of the present and future streets, lanes, alleys, hereafter owned or controlled by the City, and public utility easements owned by the City, and under, upon, over, and across any squares, parks, streams, or bridges, now or hereafter owned or controlled by the City (collectively, "Public Right-of-Way"), except and unless the City's right to said property is exclusively vested in the City without right to allow access to another entity, a system of poles, transmission and distribution lines, wires, guys, anchors, conduits, conductor, transformers, enclosures, concrete pads, ground rods, cable risers, fiber optic cables and other desirable instrumentalities and appurtenances necessary or proper for the purpose of transmitting, distributing, carrying, conducting, conveying, supplying, furnishing and selling to the City and the inhabitants of the City or other person or persons, firms or corporations, whether within or without the City, electricity, energy, power, light, heat, energy services, and for any other purpose for which electricity or energy services may be now or hereafter used; and for communication signals or the capability and capacity for transport of communication signals of whatever kind and character; to carry and transport communication signals by means of said poles, transmission and distribution lines, wires, guys, conduits, conductor or other instrumentalities to sell and distribute same to the City, the inhabitants of said City, and any other persons, firms or corporations whether within or without the City.

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of calculations of any amounts due under this Ordinance. Cooperative shall not be liable for any late payments, penalties or interest on the portion of a quarterly payment that does not include gross revenues for Cooperative customers within a newly annexed area until ninety (90) days after written notice from the City to the Cooperative of any such annexation. Thereafter the Cooperative shall assure that any and all customers located within such annexed territory be included and shown on its accounting system as being within the City. After such ninety (90) day written notice from the City to the Cooperative, all customers' accounts located within such annexed territory shall begin accrual for purposes of the payment provisions specified in this Ordinance.

### Section 3. Operations and Maintenance.

- 3.1 The design, construction and maintenance of the Cooperative facilities shall be in accordance with Cooperative standards. Structures, lines, guys, and other installations shall be erected consistent with the National Electrical Safety Code (NESC) and any other applicable state and national standards.
- 3.2 The Cooperative may take such actions, including, but not limited to open-cutting streets, curbs and sidewalks, and boring, or utilizing any other methods it deems reasonably necessary to construct, operate and maintain the Cooperative facilities within the City, and remove obstructions to the Cooperative's facilities that endanger or interfere with the efficiency of the Cooperative's facilities. Any open-cutting of streets, curbs, and sidewalks must be approved by the city prior to any work being performed.
- 3.3 The surface of any street, alley, or public way or place disturbed by the Cooperative shall be restored to substantially the same condition existing prior to the work by the Cooperative within a reasonable time after the completion of the work. No street, alley, or public way or place shall be encumbered by the Cooperative for a longer period than shall be reasonably necessary to execute the work.
- 3.4 The Cooperative shall have the authority to trim, treat or remove trees and vegetation upon or overhanging its facilities that may endanger or interfere with the facilities and their operation, and to prevent the vegetation and the branches of such trees from coming in contact with the system or to the extent that safety standards of NESC or Cooperative standards require vegetation maintenance or removal given their proximity to electric facilities. The Cooperative's vegetation management practices shall be consistent with the safety requirements for pruning, repairing, maintaining, and removing vegetation in accordance with NESC Section 218 or other applicable law.

### Section 4. Construction and Expansion of Electric Facilities.

- 4.1 The Cooperative and the City may coordinate, from time to time and when practicable, their respective planning and construction activities. Subject to applicable law, City policies, and available staff time and resources, the City may consider, in its discretion, accommodation for easements for Cooperative facilities, notwithstanding the existence of any exclusive municipal easements. In connection with the review of new subdivision developments and the planning of right-of-way acquisition or roadway construction

projects, the City may, but shall not be obligated to, consider the accommodation of Cooperative electric facilities and the acquisition of public utility easements when the City determines such coordination is feasible and consistent with City objectives. The City may, upon request and when readily available, provide the Cooperative with publicly available capital improvement planning information, without any obligation to prepare, update, or distribute information outside the ordinary course of City operations

- 4.2 While the Cooperative's standard delivery system facilities consist of overhead or underground distribution facilities necessary to provide electric service, underground electric service to serve any customer may, by agreement with the Cooperative, be provided subject to the terms of its Tariff and Business Rules.
- 4.3 Notwithstanding any City ordinance with respect to placement of underground utilities, the City acknowledges that certain new and existing electric distribution facilities and infrastructure relating to electric delivery or system reliability and redundancy may be placed or remain overhead, including, but not limited to, distribution line improvements for substations and riser poles (that transition overhead lines into underground facilities), and system upgrades or relocations of existing overhead facilities. To the extent that safety standards of NESC or Cooperative standards require facilities to be placed overhead or remain overhead, such lines will remain or be placed overhead. To the extent any gateway corridor overlay or similar classification exists within the City, this Section 4.3 governs overhead placement of facilities.
- 4.4 The Cooperative shall, when planning improvements to existing distribution facilities in the Public Right-of-Way, give reasonable consideration to installing the upgraded distribution facilities underground; provided that if the City requires the upgraded facilities to be placed underground, it must pay the Cooperative in advance the differential cost between overhead and underground construction and facilities. In addition to ensure safe and reliable service, the Cooperative must approve any improvements to be placed by the City over, on, or across any underground Cooperative facilities, including without limitation, sidewalks, roadways, trails or landscaping. To the extent that the City places improvements upon Cooperative's underground facilities, the City at its expense will repair damage to any portion of the Public Right-of-Way caused by the Cooperative's maintenance or repair of its underground facilities.

To the extent the City selects underground construction of facilities in such case, in the event any additional future road widening or relocation project then is required by the City, the City shall pay the differential cost between overhead and underground for the facilities to remain underground.

#### Section 5. Relocation of Electric Facilities.

- 5.1. If the City, in order for the accommodation or new construction of its sewers, water lines, streets or other infrastructure project or public works including any beautification project, shall require any structures, lines, guys, or other installations of the Cooperative located in Public Right-of-Way to be shifted or relocated to a new position in other available Public

Right-of-Way, such structures, lines, guys, or other installations shall be so shifted or relocated by the Cooperative at the Cooperative's expense; provided, however, the City shall work with the Cooperative to determine the most cost effective method of relocation or shifting of the Cooperative's facilities. City shall give the Cooperative reasonable prior written notice of its projects requiring relocation of the Cooperative's facilities, and shall provide an alternate easement for relocation. For the avoidance of doubt, the City may not require the Cooperative to relocate its facilities underground in a public easement, and a location underground in a public easement will not constitute an "alternate easement" for purposes of this Section unless the City pays in advance the differential cost between overhead and underground for the facilities to be placed underground.

- 5.1.1. If City determines to abandon or vacate any Public Right-of-Way in which the Cooperative has facilities, such abandonment shall be conditioned on the City acquiring rights for the Cooperative to operate or continue to operate within such Public Right-of-Way.
- 5.2. In the event that Cooperative is required by the City to remove or relocate its facilities under this Section and City is eligible under federal, state county, local or other programs for reimbursement of costs and expense incurred by Cooperative as a result of such removal or relocation, and such reimbursement is required to be handled through the City, Cooperative costs and expenses shall be included in any application by City for reimbursement. City shall provide reasonable notice to Cooperative of the deadline for Cooperative to submit documentation of the costs and expense of such relocation to City. If reimbursement is available for relocation, the Cooperative shall receive its portion of reimbursement payments attributable to its facilities.
- 5.3. If a third-party desires or the City requires Cooperative to adapt or conform any of Cooperative's facilities, or in any way alter, relocate or change Cooperative's property to enable any third party (whether public or private), other than the City, to use the rights-of-way, Cooperative shall have the right to reimbursement of all costs, as a condition of any such alteration, change or relocation. If the third party does not agree to reimburse the Cooperative for its costs, the Cooperative will not be obligated to alter, relocate or change its facilities. The City shall, as part of any franchise agreement with any third party entered into after the date of this Ordinance, make all reasonable efforts to include language requiring the third party to reimburse Cooperative for any and all loss, cost or expense occasioned by the third party's request to alter, change or relocate Cooperative facilities.

#### Section 6. City Zoning Requirements.

- 6.1. If Cooperative is required to install facilities in which there is insufficient space outside the Public Right-of-Way for the Cooperative to locate its facilities, the City may designate a distinct area within the Public Right-of-Way as a public utility easement, and to the extent the Cooperative's design and safety standards allow, the Cooperative shall locate such facilities in the area designated by the City. However, to the extent the Cooperative's design and safety standards require certain electric equipment to be located outside of the

area designated by the City, the City shall reasonably cooperate with the Cooperative to allow its facilities to be located in an area where safety standards can be met.

- 6.1.1. If Cooperative's facilities are located as described in this Section 6.1 and the City directs removal or relocation of such facilities under the provisions of Section 5.1, such removal or relocation of Cooperative's facilities shall be at City's expense.
- 6.1.2. If, pursuant to this Section 6.1, the Cooperative's facilities are located in an area within the Public Right-of-Way not designated by the City as a public utility easement, and the City directs removal or relocation of such facilities under the provisions of Section 5.1, such removal or relocation of Cooperative's facilities shall be at the Cooperative's expense.

Section 7. Pole Attachments. To the extent reasonable and feasible, the Cooperative shall permit private or public entities desiring to provide communication services to the City and its inhabitants to attach necessary equipment to existing Cooperative poles, provided that such attachment and use is feasible, does not interfere with Cooperative's ability to utilize its facilities for its purposes, and is not in conflict with the National Electric Safety Code, other safety procedures or requirements of Cooperative. Any entity desiring to attach equipment to the Cooperative's facilities must separately obtain any necessary right-of-way or easement or permits or licenses for its use. Such use shall be subject to the entity's execution of Cooperative's form of contract for pole attachment, acknowledgment and compliance of installation and construction standards for pole attachments, and payment of the Cooperative's applicable fees.

Section 8. Indemnification. THE COOPERATIVE WILL INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES FROM AND AGAINST ANY AND ALL SUITS, LEGAL ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES, AND ATTORNEYS' FEES INCIDENT TO ANY WORK DONE IN THE PERFORMANCE OF THIS ORDINANCE ARISING OUT OF A WILLFUL OR GROSSLY NEGLIGENT ACT OR OMISSION OF THE COOPERATIVE, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES, PROVIDED, HOWEVER, THAT THE COOPERATIVE SHALL NOT BE LIABLE FOR ANY SUIT, ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES, AND ATTORNEYS' FEES ARISING OUT OF A WILLFUL ACT OR GROSSLY NEGLIGENT ACT OR OMISSION OF THE CITY, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES.

Section 9. Term. This Ordinance shall be in force and effect for a period of **ten (10) years** from and after the Effective Date (as defined in Section 17) provided that, unless written notice is given by either party to the other not less than sixty (60) days before the expiration of this Ordinance, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice or by the adoption of a new franchise ordinance as agreed to by the Parties. The fee provided for in Section 10 of this Ordinance shall be effective for the Cooperative's gross revenues from its sale of energy and power sold within the City commencing on the first day of the month

following the thirty (30) day notice period that the Cooperative provides to the Cooperative's customers.

Section 10. Franchise Fee. In consideration of the rights granted to the Cooperative herein, the Cooperative, during the term of this Ordinance shall pay a fee of four percent (4%) of the gross revenues received by the Cooperative from the Cooperative's sale of energy and power sold to customers within the city limits of the City during such previous year or previous quarter. It is agreed that such payment is in addition to any ad valorem tax now or hereafter to be assessed and collected under the authority of the City's charter or under the laws of the State of Texas. Other than with respect to such ad valorem taxes, the payment so provided for in this Section is in lieu of all other fees or charges of any nature, and the City shall not impose or collect, nor attempt to impose or collect, any other charge or fee in connection with the construction, operation, and maintenance of the Cooperative facilities within the City. The term "gross revenues" shall not include (1) local, state, or federal taxes collected by Cooperative that have been billed to its customers and separately stated on customers' bills, (2) the franchise fee paid under this Ordinance, (3) revenue uncollectible from customers (i.e., bad debts) with billing addresses in the City that may have previously been included in gross revenues, or (4) revenue from the Cooperative's pole attachment agreements. Cooperative shall be entitled to list the franchise fee as a separate line item on monthly bills of Cooperative members who have meters within the City limits. The payment provided for in this Section 10 will reflect the Cooperative's gross revenues on a quarterly basis and will be due to the City within forty-five (45) days after the close of each quarter in the Cooperative's fiscal year.

Section 11. Reports. Upon City's request, at reasonable intervals not to exceed once per fiscal year, the Cooperative will provide to City reports relating to energy and power sold by reason of the operation of the Cooperative within the City as provided in this Ordinance.

Section 12. Assignment. This Ordinance may be assigned by the Cooperative to any entity with the consent of the City, which consent shall not be unreasonably withheld. For the avoidance of doubt, a transfer of this Ordinance by virtue of a sale by the Cooperative of all or substantially all of its assets in the City shall not require consent of the City, but Cooperative shall provide City written notice within thirty (30) days of such transfer.

Section 13. Superseding Effect. This Ordinance supersedes for all purposes any other written agreements with respect to the franchise prior to the acceptance of this Ordinance. This Ordinance shall supersede and take precedence over inconsistent ordinances, resolutions, or regulations hereafter or previously passed by the City.

Section 14. Severability. The provisions of this Ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

Section 15. Notices. Notice to the Parties under this Ordinance shall be in writing and shall be sent by registered or certified mail, return receipt requested, or by express overnight mail service addressed as follows. Courtesy notice may additionally be sent by regular mail, however, such service shall not excuse proper notice as set forth above. Parties may change their address by notifying the other party pursuant to this Section.

To the City:

City of Lago Vista, Texas  
Attn: City Manager  
PO Box 4727  
Lago Vista, Texas 78645

To the Cooperative:

Pedernales Electric Cooperative, Inc.  
Attn: Commercial, Industrial and Municipal Relations  
PO Box 1  
Johnson City, Texas 78636-0001

With a copy to:  
Pedernales Electric Cooperative, Inc.  
Attn: Legal Services  
PO Box 1  
Johnson City, Texas 78636-0001

Notice shall be effective upon the earlier to occur of actual receipt or the expiration of three (3) business days from the date of deposit in an official depository of the United States Postal Service or from the date of deposit with an express service provider.

Section 16. Confidential Information. To the extent allowed by law, including the Texas Public Information Act (the "TPIA"), the City agrees to hold in strict confidence any non-public information, information marked proprietary or confidential that it receives from the Cooperative. The City will make reasonable efforts to (a) give the Cooperative prior written notice of a request for public information in a reasonably practicable time period to allow the Cooperative to seek a protective order, Texas Attorney General ruling, or other appropriate remedy, and (b) disclose only such information as is required under applicable law. Notwithstanding anything contained within this Ordinance to the contrary, if the release of information received from the Cooperative is required by the TPIA and applicable Texas Attorney General rulings and case law, then such release shall not be considered a violation of this Ordinance.

Section 17. Effective Date. This Ordinance shall take effect on the date on which the City passes and adopts it in the form authorized by the Cooperative and in accordance with the applicable provisions of Chapter 52 of the Texas Local Government Code (the "Effective Date"); provided, however, the payment of the franchise fee will be as described in Section 10.

Section 18. 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.

Section 19. Termination - Remedies. The franchise granted herein may be terminated only upon an uncured event of default of the terms of this Ordinance. City shall notify Cooperative in writing at least thirty (30) business days in advance of the City Council meeting at which the questions of termination shall be considered, and Cooperative shall have the right to appear before the City Council and raise any objections or defenses Cooperative may have that are relevant to the proposed forfeiture or termination. Any final decision of the City Council may be appealed by the Cooperative to District Court. Upon timely appeal by Cooperative of the City Council's decision terminating the franchise granted herein, the effective date of such termination shall be either when such appeal is withdrawn or a court order upholding the termination becomes final and unappealable. If no appeal is filed, the effective date of such termination shall be the one-hundred eightieth (180th) day following the date of the final termination decision of the City Council. Until the termination becomes effective the provisions of the franchise granted herein shall remain in effect for all purposes. Notwithstanding the foregoing, each party reserves its rights at law and in equity.

Section 20. Waiver of Claims. The Parties agree to waive any and all claims, asserted or unasserted, arising out of all prior franchise agreements between the Parties.

[Remainder of page intentionally left blank]

**PASSED AND ADOPTED THIS THE \_\_\_\_DAY OF \_\_\_\_\_, 202\_\_.**

CITY OF LAGO VISTA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

**ACKNOWLEDGED, ACCEPTED, AND AGREED TO:**

**PEDERNALES ELECTRIC COOPERATIVE, INC.**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Benefield, City Council

**SUBJECT:** Consideration and possible action to correct the official minutes of the December 4, 2025 Regular City Council Meeting to ensure the voting record is consistent with council precedent and accurately reflects council procedure.

**BACKGROUND:** During the December 4, 2025 Regular City Council Meeting, the minutes reflect several entries where Council Member Adam Benefield is recorded as: "Abstain – no reason given." Subsequent Charter complaints filed by private citizens alleging that these abstentions violated the City Charter were formally reviewed through the City's complaint procedures. Those complaints were dismissed during the preliminary hearing held March 2, 2026. Because those complaints have been dismissed, the remaining matter is administrative: ensuring that the official meeting record accurately reflects council procedure and remains consistent with the City's precedent. A comparable circumstance involving another council member was documented as follows: "Council Member Roberts recused himself." No reason was recorded. The Rules of Procedure provide that council meetings operate pursuant to the City Charter and applicable parliamentary authority. Under these procedures, recusals are recorded as part of the voting record without requiring explanation unless directed by the presiding officer during the meeting. During the December 4 meeting, no procedural ruling was issued requiring that a justification be stated for an abstention or recusal. As a result, the current minutes contain inconsistent documentation within the same meeting record.

**ATTACHMENTS:**

[Rules and Procedures.pdf](#)

[Roberts - Recusal.png](#)

[2025-12-04- Minutes-Regular City Council Meeting.pdf](#)

# **RULES OF PROCEDURE**

## **FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**



Adopted: 2021  
Amended April 2024

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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## **ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Authority.**

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

### **1.2 Applicability.**

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and Commissions of the City of Lago Vista, in accordance with the Charter. Whenever these Rules use the term “Commissions” that term shall mean “committees, boards, and commissions” unless otherwise indicated.

Open meeting requirements of the City Council do not apply to city Commissions without rulemaking or independent regulatory authority, nor to quasi-judicial or ad hoc Commissions except as required under state law.

Processes for disciplinary action will be similar for the City Council and the regulatory Commissions but will vary for the nonregulatory Commissions.

Any reference to Mayor also applies to the presiding officer of a Commission of the City of Lago Vista. Any reference to City Council also applies to any Commission.

Decisions made by state-mandated Commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about Commissions can be found in Article 7 of this document.

### **1.3 Annual Review.**

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## **ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES**

### **2.1 Construction of Authority.**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

### **2.2 Meetings Shall Be Public.**

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an

emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council or Commissions with rulemaking or independent regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers or a location approved by the Council Liaison.

Commissions without rulemaking or independent regulatory authority may be video recorded and posted to the city website when possible. All regulatory Commissions are mandated to conduct their meetings in the Council Chambers, where video recording software is made available.

### **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

### **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

### **2.5 Special/Town Hall Meetings.**

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

### **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

### **2.7 Work Sessions.**

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

## **2.8 Executive Sessions.**

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Legal advice discussed in executive session shall remain confidential unless the City Council votes to waive the attorney-client privilege. Except for action taken in open session, no Council Member, staff member, or legal counsel may disclose the deliberations in executive session on matters discussed under other lawful exceptions under the Open Meetings Act

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than allowed by state law.

## **2.10 Quorum.**

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

## **2.11 Conflict of Interest.**

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

## **2.12 Presiding Officer.**

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating

in the meeting fully and freely; however the presiding officer shall not make a motion unless the remainder of the Commission or council members fail to make a motion.

The presiding officer of Commissions shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

### **2.13 Minutes of Meetings.**

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

### **2.14 Suspension of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote (see Article 3.7 of these rules) of the City Council.

### **2.15 Amendment of Rules.**

These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.

## **ARTICLE 3. PARLIAMENTARY PROCEDURE**

### **3.1 Purpose.**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision- making by the City Council. These rules enable the majority to express their opinion and fashion a result.

### **3.2 Model Format for an Agenda Item Discussion.**

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. *Announce the Item.*** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. *Receive a Report.*** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. *Council Discussion.*** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
- 4. *Seek Citizen Input.*** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.

5. **Motion First.** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
6. **Motion Second.** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
7. **Discuss the Motion.** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
8. **Vote.** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.
9. **Announce the Outcome.** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

### 3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the ordinance as submitted," or "I make a motion that we deny the resolution."

### 3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- **Motion to Remove from Table.** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

| NUMBER OF COUNCIL MEMBERS PRESENT | NUMBER OF VOTES FOR SUPER MAJORITY |
|-----------------------------------|------------------------------------|
| 6                                 | 5 or more                          |
| 5                                 | 4                                  |
| 4                                 | 3                                  |
| 3                                 | 3                                  |

- **Motion to Limit Debate.** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.

- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

### **3.8 Motion to Reconsider.**

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

### **3.9 Courtesy, Decorum and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on

personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. **Request to Speak.** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. **Order.** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. **Improper References Prohibited.** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. **Interruptions.** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
  - a. **Point of Privilege.** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council member's ability to hear.
  - b. **Point of Order.** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
  - c. **Motion to Appeal.** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
  - d. **Call for orders of the day.** This is simply another way of saying, "let's return to the agenda." if a council member believes the discussion has strayed from the agenda. The

motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

**e. *Withdraw a Motion.*** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### **3.10 Enforcement of Rules and Procedures.**

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at Commission, meetings as requested by the council liaison and approved by the city manager.

1. ***Warning.*** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. ***Removal.*** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. ***Sergeant-at-Arms.*** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. ***Resisting Removal.*** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. ***Motion to Enforce.*** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

### **3.11 Council May Discipline its Own Members.**

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory Commissions is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the

City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory Commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

## ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, by days end of the day of posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the upcoming City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the eighth (8) calendar day preceding the date of the regular meeting.

If the agenda topic does not allow sufficient time for staff to adequately prepare the necessary reports, information, or materials for City Council's consideration, the mayor, city manager, and requesting council members shall discuss the matter and decide whether to move the item to a future Council agenda. Likewise if including the requested item(s) on the current Council agenda will result in an excessively long meeting, they shall discuss whether to move the item(s) to a future agenda meeting to balance out the City Council and staff workload. If no agreement can be reached on delaying the requested item, the requesting members shall prevail.

### 4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

#### **4.2 Executive Session Items.**

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

#### **4.3 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

#### **4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation**

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Commissions can independently determine if they would like to recite the pledges and conduct an invocation.

#### **4.5 Citizen Comments on Non-Agenda Items.**

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

#### **4.6 Items of Community Interest.**

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

#### **4.7 Presentations & Proclamations.**

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

#### **4.8 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

#### **4.9 Regular Agenda Items.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

#### **4.10 Citizen Comments on Agenda Items.**

All persons desiring to speak to the City Council on an agenda item must submit a “request to speak card” (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

#### **4.11 Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

#### **4.12 Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled “consent agenda.” Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

#### **4.13 Discussion Items.**

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

#### **4.14 Staff and Council Liaison Reports.**

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned Commissions. Council Liaisons may also bring forward items from their assigned Commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8(4)(d).

## **ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES**

### **5.1 Purpose.**

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

### **5.2 Agenda.**

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

### **5.3 Documents and Exhibits to be Presented.**

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at the same time the agenda is posted. When necessary, the mayor and city manager can introduce new material after the agenda has been posted when the new information is vital to an agenda item.

### **5.4 Technical Questions.**

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

### **5.5 Prohibitions Against Formal Actions.**

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

### **5.6 Audience Comments or Questions.**

Audience comments or questions will be considered at a work session subject to legal time constraints.

## **ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS**

### **6.1 Purpose.**

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

### **6.2 Rules Governing Citizen Comments.**

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items unless the council, by simple majority vote suspends this rule.

2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by simple majority, vote to suspend this rule.
3. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.
4. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
5. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
6. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
7. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.
  - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.

### **6.3 Preservation of Order.**

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

## **ARTICLE 7. COMMISSIONS**

### **7.1 General.**

All standing Commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc Commissions may be temporarily appointed and terminate upon completion of a specific task or special purpose for which they are created, or when abolished by a majority vote of the City Council. Ad hoc Commissions shall have no powers other than advisory to

the City Council and all Rules of Procedure apply to them, provided that such ad hoc Commissions shall not be required to follow any open meetings rules that are not applicable to such Commission under state law.

## **7.2 Meeting Times and Agenda Order.**

All regulatory Commissions shall be subject to these rules. Each Commission shall set their own agenda.

## **7.3 Commissions with Rulemaking, Independent Regulatory, or Quasi-Judicial Authority.**

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment. These may be referred to herein as “Regulatory Commissions”.

## **7.4 Commissions without Regulatory Authority.**

In no specific order: Lago Vista Parks and Recreation Advisory Commission, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Commission, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Commission, Lago Vista Youth Advisory Commission, and any additional non-regulatory city Commissions that are created.

## **7.5 Appointments.**

City Council Members shall review applications of all eligible applicants for vacant positions on the City’s Commissions. Each Council Member assigned as Liaison to a Commission shall nominate appointees to the specific Commission. City Council shall vote to approve or deny nominations, by majority vote, until such time as all vacancies have been filled on the specific Commission.

## **7.6 Commission Members’ Service.**

Members appointed to Regulatory Commissions shall serve 2-year terms in accordance with the City Charter. Members appointed to Commissions that *do not have* rulemaking, independent regulatory, or quasi-judicial authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all Commissions shall follow the Rules of Procedure set forth for the City Council. Members of Commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other Commission so as to encourage a broad base of citizen participation.

## **7.7 Open Government Training.**

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all Commission members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General’s website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

## **7.8 Council Liaisons and Commissions.**

### **1. Definition of Liaison**

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

### **2. Council Liaison**

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency Commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory Commission of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

### **3. Council Liaison Procedures**

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity. Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

### **4. Duties and Expectations of a Council Liaison**

- a. A Council member acting as a Liaison to a Commission is not a member of the Commission. Rather, the Councilmember is a positive resource to support the Commission in the completion of its work, subject to the rules stated below.
- b. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i To provide factual information to help support the discussions and deliberations of Commissions;
  - ii To answer Commission member questions;
  - iii To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council; and

- iv To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations.
- c. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.
- d. The Council liaison shall report on items and issues from their assigned Commission meetings, and shall bring to the Council, via an agenda item or during routine reports of the council liaisons, any requests from the Commission, such as the following:
  - i Questions raised by a Commission about the Commission's scope of work; and
  - ii Requests from the Commission to change the Commission's scope of work; and
  - iii Requests for expenditures of the city resources to further the Commission's work (money, staff time, or other resources); and
  - iv Requests from the Commission to place an item on a Council meeting agenda; and
  - v Items that are liaison or staff-initiated topics that need City Council input or need feedback to the Commission.

## 5. Selecting, replacing, and training of Commission members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the Commission. No candidate can be nominated to a Commission without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October – December timeframe.
- b. The council liaison is responsible for resolving any issues with a Commission member in consultation with the Commission chair and city attorney as appropriate. If the issue is with the Commission chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a Commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.
- c. Possible actions of the Council include:
  - i. **No Action.** The City Council chooses to take no action.

- ii. ***Private Censure.*** The City Council may choose to privately censure the offending member.
  - iii. ***Public Censure.*** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
  - iv. ***Removal.*** If the violation is severe enough in nature, the council; may make the decision to remove the member from the Commission.
- d. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a Commission member must conform with rules covered in the city charter, ordinances, and state law.
  - e. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced Commission members. This includes appropriate legal and/or specific subject- matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City’s budget.

#### **6. Selecting and replacing council liaisons**

- a. After elections each November, the city council members will discuss each Commission, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the Commission chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

#### **7. Selecting Commission officers**

Each January, each Commission is required to elect a chair, vice-chair, and secretary from among its members.

#### **8. Planning and reporting of the annual work plan of the Commission**

- a. At the beginning of each calendar year, each Commission other than the Board of Adjustment will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary.
- b. The Commission and related department head will review the Commission’s annual work plan once a year.
- c. Every June or July, the Commission chair will report to the city council the progress on the Commission’s annual work plan. Objectives and priorities will be adjusted as required.

#### **9. Preparing and publishing the agendas**

- a. The Commission chair will have the ultimate responsibility for creating the agenda for each meeting of non-regulatory Commissions. City staff will have the ultimate responsibility for bringing forward to the Commission chair the relevant development applications for inclusion in the agenda for each meeting of Regulatory Commissions.

- i. The Commission chair is responsible for accumulating desired agenda items from the other Commission members, and city staff.
  - ii. If council liaison would like an item included on a Commission's agenda, he/she will bring that item before city council for discussion, consideration and possible action followed by the council liaison reporting back to city council the actions of the Commission on said item.
  - iii. If an item is presented by the council liaison acting on behalf of the City Council, the Commission chair cannot withhold the item from the agenda.
  - iv. If a department head or Council liaison brings forward an item that is a development application or other matter with mandatory timelines, the Commission chair cannot withhold the item from the agenda.
  - v. The Commission chair has the authority to interact with the council liaison and the department head related to the Commission for the purpose of gathering appropriate information that should accompany agenda items. Should the Commission chair feel he/she needs access to other city staff, he/she will do so through city manager.
  - vi. The agenda should be emailed to the department head related to the Commission a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.
- b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the Commission chair and council liaison will be jointly responsible for:
  - i. determining what supporting material should be provided in a packet to the Commission prior to the meeting.
  - ii. accumulating the appropriate material with support of city staff; and
  - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c. Staff shall confirm that any application for consideration by a Commission or council is complete and shall prepare and publish the associated staff report before posting or publishing any required notices.
- d. If a staff report or recommendation includes reference to an ordinance, statute, or other regulation, then staff shall include a copy of the relevant and pertinent provisions of the current version of such ordinance, statute, or regulation in the packet of materials provided to the applicable Commission, or council.
- e. If a staff report or recommendation includes reference to a property, a map or maps are required to be added to the agenda item.
- f. The Commission secretary (whether Commission member or city staff depending on whether it is a state mandated Commission), chairperson, or related department head is responsible for the distribution of final agenda and packet items to Commission members and council liaison.

## **10. Roles in Commission meetings**

- a. Appropriate city staff and council liaison are permitted in executive sessions for their designated Commissions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated Commissions where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a Commission meeting.
- d. The council liaison has no voting rights in such meetings.
- e. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i. To provide factual information to help support the discussions and deliberations of Commissions;
  - ii. To answer Commission member questions;
  - iii. To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council;
  - iv. To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations; and
  - v. To act as Parliamentarian for the Commission.
- f. All the above apply equally to open and executive session segments of a Commission meeting.
- g. A council liaison attends all meetings of his or her assigned Commissions, and if the council liaison cannot attend a meeting in person, he or she should attend such meeting by video conference call or arrange a replacement council member.
- h. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.

## **11. Subcommittees**

- a. Commissions may make use of subcommittees (a non-quorum subset of the Commission) to analyze issues and bring back recommendations to the full entity.
- b. To appropriately create a subcommittee, an item must be placed on the Commission's official agenda to discuss and possibly take action on the issue at hand and the use of a subcommittee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a subcommittee to review the issue and report back information and recommendations to the full body. When creating a subcommittee, the full body in its motion should specify:
  - i. The issue the subcommittee will review;

- ii. The members of the subcommittee (no more than 1 less than a quorum of the full body); and
- iii. iii. The time frame within which the sub-committee will operate.

## TABLE OF MOTIONS AND POINTS OF ORDER

| MOTION/ORDER                                            | REQUIRES SECOND | DEBATABLE | AMENDABLE | VOTE TYPE               |
|---------------------------------------------------------|-----------------|-----------|-----------|-------------------------|
| Basic Motion                                            | Yes             | Yes       | Yes       | Simple                  |
| Motion to Amend                                         | *               | No        | Yes       | N/A                     |
| Motion to Adjourn                                       | Yes             | No        | No        | Simple                  |
| Motion to Recess                                        | Yes             | No        | Yes       | Simple                  |
| Motion to Fix the Time to Adjourn                       | Yes             | No        | No        | Simple                  |
| Motion to Table                                         | Yes             | No        | No        | Simple                  |
| <b>Motion to Limit Debate</b>                           | Yes             | No        | No        | <b>Super</b>            |
| <b>Motion to Object to the Consideration of an Item</b> | Yes             | No        | No        | <b>Super</b>            |
| <b>Motion to Suspend Rules</b>                          | Yes             | No        | No        | <b>Super</b>            |
| Motion to Reconsider                                    | Yes             | Yes       | Yes       | Simple                  |
| Point of Privilege                                      | No              | No        | No        | N/A                     |
| Point of Order                                          | No              | No        | No        | N/A                     |
| Motion to Appeal                                        | Yes             | Yes       | No        | Simple                  |
| Call for Orders of the Day                              | No              | No        | No        | N/A                     |
| Withdraw a Motion                                       | No              | No        | No        | N/A                     |
| Motion to Enforce                                       | Yes             | No        | No        | Simple                  |
| <b>Motion to Hire/Fire the City Manager</b>             | Yes             | Yes       | Yes       | <b>At least 5 votes</b> |

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.

2:47:09 - 3:51:58

12. Discussion, consideration, and possible action regarding **Ordinance No. 25-01-16-01**; dis-annexing real property located at 18315 Lakeshore Blvd, Lago Vista, TX 78645 from the City's Corporate Limits.

*Council Member Roberts recused himself.*

DiAnn Tjon-Joe-Pin addressed the Council and presented her request to Di annex her homestead property at 18315 Lakeshore Blvd, Lago Vista, Tx from the City of Lago Vista.

**MOTION:** Councilor Benefield made a motion seconded by Mayor Pro Tem Durbin to deny request. Motion carried four (4) ayes to two (2) nays. Councilmembers Saum and Owen had the dissenting votes.

*Council Member Roberts returned to the dais.*



**CITY COUNCIL CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, DECEMBER 4, 2025  
3:00 PM  
CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD  
LAGO VISTA, TX**

Mayor Saum, Mayor  
Adam Benefield, Member  
Norma Owen, Member  
Paul Prince, Member  
Amanda Chavarria,  
Member  
Councilor Van Ness,  
Member  
Jess Hall, Member

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Present: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

**REGULAR SESSION WILL RECONVENE AT 4:00PM**

**I. CALL TO ORDER, CALL OF ROLL**

Shane Saum, Mayor  
Amanda Chavarria, Council Member  
Jess Hall, Council Member  
Adam Benefield, Council Member

Norma Owen, Mayor Pro-Tem  
Karen Van Ness, Council Member  
Paul Prince, Council Member

*Mayor Saum calls the meeting to order at 3:00 pm.*

**II. EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

*Council convenes into Executive Session at 3:01 pm.*

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

*Reconvene into open session at 4:02 pm*

1. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed) pursuant to Texas Government Code Section 551.071.  
*No Action – City Attorney, Brad Bullock states during executive session discussion on rules of procedure were discussed.*
2. Consultation with Legal Counsel concerning Claim # LB114381; Dave Stewart Vs City of Lago Vista pursuant to Texas Government Code Section 551.070 (1).  
*No Action*

#### **IV. INVOCATION**

*Invocation lead by Council Member Jess Hall.*

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

#### **VI. 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.

*Nan Nesmith addressed the Committee regarding the process for adopting dogs that are in the City's possession and expressed concerns related to animal control procedures.*

*Lynda Aird thanked City staff, specifically Amanda Harkins and Ernesto Rios for keeping residents informed and updated on City matters.*

#### **VII. ITEMS OF COMMUNITY INTEREST**

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

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

*Mayor Saum gives the following updates:*

*The Green Center will be open Saturday, December 6, from 10:00 AM to 4:00 PM at 21155 FM 1431.*

*Beginning in January 2026, hours change to the first Saturday of each month, 7:00 AM to 1:00 PM.*

*Movies on the Green will be held Friday, December 12, at the Lago Vista Golf Course featuring **ELF**. Seating opens at 5:30 PM; the movie begins between 6:00–6:15 PM. Admission is free. Concessions provided by the North Lake Travis Chamber of Commerce, with specials available from The Bunker Bar & Grille.*

*City offices will be closed December 24–26 for the Christmas holiday and January 1 for New Year's Day.*

### **VIII. 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.

1. Action regarding the November 13, 2025, Called City Council Meeting

Minutes. Moved by Norma Owen; seconded by Paul Prince to Approve.

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

2. Action regarding the November 20, 2025, Regular City Council Meeting Minutes. *Remove item 2 – to discuss Resolution 25-2177;*

Moved by Norma Owen; seconded by Paul Prince to Approve

*Councilor Prince did comment that Resolution 25-2177 in the minutes was on the December 4th agenda to be replaced by Ordinance No. 25-12-04-02.*

Motion Passed: 7- 0

Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

### **IX. WORK SESSION**

1. Discussion and workshop on preparing the City of Lago Vista Strategic Work Plan for Fiscal Year 2025-2026.  
*Mayor and Council Members discuss ideas and expectations for staff.*
2. Discussion regarding City Council's preferred approach to policing and provision of general direction to the City Manager and Interim Chief of Police consistent with Council consensus.  
*Council Member Benefield leads conversation on this item.*

3. Discussion regarding City Council's preferred approach to Code Compliance and provision of general direction to the City Manager consistent with Council consensus. *Council Member Benefield leads discussion on this item. Director of Development Services, Jordyn Strohmeyer speaks to Council regarding Code enforcement.*
4. Discussion and possible action on a proposal from Hines (Tessera) to trade approximately 2 acres of land from Lot 1 Block A Teserra on Lake Travis to the City of Lago Vista in exchange for .53 acres of land from the City of Lago Vista located on FM 1431 and part of 323.39 acres legal description ABS 2541 SUR 97 FAUBION F F ABS 2291 SUR 201 T & M C R R CO ACR 313.860 & ABS 286 SUR 152 FEHRANKAMP C D ACR 9.5302 (PT OF TRT B8.1) (TOTAL 323.3902AC) *Jordyn Strohmeyer, Director of Development Services and Ernesto Rios Director of Public Works speak to City Council and answer questions.*

Moved by Norma Owen; seconded by Jess Hall to

Table. Motion: 6 - 1

Voting For: Mayor Saum, Paul Prince, Amanda Chavarria, Councilor Van Ness

Voting Against: Adam Benefield

5. Discussion, consideration, and possible action regarding Ordinance No. 25-12-04-01; an ordinance of the City Council of the City of Lago Vista, Texas Pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, Providing for Amendments to Ordinance No. 24-09-19-01, Municipal Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Providing for Severability, and Effective Date. *Nichole Navarro, Finance Director speaks to City Council on this item. City Attorney, Brad Bullock answers questions to City Council. Item tabled to re-write ordinance and bring back to City Council.*

Moved by Paul Prince; seconded by Norma Owen to

Table. Motion : 7 - 0

Voting For: Mayor Saum, Adam Benefield, Amanda Chavarria, Councilor Van Ness, Jess Hall

Voting Against: None

## **X. ACTION ITEMS**

1. Consideration and possible action regarding Resolution No. 25-2179 through 25-2186; resolutions by the City Council of the City of Lago Vista, Texas appointing individuals to serve as members on various Boards, Commissions and Committees.

*Resolution No. 25-2179 appointed members to serve on the Airport Advisory Board. James Awalt, Glenn Chiappe, Nicholas Hargrove, and James Peck.*

*Moved by Shane Saum, seconded by Norma Owen to approve: 6-0-1*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Abstain: Adam Benefield – no reason given.*

*Resolution No. 25-2180 appointed members to serve on the Board of Adjustment. James Peck, Jennifer Grunewald, Enrique Lopez, and Nelson Minyard.*

*Moved by: Norma Owen, seconded by Shane Saum to approve 6-0-1*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Abstain: Adam Benefield – no reason given.*

*Resolution No. 25-2181 appointed members to serve on the Building & Standard Commission.*

*Jeff Koble, Clifton McCullough, Frank Robbins, and Dave Snyder. James Lee also appointed to replace Craig Sandifer who resigned.*

*Moved by: Paul Prince, seconded by Amanda Chavarria to approve 7-0*

*Voting for: Jess Hall, Adam Benefield, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Resolution No. 25-2182 appointed members to serve on the Economic Development Advisory Committee.*

*Justin Loucks, Corey Wright, Russell Murphy, Don Johndrow, and David VonOhlerking.*

*Moved by: Norma Owen, seconded by Karen Van Ness to approve 6-1.*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against: Adam Benefield*

*Resolution No. 25-2183 appointed members to serve on the Golf Course Advisory Committee.*

*Jack Desjardins, Gage Hunt, Michael McDonald, and Susan Mumford*

*Moved by: Jess Hall, seconded by Paul Prince to approve 6-0-1.*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Abstain: Adam Benefield – no reason given.*

*Resolution No. 25-2184 appointed members to serve on the Library Advisory Board. Mary Fear, Don Johndrow, Dale Mitchell, and Joe Dahlstrom.*

*Moved by: Amanda Chavarria, seconded by Paul Prince to approve 7-0.*

*Voting for: Jess Hall, Adam Benefield, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Resolution No. 25-2185 appointed members to serve on the Parks & Recreation Advisory Committee.*

*Moved by: Karen Van Ness, seconded by Norma Owen to approve 6-0-1.*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Abstain: Adam Benefield- no reason given.*

*Resolution No.25-2186 appointed members to serve on the Planning & Zoning Commission.*

*Moved by Paul Prince, seconded by Karen Van Ness to table 6-0-1.*

*Voting for: Jess Hall, Amanda Chavarria, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince*

*Voting against - None*

*Abstain: Adam Benefield – no reason given.*

2. Consideration and possible action regarding Resolution No. 25-2187 resolution of the City Council of the City of Lago Vista, Texas, appointing an individual to serve as Council Liaison to the Charter Review Committee for the 2026 calendar year.

*Councilor Hall selected to serve as liaison.*

*Moved by Amanda Chavarria; seconded by Adam Benefield*

*Motion to approve: 7- 0*

*Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall*

*Voting Against: None*

3. Consideration and possible action to authorize the City Manager to execute a service agreement between the City of Lago Vista & LJB Engineering for Phase 3 of the City's GIS Refresh- Quadrant 3 with Lidar in the amount of \$217,690.

*Director of Public Works, Ernesto Rios - provides information to City Council along with a presentation.*

*Director of Development Service, Jordyn Strohmeyer speaks to City Council.*

*Moved by Paul Prince; seconded by Amanda Chavarria to recommend for approval.*

*Motion to approve: 7- 0*

*Voting For: Mayor Saum, Adam Benefield, Norma Owen, Paul Prince, Amanda Chavarria, Councilor Van Ness, Jess Hall*

Voting Against: None

4. Consideration and possible action regarding the reconsideration of Resolution No. 25-2174, designating Councilor Benefield as the Council Liaison to the Planning & Zoning Commission, and possible action to appoint an alternative Councilor to serve as Council Liaison to the Planning & Zoning Commission.

*Motion to remove Councilor Benefield as Planning & Zoning Commission liaison.*

Moved by Jess Hall; seconded by Karen Van Ness

Motion: 5-1-1

Voting For: Jess Hall, Norma Owen, Shane Saum, Karen Van Ness, Paul Prince

Voting Against: Amanda Chavarria

Abstain: Adam Benefield – no reason given.

Motion to Appoint Paul Prince liaison to Planning & Zoning

Moved by Amanda Chavarria, seconded by Karen Van Ness

Approve Motion: 5 – 1 - 1

Voting For: Amanda Chavarria, Mayor Saum, Norma Owen, Karen Van Ness, Paul Prince

Voting Against: Jess Hall

Abstain: Adam Benefield – no reason given.

5. Consideration and possible action to replace Resolution No. 25-2177 with Ordinance per the advice of legal counsel.

*Attorney, Brad Bullock discusses ordinance language with City Council.*

Moved by Adam Benefield; seconded by Amanda Chavarria to Approve as Amended.

Motion Passed: 4- 3

Voting For: Norma Owen, Jess Hall, Adam Benefield, Amanda Chavarria

Voting Against: Mayor Saum, Paul Prince, Karen Van Ness

6. Consideration and possible action regarding liaisons for informal City Committees and other Community Committees.

*City Council discusses roles as informal liaisons for KLVV (Keep Lago Vista Beautiful), LVISD (Lago Vista Independent School District), and POA (Property Owners Association).*

7. Discussion and possible action pertaining to City Council's role in the confirmation process for Chief of Police of LVPD.  
*Council Member, Karen Van Ness leads conversation on this item.*  
*City Manager, Charles West discusses process for hiring Police Chief.*  
*No Action.*

## **XI. STAFF AND COUNCIL LIAISON REPORTS**

- A. Routine Reports from City Staff.
- B. Routine Reports from City Council Board/Commission/Committee Liaisons.

*City Manager, Charles West advised City Council that staff are diligently working on the 2026 Strategic Plan and that he is in the process of updating the requirements for posting the Police Chief position.*

*Mayor Pro-Tem, Owen provided an update on the Economic Development Corporation (EDC).*

*Mayor. Shane Saum provided updates regarding the Airport Advisory Board (AAB), governmental affairs, and TDEAM.*

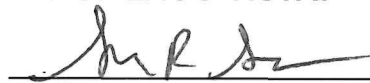
*Councilor Prince provided an update on the Irrigation Committee.*

## **XII. ADJOURNMENT**

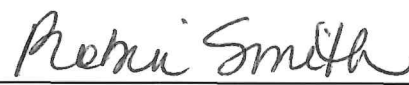
*Mayor Saum adjourned the meeting at: 8:20 pm.*



**CITY OF LAGO VISTA:**

  
 Shane Saum, Mayor

**ATTEST:**

  
 Robin Smith, City Secretary

On a motion by Councilmember Norma Owen, seconded by Councilmember Jess Hall, the above and foregoing instrument was passed and approved.

# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Saum, City Council

**SUBJECT:** Consideration and possible action regarding the creation of the Capital Improvements Advisory Committee to meet requirements under Texas state law related to impact fees and for council to give direction.

**BACKGROUND:** At the March 5, 2026 City Council meeting, the City's consultant, Freese and Nichols, stated during discussion of the City's impact fee analysis that Texas state law requires the City to establish a Capital Improvements Advisory Committee (CIAC). Under Chapter 395 of the Texas Local Government Code, municipalities that adopt impact fees are required to create a committee to advise the City Council on land use assumptions, capital improvement plans, and other matters related to impact fees.

While the City is not currently proposing changes to its impact fees, the committee is a statutory requirement associated with maintaining and periodically reviewing the City's impact fee program. Establishing this committee will help ensure the City is meeting its obligations under state law while the current impact fee analysis process continues.

**FINDINGS:** Creating the Capital Improvements Advisory Committee will allow the City to formally comply with state requirements related to impact fees and ensure that the City remains in good standing as it completes the required five-year impact fee review process. The committee would provide advisory input to City Council regarding impact fee related planning documents and updates as required by state law.

Because the City is not seeking to modify its impact fees at this time, the committee's role would primarily be to assist the City in fulfilling the minimum statutory requirements associated with the ongoing impact fee review process.

**ATTACHMENTS:**  
[26-2199 CIAC Resolution.pdf](#)

## **RESOLUTION NO. 26-2199**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE PURSUANT TO CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR MEMBERSHIP, TERMS, AND DUTIES OF THE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Lago Vista has adopted impact fees pursuant to Chapter 395 of the Texas Local Government Code; and

WHEREAS, Chapter 395 of the Texas Local Government Code requires municipalities that adopt or update impact fees to establish a Capital Improvements Advisory Committee to advise the governing body on land use assumptions, capital improvements plans, and other matters related to impact fees; and

WHEREAS, at the March 5, 2026 meeting of the Lago Vista City Council, the City's consultant, Freese and Nichols, advised the Council that establishing a Capital Improvements Advisory Committee is required under state law as part of the impact fee analysis process; and

WHEREAS, the City Council desires to establish such a committee in order to comply with the requirements of state law and to assist the City in meeting its statutory obligations related to the review and maintenance of its impact fee program.

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

#### **SECTION 1. CREATION OF COMMITTEE**

The City Council hereby establishes a Capital Improvements Advisory Committee (CIAC) pursuant to Chapter 395 of the Texas Local Government Code.

#### **SECTION 2. PURPOSE**

The Capital Improvements Advisory Committee shall serve in an advisory capacity to the City Council and shall perform the duties required under Texas Local Government Code Chapter 395, including but not limited to:

1. Advising and assisting the City in adopting land use assumptions relating to impact fees.
2. Reviewing the capital improvements plan and making recommendations to the City Council regarding such plan.
3. Monitoring and evaluating the implementation of the capital improvements plan.
4. Filing periodic reports with respect to the progress of the capital improvements plan and the assessment of impact fees.

5. Advising the City Council regarding any updates to land use assumptions, capital improvements plans, or impact fee calculations as required by state law.

### **SECTION 3. MEMBERSHIP**

The Capital Improvements Advisory Committee shall consist of **five (5) members** appointed by the City Council.

In accordance with Section 395.058 of the Texas Local Government Code:

- **At least forty percent (40%) of the committee members must be representatives of the real estate, development, or building industries who are not employees or officials of the City.**

The remaining members may be residents, business owners, or other stakeholders within the City of Lago Vista.

### **SECTION 4. TERMS**

Members of the Capital Improvements Advisory Committee shall serve **two-year terms**, unless otherwise determined by the City Council at the time of appointment.

Members may be reappointed at the discretion of the City Council.

### **SECTION 5. ORGANIZATION**

The committee shall select a **Chair** from among its members. The committee may adopt procedures for the conduct of its meetings consistent with state law and City policies.

Meetings shall be conducted in compliance with the **Texas Open Meetings Act**.

### **SECTION 6. STAFF SUPPORT**

City staff and consultants engaged by the City may provide technical support, information, and administrative assistance to the committee as necessary to fulfill its duties.

### **SECTION 7. EFFECTIVE DATE**

This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Lago Vista, Texas, on this 19<sup>th</sup> day of March, 2026.

**[Approval Follows]**

**CITY OF LAGO VISTA**

ATTEST:

\_\_\_\_\_  
Shane Saum, Mayor

\_\_\_\_\_  
Robin Smith, City Secretary

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



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Benefield, City Council

**SUBJECT:** Discussion regarding proposed revisions to the City of Lago Vista Rules of Procedure.

**BACKGROUND:** The City Council previously adopted Rules of Procedure to guide the conduct of meetings for the City Council, boards, commissions, and advisory committees. Following discussion among Council members regarding potential simplification of these rules, the attached materials present a streamlined alternative intended to maintain the essential structure and functionality of the current Rules of Procedure while reducing unnecessary complexity.

The proposed revisions focus on removing duplicative provisions already governed by the City Charter, the Texas Open Meetings Act, state law, and recognized parliamentary authorities such as Rosenberg's Rules of Order. The goal of this effort was to remove provisions that are not legally enforceable or could be perceived as punitive or subject to misuse, while preserving the mechanisms necessary to conduct orderly, transparent, and efficient meetings.

The revised draft retains provisions related to meeting management, citizen participation, parliamentary procedure, and the orderly conduct of meetings, while relying on existing governing authorities where appropriate.

## FINDINGS:

## ATTACHMENTS:

[ROP - Final - March 10th, 2026.pdf](#)  
[ROP - Redline with Legal Review - March 10th, 2026.pdf](#)  
[Memo - ROP.pdf](#)



## **Page 1 - RULES OF PROCEDURE FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**

Adopted: 2021

Amended: April 2024

Amended: March 2026

Sources Include: These Rules of Procedure are adopted by the City Council of the City of Lago Vista pursuant to Article III, Section 13 of the City Charter, which authorizes the City Council to determine its own rules of procedure.

These Rules are intended to provide a clear and efficient framework for the conduct of City Council meetings and the orderly consideration of City business while ensuring compliance with the Texas Open Meetings Act, the City Charter, and applicable laws of the State of Texas.

### **Page 2 and 3 Update Per the Final Document**

## **Page 4 - ARTICLE 1 - AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Authority**

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas authorizes the City Council to determine its own rules of procedure. These Rules of Procedure are adopted pursuant to that authority.

### **1.2 Applicability**

These Rules of Procedure apply to the City Council and to the boards, commissions, and committees of the City of Lago Vista as provided by the City Charter and applicable ordinances.

When these Rules reference “Commissions,” the term shall include committees, boards, and commissions unless otherwise indicated.

Open meetings requirements apply as provided by state law. Certain boards, commissions, or advisory bodies may be subject to different requirements depending on whether they possess rule making, regulatory, or quasi-judicial authority.

References to the Mayor within these Rules shall also apply to the presiding officer of a commission where appropriate.

References to the City Council shall apply to commissions when those bodies operate under these Rules unless otherwise provided by law or ordinance.

Additional provisions governing commissions are contained in Article 7 of these Rules.

### 1.3 Annual Review

Following municipal elections each year, the City Council may review these Rules of Procedure and make amendments as appropriate.

If no action is taken, the existing Rules shall remain in effect until amended by the City Council in accordance with the City Charter.

Any amendments shall be adopted in accordance with the procedures established in Section 2.15 of these Rules.

## ARTICLE 2 - GENERAL RULES OF PROCEDURE AND POLICIES

### 2.1 Construction of Authority

In matters concerning City Council meetings and procedures, authority shall be interpreted in the following order of precedence:

1. The United States Constitution and federal law
2. The Texas Constitution and laws of the State of Texas
3. The City Charter
4. The Code of Ordinances of the City of Lago Vista
5. These Rules of Procedure
6. Rosenberg's Rules of Order, when not inconsistent with the above authorities

### 2.2 Meetings Shall Be Public

All meetings of the City Council shall be public and conducted in accordance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Notice of meetings shall be posted as required by state law.

Meetings of the City Council and regulatory commissions shall be recorded in accordance with the Charter and state law, as applicable.

### 2.3 Conduct of Meetings

Meetings of the City Council shall be conducted in accordance with these Rules of Procedure and Rosenberg's Rules of Order when not inconsistent with these Rules, the City Charter, or applicable law.

## 2.4 Regular Meetings

Regular meetings of the City Council shall be held on the first and third Thursday of each month unless otherwise changed by action of the City Council in accordance with the City Charter and applicable law.

## 2.5 Special Meetings

Special meetings of the City Council may be called by the Mayor or by two members of the City Council in accordance with the Texas Open Meetings Act. Notice shall be provided as required by law.

## 2.6 Emergency Meetings

Emergency meetings may be called when permitted under the Texas Open Meetings Act and shall follow the notice requirements provided by state law.

## 2.7 Work Sessions

Work sessions may be held for the purpose of discussing matters that may properly come before the City Council.

Work sessions are intended for discussion, information sharing, and direction to staff.

No formal action shall be taken at a work session unless permitted by law and properly noticed.

## 2.8 Executive Sessions

Executive sessions may be held only for purposes authorized by the Texas Open Meetings Act and shall be conducted in accordance with applicable state law.

## 2.9 Recessed Meetings

Meetings may be recessed and continued as permitted by applicable state law.

## 2.10 Quorum

The number of members required to constitute a quorum for the conduct of City Council business shall be as defined by the City Charter and state law, as applicable.

## 2.11 Conflict of Interest

Conflicts of interest involving members of the City Council shall be governed by the City Charter, applicable state law, and the City Ethics Code.

## 2.12 Presiding Officer

The Mayor, or in the Mayor's absence the Mayor Pro Tem or other presiding officer authorized by the City Charter, shall preside at meetings of the City Council.

The presiding officer shall rule on procedural matters related to these Rules. Decisions of the presiding officer may be appealed to the City Council.

The presiding officer may participate in discussion and vote on all matters before the City Council.

## 2.13 Minutes of Meetings

The City Secretary shall keep minutes of all City Council meetings.

Minutes shall be maintained as public records and shall be available for inspection in accordance with state law.

## 2.14 Suspension of Rules

Any provision of these Rules not governed by federal law, state law, or the City Charter may be temporarily suspended by a supermajority vote of the City Council.

## 2.15 Amendment of Rules

These Rules of Procedure may be amended or new rules adopted by a supermajority vote of the City Council in accordance with the City Charter.

# ARTICLE 3 - PARLIAMENTARY PROCEDURE

## 3.1 Purpose

The purpose of these parliamentary procedures is to provide an orderly and efficient process for conducting City Council meetings.

These procedures are intended to facilitate discussion, encourage participation, and allow the City Council to reach decisions on matters properly before the Council.

### 3.2 Model Format for Agenda Item Discussion

The following format may be used as a guide by the presiding officer when considering agenda items:

1. The presiding officer announces the agenda item.
2. Staff or appropriate presenters provide a report or recommendation.
3. Members of the City Council may ask clarifying or technical questions.
4. Public comment is received if applicable.
5. A motion is made by a member of the City Council.
6. The motion is seconded by another member of the City Council.
7. The City Council discusses the motion.
8. The presiding officer calls for a vote.
9. The presiding officer announces the outcome of the vote.

This format is intended as a guideline and may be adjusted as necessary to facilitate the efficient conduct of meetings.

### 3.3 Basic Motions

A basic motion places a matter before the City Council for consideration and action.

A motion should clearly state the proposed action.

Once a motion has been made and seconded, it is subject to discussion and debate before a vote is taken.

### 3.4 Motion to Amend

A motion to amend allows a member of the City Council to propose a change to a motion currently under consideration.

An amendment must receive the consent of the member who made the original motion and the member who seconded the motion, and must be approved by a majority vote of the City Council.

### 3.5 Discussion and Debate

After a motion has been made and seconded, members of the City Council may discuss the motion before a vote is taken.

Discussion shall be directed toward the subject matter of the motion.

The presiding officer may manage discussion to ensure orderly participation and efficient use of meeting time.

### 3.6 Other Motions

The following motions may be used during City Council meetings:

- Motion to Adjourn – Ends the meeting and requires a simple majority vote.
- Motion to Recess – Temporarily suspends the meeting for a specified period and requires a simple majority vote.
- Motion to Fix the Time to Adjourn – Establishes a time for adjournment and requires a simple majority vote.
- Motion to Table – Temporarily postpones consideration of an item and requires a simple majority vote.
- Motion to Remove from Table – Returns a previously tabled item to the agenda and requires a simple majority vote.

### 3.7 Motions Requiring a Supermajority Vote

Certain motions require a supermajority vote of the City Council as defined by the City Charter.

These include:

- Motion to Limit Debate (call the question)
- Motion to Object to the Consideration of an Item
- Motion to Suspend the Rules
- Any action requiring a supermajority under the City Charter or applicable law

### 3.8 Motion to Reconsider

A motion to reconsider allows the City Council to reconsider a vote previously taken.

The motion must be made either during the same meeting or at the next regular meeting if properly noticed.

The motion may only be made by a member who voted on the prevailing side of the original motion.

If the motion passes, the matter returns to the Council for discussion and action.

### 3.9 Courtesy, Decorum, and Order

Meetings of the City Council shall be conducted in a manner that promotes respect, professionalism, and orderly discussion.

All persons addressing the City Council shall do so only after recognition by the presiding officer and shall limit their comments to the subject under consideration.

The presiding officer shall maintain order and decorum during meetings and may take reasonable steps necessary to ensure the orderly conduct of the meeting.

These provisions shall be applied in a content-neutral manner consistent with constitutional free speech protections.

### 3.10 Enforcement of Rules and Procedures

The presiding officer is responsible for enforcing these Rules of Procedure and maintaining order during meetings.

If any person disrupts the orderly conduct of a meeting, the presiding officer may issue a warning.

If the disruption continues after a warning, the presiding officer may order the person removed from the meeting in accordance with applicable law.

Law enforcement personnel present may assist when requested.

Enforcement shall be applied in a content-neutral manner consistent with constitutional free speech protections.

### 3.11 Discipline of Council Members

The City Council may address conduct of its members in accordance with the City Charter, applicable law, and the City Ethics Code.

If concerns arise regarding the conduct of a council member, the Council may review the matter in executive session when permitted by law.

Any action taken shall occur in open session and may include no action, private censure, or as permitted by the Charter, Code of Ordinances, or State Law, as applicable.

### 3.12 Parliamentary Authority

Procedural matters not addressed in these Rules shall be governed by Rosenberg's Rules of Order, provided such rules do not conflict with the City Charter, state law, or these Rules of Procedure.

## ARTICLE 4 - MEETING AGENDAS

### Article 4 – Introductory Section

The Mayor and the City Manager, or an appropriate designee, shall prepare the agenda for City Council meetings and ensure that the agenda is posted in accordance with the Texas Open Meetings Act.

Agenda materials shall be distributed to members of the City Council electronically or in another format as determined by the City Manager or City Secretary.

Agenda items may be placed on the agenda by the Mayor, the City Manager, or any two members of the City Council.

Requests for agenda items should be submitted to the City Manager's office with sufficient time for staff to prepare any necessary reports or supporting materials.

The City Secretary shall ensure the agenda is posted in compliance with the Texas Open Meetings Act.

### 4.1 Call to Order and Announcement of a Quorum

The Mayor shall call the meeting to order and announce whether a quorum of the City Council is present.

The Mayor shall also state for the record the names of any members who are absent.

### 4.2 Executive Session Items

When necessary, the City Council may convene in executive session in accordance with the Texas Open Meetings Act and state law and rules, as applicable.

The agenda shall identify the statutory authority for the executive session as required by law.

#### 4.3 Action on Executive Session Items

Any action related to matters discussed in executive session shall occur in open session and shall be properly noticed on the agenda.

#### 4.4 Pledge of Allegiance and Invocation

The meeting may include the Pledge of Allegiance to the United States Flag and the Texas Flag.

An invocation may also be given at this time.

Commissions may determine independently whether to include these items in their meetings.

#### 4.5 Citizen Comments on Non-Agenda Items

Members of the public may address the City Council regarding matters not listed on the agenda in accordance with the Rules Governing Citizen Comments set forth in Article 6.

The City Council may respond to such comments only as permitted by the Texas Open Meetings Act.

#### 4.6 Items of Community Interest

Members of the City Council may make announcements regarding items of community interest consistent with state law.

#### 4.7 Presentations and Proclamations

The Mayor may present proclamations or recognize individuals, organizations, or events of significance to the community.

#### 4.8 Public Hearings

When required by law or ordinance, the City Council shall conduct public hearings.

The presiding officer shall open the public hearing, receive public comments, and close the public hearing before the City Council deliberates or takes action.

#### 4.9 Regular Agenda Items

Items requiring discussion or action by the City Council shall be listed individually on the agenda.

Each item shall be considered separately unless otherwise approved by the City Council.

#### 4.10 Citizen Comments on Agenda Items

Members of the public may address the City Council on agenda items in accordance with the Rules Governing Citizen Comments set forth in Article 6.

#### 4.11 Approval of Minutes

The City Council shall review and consider approval of minutes from previous meetings as appropriate.

#### 4.12 Consent Agenda

The consent agenda may include routine items that are considered non-controversial.

The consent agenda may be approved by a single motion.

Any member of the City Council may request that an item be removed from the consent agenda for separate consideration.

#### 4.13 Discussion Items

Discussion items may be included on the agenda for the purpose of providing information to the City Council or receiving direction from the City Council.

No final action shall be taken unless specifically authorized by law and properly noticed.

#### 4.14 Staff and Council Liaison Reports

Staff and Council Liaisons may provide informational reports regarding departmental activities, commission activities, or other matters relevant to City operations.

No action may be taken on such reports unless the item is separately listed on the agenda.

## ARTICLE 5 - WORK SESSION POLICIES AND PROCEDURES

### 5.1 Purpose

The City Council may conduct work sessions to allow for detailed discussion and review of matters that may properly come before the City Council.

Work sessions are intended to provide an opportunity for information sharing, discussion, and direction to staff.

### 5.2 Agenda

Work session items shall be included on the posted meeting agenda in accordance with the Texas Open Meetings Act.

Work session agendas may follow a simplified format appropriate for discussion-oriented meetings.

### 5.3 Documents and Exhibits to be Presented

Staff should provide available documents, exhibits, maps, reports, or other materials related to work session agenda items to the City Council in advance of the meeting whenever practicable.

### 5.4 Technical Questions

Work sessions may be used to address technical questions or detailed explanations related to matters under consideration by the City Council.

Staff or subject matter experts may be invited to attend work sessions to provide information and answer questions.

### 5.5 Formal Action

No formal action shall be taken during a work session unless the action is properly noticed on the agenda and permitted by law.

Work sessions are primarily intended for discussion and direction to staff.

## 5.6 Audience Comments or Questions

Public comments may be permitted during work sessions at the discretion of the presiding officer and in accordance with applicable law and these Rules of Procedure.

## ARTICLE 6 - RULES GOVERNING CITIZEN COMMENTS

### 6.1 Purpose

The City Council values public participation and encourages citizens to address the Council on matters of public concern related to the business of the City.

These rules are intended to provide an orderly and respectful opportunity for members of the public to speak while allowing the City Council to conduct its business efficiently.

### 6.2 Rules Governing Citizen Comments

#### Time for Public Comment

1. A maximum of thirty (30) minutes total may be allocated for citizen comments on non-agenda items unless extended by a majority vote of the City Council.

#### Speaker Time Limits

2. Individual speakers are generally limited to three (3) minutes per speaker unless extended by the presiding officer or by a majority vote of the City Council.

#### Donating Speaking Time

3. A speaker may not transfer or donate speaking time to another speaker.

#### Speaker Cards

4. Individuals wishing to speak are encouraged to submit a request to speak form prior to the beginning of the meeting; however, the presiding officer may allow comments from individuals who have not submitted a form when time permits.

#### Relevance of Comments

5. Comments on agenda items shall relate to the subject matter listed on the agenda.

#### Jurisdiction of Comments

6. Comments on non-agenda items should relate to matters within the authority or jurisdiction of the City Council.

#### Open Meetings Act Limits

7. In accordance with the Texas Open Meetings Act, the City Council may not deliberate or take action on non-agenda items raised during citizen comments except to:

- a. provide a statement of specific factual information
- b. provide a recitation of existing policy
- c. request that the item be placed on a future agenda

#### Visual Displays

8. Visual materials or exhibits used by speakers must not disrupt the meeting or obstruct the view of other attendees.

#### Conduct of Speakers

9. Speakers shall conduct themselves in a respectful manner. The presiding officer may require speakers to refrain from conduct that disrupts the orderly conduct of the meeting and take other legally permissible action to maintain order of the meeting.

#### 6.3 Preservation of Order

The presiding officer shall maintain order and decorum during meetings.

If a person disrupts the orderly conduct of a meeting after receiving a warning from the presiding officer, the presiding officer may order the person to leave the meeting room in accordance with applicable law.

Law enforcement personnel present at the meeting may assist in maintaining order if requested by the presiding officer.

## ARTICLE 7 - COMMISSIONS, BOARDS, AND COMMITTEES

## 7.1 Establishment of Commissions

Boards, commissions, and committees may be established by the City Council as authorized by the City Charter and applicable ordinances.

Such bodies may serve in advisory, regulatory, or other capacities as provided by law.

## 7.2 Appointment of Members

Members of boards and commissions shall be appointed by the City Council in accordance with the City Charter and applicable ordinances.

## 7.3 Terms of Service

Terms of service for members of boards and commissions shall be as established by the City Charter or the ordinance creating the body.

## 7.4 Training Requirements

Members of boards and commissions shall complete any training required by state law or city policy.

## 7.5 Council Liaison Role

The City Council may designate one or more members to serve as liaisons to boards and commissions.

The role of a liaison is to facilitate communication between the City Council and the board or commission.

Liaisons do not serve as members of the board or commission and do not possess voting authority.

## 7.6 Advisory Role of Commissions

Boards and commissions serve in an advisory capacity to the City Council unless otherwise provided by law or ordinance.

## 7.7 Compliance with Laws and Rules

Boards and commissions shall conduct meetings in accordance with the Texas Open Meetings Act and any applicable provisions of these Rules of Procedure.

## 7.8 Removal of Members

Members of boards and commissions may be removed by the City Council in accordance with the City Charter, applicable ordinances, and applicable law.

## ARTICLE 8 - EFFECTIVE DATE

### 8.1 Adoption and Effective Date

These Rules of Procedure shall take effect upon adoption by the City Council of the City of Lago Vista.

These Rules shall remain in effect until amended or repealed by the City Council in accordance with the City Charter and applicable law.

Page 25 - Remains

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Amendments to motions may be made by any member of the City Council.

An amendment must receive a second and shall be approved by a majority vote of the City Council.

Amendments shall be considered and acted upon before a vote is taken on the main motion.

Parliamentary procedures related to amendments not addressed in these Rules shall be governed by Rosenberg's Rules of Order.

# **Page 1 - RULES OF PROCEDURE FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**

Adopted: 2021

Amended: April 2024

Amended: March 2026

Sources Include:

~~Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.~~

These Rules of Procedure are adopted by the City Council of the City of Lago Vista pursuant to Article III, Section 13 of the City Charter, which authorizes the City Council to determine its own rules of procedure.

These Rules are intended to provide a clear and efficient framework for the conduct of City Council meetings and the orderly consideration of City business while ensuring compliance with the Texas Open Meetings Act, the City Charter, and applicable laws of the State of Texas.

## **Page 2 and 3 Update Per the Final Document**

### **Page 4 - ARTICLE 1 - AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

#### **1.1 Authority**

~~Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.~~

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas authorizes the City Council to determine its own rules of procedure. These Rules of Procedure are adopted pursuant to that authority.

#### **1.2 Applicability**

~~The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and Commissions of the City of Lago Vista, in accordance with the Charter. Whenever these Rules use the term "Commissions" that term shall mean "committees, boards, and commissions" unless otherwise indicated.~~

~~Open meeting requirements of the City Council do not apply to city Commissions without rulemaking or independent regulatory authority, nor to quasi-judicial or ad hoc Commissions except as required under state law.~~

~~Processes for disciplinary action will be similar for the City Council and the regulatory Commissions but will vary for the nonregulatory Commissions.~~

~~Any reference to Mayor also applies to the presiding officer of a Commission of the City of Lago Vista. Any reference to City Council also applies to any Commission.~~

~~Decisions made by state-mandated Commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about Commissions can be found in Article 7 of this document.~~

These Rules of Procedure apply to the City Council and to the boards, commissions, and committees of the City of Lago Vista as provided by the City Charter and applicable ordinances.

When these Rules reference “Commissions,” the term shall include committees, boards, and commissions unless otherwise indicated.

Open meetings requirements apply as provided by state law. Certain boards, commissions, or advisory bodies may be subject to different requirements depending on whether they possess rule making, regulatory, or quasi-judicial authority.

References to the Mayor within these Rules shall also apply to the presiding officer of a commission where appropriate.

References to the City Council shall apply to commissions when those bodies operate under these Rules unless otherwise provided by law or ordinance.

Additional provisions governing commissions are contained in Article 7 of these Rules.

### 1.3 Annual Review

~~Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council’s right and ability to amend the rules at any other time during the year, in accordance with the Charter.~~

Following municipal elections each year, the City Council may review these Rules of Procedure and make amendments as appropriate.

If no action is taken, the existing Rules shall remain in effect until amended by the City Council in accordance with the City Charter.

Any amendments shall be adopted in accordance with the procedures established in Section 2.15 of these Rules.

## ARTICLE 2 - GENERAL RULES OF PROCEDURE AND POLICIES

### 2.1 Construction of Authority

~~The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.~~

In matters concerning City Council meetings and procedures, authority shall be interpreted in the following order of precedence:

1. The United States Constitution and federal law
2. The Texas Constitution and laws of the State of Texas
3. The City Charter
4. The Code of Ordinances of the City of Lago Vista
5. These Rules of Procedure
6. Rosenberg's Rules of Order, when not inconsistent with the above authorities

### 2.2 Meetings Shall Be Public

~~All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.~~

~~The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.~~

~~All meetings of the City Council or Commissions with rulemaking or independent regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers or a location approved by the Council Liaison.~~

~~Commissions without rulemaking or independent regulatory authority may be video recorded and posted to the city website when possible. All regulatory Commissions are mandated to~~

~~conduct their meetings in the Council Chambers, where video recording software is made available.~~

All meetings of the City Council shall be public and conducted in accordance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Notice of meetings shall be posted as required by state law.

Meetings of the City Council and regulatory commissions may be recorded and made available to the public when feasible.

## 2.3 Conduct of Meetings

~~Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.~~

Meetings of the City Council shall be conducted in accordance with these Rules of Procedure and Rosenberg's Rules of Order when not inconsistent with these Rules, the City Charter, or applicable law.

## 2.4 Regular Meetings

~~Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.~~

Regular meetings of the City Council shall be held on the first and third Thursday of each month unless otherwise changed by action of the City Council in accordance with the City Charter and applicable law.

## 2.5 Special Meetings

~~Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.~~

Special meetings of the City Council may be called by the Mayor or by two members of the City Council in accordance with the Texas Open Meetings Act. Notice shall be provided as required by law.

## 2.6 Emergency Meetings

~~In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.~~

Emergency meetings may be called when permitted under the Texas Open Meetings Act and shall follow the notice requirements provided by state law.

## 2.7 Work Sessions

~~Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.~~

Work sessions may be held for the purpose of discussing matters that may properly come before the City Council.

Work sessions are intended for discussion, information sharing, and direction to staff.

No formal action shall be taken at a work session unless permitted by law and properly noticed.

## 2.8 Executive Sessions

~~Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.~~

~~The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held.~~

~~A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law.~~

~~Legal advice discussed in executive session shall remain confidential unless the City Council votes to waive the attorney-client privilege.~~

Executive sessions may be held only for purposes authorized by the Texas Open Meetings Act and shall be conducted in accordance with applicable state law.

## 2.9 Recessed Meetings

~~No meeting shall be recessed for a longer period of time than allowed by state law.~~

Meetings may be recessed and continued as permitted by applicable state law.

## 2.10 Quorum

~~The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.~~

The number of members required to constitute a quorum for the conduct of City Council business shall be as defined by the City Charter.

## 2.11 Conflict of Interest

~~Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.~~

Conflicts of interest involving members of the City Council shall be governed by the City Charter, applicable state law, and the City Ethics Code.

## 2.12 Presiding Officer

~~Rules governing the presiding officer are defined in the City Charter.~~

~~The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal.~~

~~The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council.~~

~~Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions.~~

~~The presiding officer of Commissions shall be the person selected according to the rules defined in the appropriate enabling ordinance.~~

The Mayor, or in the Mayor's absence the Mayor Pro Tem or other presiding officer authorized by the City Charter, shall preside at meetings of the City Council.

The presiding officer shall rule on procedural matters related to these Rules. Decisions of the presiding officer may be appealed to the City Council.

The presiding officer may participate in discussion and vote on all matters before the City Council.

## 2.13 Minutes of Meetings

~~The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.~~

The City Secretary shall keep minutes of all City Council meetings.

Minutes shall be maintained as public records and shall be available for inspection in accordance with state law.

## 2.14 Suspension of Rules

~~Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote of the City Council.~~

Any provision of these Rules not governed by federal law, state law, or the City Charter may be temporarily suspended by a supermajority vote of the City Council.

## 2.15 Amendment of Rules

~~These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.~~

These Rules of Procedure may be amended or new rules adopted by a supermajority vote of the City Council in accordance with the City Charter.

# ARTICLE 3 - PARLIAMENTARY PROCEDURE

## 3.1 Purpose

~~The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and~~

~~facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.~~

The purpose of these parliamentary procedures is to provide an orderly and efficient process for conducting City Council meetings.

These procedures are intended to facilitate discussion, encourage participation, and allow the City Council to reach decisions on matters properly before the Council.

### 3.2 Model Format for Agenda Item Discussion

~~The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:~~

~~1. Announce the Item. The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.~~

~~2. Receive a Report. The mayor should invite the appropriate people to report on the item, including any recommendation they might have.~~

~~3. Council Discussion. The mayor should ask the council members if they have any technical questions for clarification.~~

~~4. Seek Citizen Input. The mayor should invite citizen comments or open the public hearing.~~

~~5. Motion First. The mayor should invite a motion from the City Council before debate is given.~~

~~6. Motion Second. The mayor should determine if any member wishes to second the motion.~~

~~7. Discuss the Motion. The mayor announces the motion and invites debate.~~

~~8. Vote. The mayor calls for the vote.~~

~~9. Announce the Outcome. The mayor announces the results of the vote.~~

The following format may be used as a guide by the presiding officer when considering agenda items:

1. The presiding officer announces the agenda item.
2. Staff or appropriate presenters provide a report or recommendation.
3. Members of the City Council may ask clarifying or technical questions.
4. Public comment is received if applicable.

5. A motion is made by a member of the City Council.
6. The motion is seconded by another member of the City Council.
7. The City Council discusses the motion.
8. The presiding officer calls for a vote.
9. The presiding officer announces the outcome of the vote.

This format is intended as a guideline and may be adjusted as necessary to facilitate the efficient conduct of meetings.

### 3.3 Basic Motions

~~The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.”~~

A basic motion places a matter before the City Council for consideration and action.

A motion should clearly state the proposed action.

Once a motion has been made and seconded, it is subject to discussion and debate before a vote is taken.

### 3.4 Motion to Amend

~~If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend seeks to retain the basic motion but modify it in some way. A motion to amend requires the agreement of the person making the original motion and the member who seconded the motion.~~

A motion to amend allows a member of the City Council to propose a change to a motion currently under consideration.

An amendment must receive a second and approval by a majority vote of the City Council.

### 3.5 Discussion and Debate

~~The basic rule of motions is that they are subject to discussion and debate. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question) which requires a super majority.~~

After a motion has been made and seconded, members of the City Council may discuss the motion before a vote is taken.

Discussion shall be directed toward the subject matter of the motion.

The presiding officer may manage discussion to ensure orderly participation and efficient use of meeting time. The presiding officer may manage discussion to ensure orderly participation and efficient use of meeting time.

### 3.6 Other Motions

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~~Motion to Adjourn, Motion to Recess, Motion to Fix the Time to Adjourn, Motion to Table, Motion to Remove from Table.~~ Detailed explanations of each motion follow in several paragraphs.

The following motions may be used during City Council meetings:

- Motion to Adjourn – Ends the meeting and requires a simple majority vote.
- Motion to Recess – Temporarily suspends the meeting for a specified period and requires a simple majority vote.
- Motion to Fix the Time to Adjourn – Establishes a time for adjournment and requires a simple majority vote.
- Motion to Table – Temporarily postpones consideration of an item and requires a simple majority vote.
- Motion to Remove from Table – Returns a previously tabled item to the agenda and requires a simple majority vote.

### 3.7 Motions Requiring a Supermajority Vote

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~~Normally a super majority vote consists of six votes. A detailed table explains how many votes are required depending on the number of members present.~~

Certain motions require a supermajority vote of the City Council as defined by the City Charter.

These include:

- Motion to Limit Debate (call the question)
- Motion to Object to the Consideration of an Item

- Motion to Suspend the Rules
- Any action requiring a supermajority under the City Charter or applicable law

### 3.8 Motion to Reconsider

~~A lengthy explanation describing timing rules and restrictions on who may make a motion to reconsider.~~

A motion to reconsider allows the City Council to reconsider a vote previously taken.

The motion must be made either during the same meeting or at the next regular meeting if properly noticed.

The motion may only be made by a member who voted on the prevailing side of the original motion.

If the motion passes, the matter returns to the Council for discussion and action.

### 3.9 Courtesy, Decorum, and Order

~~Extensive rules regarding speaking, interruptions, personal references, points of privilege, points of order, and appeals of the mayor's ruling.~~

Meetings of the City Council shall be conducted in a manner that promotes respect, professionalism, and orderly discussion. Council members are expected to conduct themselves in a manner that reflects the dignity of the office and promotes public confidence in the City Council.

All persons addressing the City Council shall do so only after recognition by the presiding officer and shall limit their comments to the subject under consideration.

The presiding officer shall maintain order and decorum during meetings and may take reasonable steps necessary to ensure the orderly conduct of the meeting.

These provisions shall be applied in a content-neutral manner consistent with constitutional free speech protections.

### 3.10 Enforcement of Rules and Procedures

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~~Detailed enforcement procedures including warnings, removal, designation of sergeant-at-arms, and references to Texas Penal Code §42.05.~~

The presiding officer is responsible for enforcing these Rules of Procedure and maintaining order during meetings.

If any person disrupts the orderly conduct of a meeting, the presiding officer may issue a warning.

If the disruption continues after a warning, the presiding officer may order the person removed from the meeting in accordance with applicable law.

Law enforcement personnel present may assist when requested.

Enforcement shall be applied in a content-neutral manner consistent with constitutional free speech protections.

### 3.11 Discipline of Council Members

~~In the event a council member violates the Charter, these Rules, or acts in a manner that causes embarrassment to the City of Lago Vista, the City Council may discipline the member. The process includes executive session review and detailed disciplinary procedures including private and public censure.~~

The City Council may address conduct of its members in accordance with the City Charter, applicable law, and the City Ethics Code. Nothing in these Rules limits the authority provided under the City Charter or City Ethics Code for addressing violations of ethical or professional conduct.

If concerns arise regarding the conduct of a council member, the Council may review the matter in executive session when permitted by law.

Any action taken shall occur in open session and may include no action, private censure, or public censure.

### 3.12 Parliamentary Authority

Procedural matters not addressed in these Rules shall be governed by Rosenberg's Rules of Order, provided such rules do not conflict with the City Charter, state law, or these Rules of Procedure.

## ARTICLE 4 - MEETING AGENDAS

### Article 4 – Introductory Section

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~~The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, by days end of the day of posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.~~

~~To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the upcoming City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the eighth (8) calendar day preceding the date of the regular meeting.~~

~~If the agenda topic does not allow sufficient time for staff to adequately prepare the necessary reports, information, or materials for City Council's consideration, the mayor, city manager, and requesting council members shall discuss the matter and decide whether to move the item to a future Council agenda. Likewise if including the requested item(s) on the current Council agenda will result in an excessively long meeting, they shall discuss whether to move the item(s) to a future agenda meeting to balance out the City Council and staff workload. If no agreement can be reached on delaying the requested item, the requesting members shall prevail.~~

The Mayor and the City Manager, or an appropriate designee, shall prepare the agenda for City Council meetings and ensure that the agenda is posted in accordance with the Texas Open Meetings Act.

Agendas shall be delivered to members of the City Council in the **format requested by each member.**

Agenda items may be placed on the agenda by the Mayor, the City Manager, or any two members of the City Council.

Requests for agenda items should be submitted to the City Manager's office with sufficient time for staff to prepare any necessary reports or supporting materials.

The City Secretary shall ensure the agenda is posted in compliance with the Texas Open Meetings Act.

#### 4.1 Call to Order and Announcement of a Quorum

~~The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.~~

The Mayor shall call the meeting to order and announce whether a quorum of the City Council is present.

The Mayor shall also state for the record the names of any members who are absent.

#### 4.2 Executive Session Items

~~This section is only used when it is necessary for the Council to convene in executive session.~~

~~Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.~~

~~If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.~~

When necessary, the City Council may convene in executive session in accordance with the Texas Open Meetings **Act**.

The agenda shall identify the statutory authority for the executive session as required by law.

#### 4.3 Action on Executive Session Items

~~This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.~~

Any action related to matters discussed in executive session shall occur in open session and shall be properly noticed on the agenda.

#### 4.4 Pledge of Allegiance and Invocation

~~The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Commissions can independently determine if they would like to recite the pledges and conduct an invocation.~~

The meeting may include the Pledge of Allegiance to the United States Flag and the Texas Flag.

An invocation may also be given at this time.

Commissions may determine independently whether to include these items in their meetings.

#### 4.5 Citizen Comments on Non-Agenda Items

~~All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.~~

Members of the public may address the City Council regarding matters not listed on the agenda in accordance with the Rules Governing Citizen Comments set forth in Article 6.

The City Council may respond to such comments only as permitted by the Texas Open Meetings Act.

#### 4.6 Items of Community Interest

~~The mayor, council members, and citizens will have an opportunity to speak about items of community interest.~~

Members of the City Council may make announcements regarding items of community interest consistent with state law.

#### 4.7 Presentations and Proclamations

~~The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.~~

The Mayor may present proclamations or recognize individuals, organizations, or events of significance to the community.

#### 4.8 Public Hearings

~~This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers but may not deliberate or argue with the public. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action after the public hearing is closed.~~

When required by law or ordinance, the City Council **may** conduct public hearings.

The presiding officer shall open the public hearing, receive public comments, and close the public hearing before the City Council deliberates or takes action.

#### 4.9 Regular Agenda Items

~~Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.~~

Items requiring discussion or action by the City Council shall be listed individually on the agenda.

Each item shall be considered separately unless otherwise approved by the City Council.

#### 4.10 Citizen Comments on Agenda Items

~~All persons desiring to speak to the City Council on an agenda item must submit a request to speak card to the City Secretary at least five minutes before meeting starts.~~

Members of the public may address the City Council on agenda items in accordance with the Rules Governing Citizen Comments set forth in Article 6.

#### 4.11 Approval of Minutes

~~The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.~~

The City Council shall review and consider approval of minutes from previous meetings as appropriate.

#### 4.12 Consent Agenda

~~There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda labeled "consent agenda." Said consent agenda may consist of routine business including approval of minutes.~~

~~Any member of the City Council may request that any item be removed from the consent agenda and considered separately.~~

The consent agenda may include routine items that are considered non-controversial.

The consent agenda may be approved by a single motion.

Any member of the City Council may request that an item be removed from the consent agenda for separate consideration.

#### 4.13 Discussion Items

~~Discussion items for individual consideration shall be considered and discussed by the City Council individually.~~

Discussion items may be included on the agenda for the purpose of providing information to the City Council or receiving direction from the City Council.

No final action shall be taken unless specifically authorized by law and properly noticed.

#### 4.14 Staff and Council Liaison Reports

~~This section is used for routine reports provided by staff regarding their respective departments and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned Commissions and may bring forward items for City Council consideration for future discussion and action if needed.~~

Staff and Council Liaisons may provide informational reports regarding departmental activities, commission activities, or other matters relevant to City operations.

No action may be taken on such reports unless the item is separately listed on the agenda.

## ARTICLE 5 - WORK SESSION POLICIES AND PROCEDURES

### 5.1 Purpose

~~City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.~~

The City Council may conduct work sessions to allow for detailed discussion and review of matters that may properly come before the City Council.

Work sessions are intended to provide an opportunity for information sharing, discussion, and direction to staff.

### 5.2 Agenda

~~Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.~~

Work session items shall be included on the posted meeting agenda in accordance with the Texas Open Meetings Act.

Work session agendas may follow a simplified format appropriate for discussion-oriented meetings.

### 5.3 Documents and Exhibits to be Presented

~~Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at the same time the agenda is posted. When necessary, the mayor and city manager can introduce new material after the agenda has been posted when the new information is vital to an agenda item.~~

Staff should provide available documents, exhibits, maps, reports, or other materials related to work session agenda items to the City Council in advance of the meeting whenever practicable.

#### 5.4 Technical Questions

~~All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.~~

Work sessions may be used to address technical questions or detailed explanations related to matters under consideration by the City Council.

Staff or subject matter experts may be invited to attend work sessions to provide information and answer questions.

#### 5.5 Formal Action

~~No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.~~

No formal action shall be taken during a work session unless the action is properly noticed on the agenda and permitted by law.

Work sessions are primarily intended for discussion and direction to staff.

#### 5.6 Audience Comments or Questions

~~Audience comments or questions will be considered at a work session subject to legal time constraints.~~

Public comments may be permitted during work sessions at the discretion of the presiding officer and in accordance with applicable law and these Rules of Procedure.

### ARTICLE 6 - RULES GOVERNING CITIZEN COMMENTS

#### 6.1 Purpose

~~It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are~~

~~properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.~~

The City Council values public participation and encourages citizens to address the Council on matters of public concern related to the business of the City.

These rules are intended to provide an orderly and respectful opportunity for members of the public to speak while allowing the City Council to conduct its business efficiently.

## 6.2 Rules Governing Citizen Comments

### Time for Public Comment

~~1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items unless the council, by simple majority vote, suspends this rule.~~

1. A maximum of **thirty (30) minutes** may be allocated for citizen comments on non-agenda items unless extended by a majority vote of the City Council.

### Speaker Time Limits

~~2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by simple majority vote, suspends this rule.~~

2. Individual speakers are generally limited to three (3) minutes per speaker unless extended by the presiding officer or by a majority vote of the City Council.

### Donating Speaking Time

~~3. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.~~

3. A speaker may not transfer or donate speaking time to another speaker.

### Speaker Cards

~~4. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.~~

4. Individuals wishing to speak are encouraged to submit a request to speak form prior to the beginning of the meeting; however, the presiding officer may allow comments from individuals who have not submitted a form when time permits.

#### Relevance of Comments

~~5. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.~~

5. Comments on agenda items shall relate to the subject matter listed on the agenda.

#### Jurisdiction of Comments

~~6. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.~~

6. Comments on non-agenda items should relate to matters within the authority or jurisdiction of the City Council.

#### Open Meetings Act Limits

~~7. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:  
a. Make a statement of specific factual information given in response to the inquiry, or  
b. A recitation of existing policy in response to the inquiry.  
c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.~~

7. In accordance with the Texas Open Meetings Act, the City Council may not deliberate or take action on non-agenda items raised during citizen comments except to:

- a. provide a statement of specific factual information
- b. provide a recitation of existing policy
- c. request that the item be placed on a future agenda

#### Visual Displays

~~8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.~~

8. Visual materials or exhibits used by speakers must not disrupt the meeting or obstruct the view of other attendees.

## Conduct of Speakers

~~9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.~~

~~10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.~~

~~11. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.~~

9. Speakers shall conduct themselves in a respectful manner. The presiding officer may require speakers to refrain from conduct that disrupts the orderly conduct of the meeting.

## 6.3 Preservation of Order

~~Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting.~~

The presiding officer shall maintain order and decorum during meetings.

If a person disrupts the orderly conduct of a meeting after receiving a warning from the presiding officer, the presiding officer may order the person to leave the meeting room in accordance with applicable law.

Law enforcement personnel present at the meeting may assist in maintaining order if requested by the presiding officer.

## ARTICLE 7 - COMMISSIONS, BOARDS, AND COMMITTEES

### 7.1 Establishment of Commissions

~~The City Council may create boards, commissions, and committees as authorized by the City Charter and City Code. Such bodies may be regulatory, advisory, or ad hoc in nature.~~

Boards, commissions, and committees may be established by the City Council as authorized by the City Charter and applicable ordinances.

Such bodies may serve in advisory, regulatory, or other capacities as provided by law.

## 7.2 Appointment of Members

~~Members of boards and commissions shall be appointed by the City Council in accordance with the procedures set forth in the City Charter and City Code.~~

Members of boards and commissions shall be appointed by the City Council in accordance with the City Charter and applicable ordinances.

## 7.3 Terms of Service

~~Terms of service for members of boards and commissions shall be determined by the City Charter or enabling ordinance.~~

Terms of service for members of boards and commissions shall be as established by the City Charter or the ordinance creating the body.

## 7.4 Training Requirements

~~Members of regulatory boards and commissions must complete any training required by state law or city policy prior to participating in official actions of the board or commission.~~

Members of boards and commissions shall complete any training required by state law or city policy.

## 7.5 Council Liaison Role

~~City Council members may serve as liaisons to boards and commissions. The role of the liaison is to provide communication between the City Council and the commission.~~

~~Liaisons may attend commission meetings but shall not vote or otherwise participate as members of the commission.~~

~~Liaisons may provide information regarding City Council policies and priorities and may report back to the City Council regarding commission activities.~~

The City Council may designate one or more members to serve as liaisons to boards and commissions.

The role of a liaison is to facilitate communication between the City Council and the board or commission.

Liaisons do not serve as members of the board or commission and do not possess voting authority.

#### 7.6 Advisory Role of Commissions

~~Boards and commissions serve in an advisory capacity to the City Council unless otherwise provided by law or ordinance.~~

Boards and commissions serve in an advisory capacity to the City Council unless otherwise provided by law or ordinance.

#### 7.7 Compliance with Laws and Rules

~~Boards and commissions shall conduct meetings in accordance with the Texas Open Meetings Act and any applicable provisions of these Rules of Procedure.~~

Boards and commissions shall conduct meetings in accordance with the Texas Open Meetings Act and any applicable provisions of these Rules of Procedure.

#### 7.8 Removal of Members

~~Members of boards and commissions may be removed by the City Council for cause in accordance with the City Charter, applicable ordinances, and state law.~~

Members of boards and commissions may be removed by the City Council for cause in accordance with the City Charter, applicable ordinances, and applicable law.

### ARTICLE 8 - EFFECTIVE DATE

#### 8.1 Adoption and Effective Date

These Rules of Procedure shall take effect upon adoption by the City Council of the City of Lago Vista.

These Rules shall remain in effect until amended or repealed by the City Council in accordance with the City Charter and applicable law.

Page 25 - Remains

~~For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.~~

Amendments to motions may be made by any member of the City Council.

An amendment must receive a second and shall be approved by a majority vote of the City Council.

Amendments shall be considered and acted upon before a vote is taken on the main motion.

Parliamentary procedures related to amendments not addressed in these Rules shall be governed by Rosenberg's Rules of Order.



**Memo:** Review of Rules of Procedure for the City Council, Commissions, Boards, and Advisory Committees of the City of Lago Vista, Texas

**To:** Taylor Whichard, Interim City Manager

**From:** Bradford E. Bullock, City Attorney, Messer Fort

**Date:** 1/15/2025

Dear Mr. Whichard:

Please accept this preliminary review of the Rules of Procedure for the City Council, Commissions, Boards, and Advisory Committees of the City of Lago Vista, Texas. These recommendations are a combination of comments from my predecessor, Cobby Caputo, and my own review of the City's Rules. Edits and recommendations are listed below and reference specific sections of the document. Bear in mind that these comments are focused on potential conflicts with state or federal law. A more thorough review for substance can be performed at a later date if the Council so directs.

**Section 2.11 Conflict of Interest**

|                            |                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Original Language (Page 6) | <i>"Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter."</i> |
| Mr. Caputo Comment         | Include a reference to applicable state law as well as the City's Ethics Code.                                                             |

**Section 3.6 Other Motions**

|                            |                                                                                                                                                              |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Original Language (Page 9) | <i>"Motion to Table. This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold."</i> |
| Mr. Bullock Comment        | Language above indicates there is to be no discussion on "other motions".                                                                                    |

### Section 3.9 Courtesy, Decorum and Order

Original Language (Page 11) **1. Request to Speak.** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. *Persons making irrelevant, personal, impertinent, overly redundant, or slanderous* remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. *The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.*

Mr. Bullock Comment 551.007(e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

Setting aside First Amendment Jurisprudence, this is a broad grant of speaking privilege to the public. Time or place manner restrictions are okay (3 minutes to talk, no yelling, etc.), but restrictions on the actual substance are problematic unless they are the "yelling 'fire' in a crowded theater" type of unprotected speech.

Mr. Caputo Comment Slanderous remarks can probably be cut off under OMA Section 551.007 but, as a practical matter, how would a presiding official determine a comment was "slanderous" in the middle of a meeting? Personal or impertinent remarks are allowed under that provision.

Original Language (Page 11) **3. Improper References Prohibited.** *Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.*

Mr. Caputo Comment This section needs refining to stay in the Rules as it violates OMA, Section 551.007(e)

Commented [CC1]: Slanderous remarks can probably be cut off under OMA Section 551.007, but as a practical matter, how does the Mayor or other presiding official determine what is "slanderous" in the middle of a meeting? And personal or impertinent remarks are allowed per that provision.

Commented [BB2R1]: 551.007(e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

Setting aside 1st Amd. Jurisprudence, this is a broad grant of speaking privilege to the public (i.e., anyone). Time, place manner restrictions are okay (3 minutes to talk, no yelling, etc.), but restrictions on the actual substance are problematic unless they are the "yelling 'fire' in a crowded theater" type of unprotected speech.

Original Language (Page 11)      **d. Call for orders of the day.** This is simply another way of saying, “let’s return to the agenda.” if a council member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

Mr. Bullock Comment      Straying from the agenda may mean that the discussion is violating the Texas Open Meetings Act. It is the job of the City Attorney to point this out to the body if discussion veers off an agenda item.

### 3.10 Enforcement of Rules and Procedures.

Original Language (Page 12)      **2. Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.

Mr. Bullock Comment      Removing a citizen during a public comment at a council meeting may violate the speaker’s First Amendment rights. This is very fact specific, but any removal should probably be based on otherwise criminally chargeable conduct.  
Rose v. Sherman, No. 15-10589, 2017 WL 318626 (5th Cir. Jan. 20, 2017)

### 3.11 Council May Discipline its Own Members.

Original Language (Page 12)      *In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory boards is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.*

Mr. Bullock Comment      Limits based on viewpoint, versus some other factor, could violate clearly established law on a 1st Amendment claim. Rose v Sherman, 2017 WL 318626 (5th Cir. 2017).

Mr. Caputo Comment      Both the Charter and the City Ethics Code define the process for disciplining members who violate them, so this provision should be re-written to refer to those processes. The process set out here is not exactly the right process under either of those two other provisions.

### 7.8 Council Liaisons and Commissions.

|                             |                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Original Language (Page 21) | <b>iv. Removal.</b> If the violation is severe enough in nature, the council; may make the decision to remove the member from the board or commission.                                                                                                                                                                                                                                                  |
| Mr. Caputo Comment          | The City cannot remove Board of Adjustment members except for good cause. 211.008(b). Clarify this is the standard for removal of some (or all if Council wants to adopt that as the rule) boards and commissions. Also, the process needs to be public to remove a BoA member, so this rule either needs to refer to another City ordinance that creates the process, or it needs to be included here. |

### TABLE OF MOTIONS AND POINTS OF ORDER

Original language (page 25) in chart. Edits are in red.

| MOTION/ORDER                                            | REQUIRES SECOND | DEBATABLE | AMENDABLE | VOTE TYPE    |
|---------------------------------------------------------|-----------------|-----------|-----------|--------------|
| Basic Motion                                            | Yes             | Yes       | Yes       | Simple       |
| Motion to Amend                                         | *               | No        | Yes       | N/A          |
| Motion to Adjourn                                       | Yes             | No        | No        | Simple       |
| Motion to Recess                                        | Yes             | No        | Yes       | Simple       |
| Motion to Fix the Time to Adjourn                       | Yes             | No        | No        | Simple       |
| Motion to Table                                         | Yes             | No        | No        | Simple       |
| <b>Motion to Limit Debate</b>                           | Yes             | No        | No        | <b>Super</b> |
| <b>Motion to Object to the Consideration of an Item</b> | Yes             | No        | No        | <b>Super</b> |
| <b>Motion to Suspend Rules</b>                          | Yes             | No        | No        | <b>Super</b> |

|                                             |     |     |     |                         |
|---------------------------------------------|-----|-----|-----|-------------------------|
| Motion to Reconsider                        | Yes | Yes | Yes | Simple                  |
| Point of Privilege                          | No  | No  | No  | N/A                     |
| Point of Order                              | No  | No  | No  | N/A                     |
| Motion to Appeal                            | Yes | Yes | No  | Simple                  |
| Call for Orders of the Day                  | No  | No  | No  | N/A                     |
| Withdraw a Motion                           | No  | No  | No  | N/A                     |
| Motion to Enforce                           | Yes | No  | No  | Simple                  |
| <b>Motion to Hire/Fire the City Manager</b> | Yes | Yes | Yes | <b>At least 5 votes</b> |

# **RULES OF PROCEDURE**

## **FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**



Adopted: 2021  
Amended April 2024

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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## **ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Authority.**

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

### **1.2 Applicability.**

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and Commissions of the City of Lago Vista, in accordance with the Charter. Whenever these Rules use the term “Commissions” that term shall mean “committees, boards, and commissions” unless otherwise indicated.

Open meeting requirements of the City Council do not apply to city Commissions without rulemaking or independent regulatory authority, nor to quasi-judicial or ad hoc Commissions except as required under state law.

Processes for disciplinary action will be similar for the City Council and the regulatory Commissions but will vary for the nonregulatory Commissions.

Any reference to Mayor also applies to the presiding officer of a Commission of the City of Lago Vista. Any reference to City Council also applies to any Commission.

Decisions made by state-mandated Commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about Commissions can be found in Article 7 of this document.

### **1.3 Annual Review.**

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## **ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES**

### **2.1 Construction of Authority.**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

### **2.2 Meetings Shall Be Public.**

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an

emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council or Commissions with rulemaking or independent regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers or a location approved by the Council Liaison.

Commissions without rulemaking or independent regulatory authority may be video recorded and posted to the city website when possible. All regulatory Commissions are mandated to conduct their meetings in the Council Chambers, where video recording software is made available.

### **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

### **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

### **2.5 Special/Town Hall Meetings.**

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

### **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

### **2.7 Work Sessions.**

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

## **2.8 Executive Sessions.**

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Legal advice discussed in executive session shall remain confidential unless the City Council votes to waive the attorney-client privilege. Except for action taken in open session, no Council Member, staff member, or legal counsel may disclose the deliberations in executive session on matters discussed under other lawful exceptions under the Open Meetings Act

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than allowed by state law.

## **2.10 Quorum.**

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

## **2.11 Conflict of Interest.**

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

## **2.12 Presiding Officer.**

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating

in the meeting fully and freely; however the presiding officer shall not make a motion unless the remainder of the Commission or council members fail to make a motion.

The presiding officer of Commissions shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

### **2.13 Minutes of Meetings.**

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

### **2.14 Suspension of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote (see Article 3.7 of these rules) of the City Council.

### **2.15 Amendment of Rules.**

These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.

## **ARTICLE 3. PARLIAMENTARY PROCEDURE**

### **3.1 Purpose.**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

### **3.2 Model Format for an Agenda Item Discussion.**

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. *Announce the Item.*** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. *Receive a Report.*** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. *Council Discussion.*** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
- 4. *Seek Citizen Input.*** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.

5. **Motion First.** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
6. **Motion Second.** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
7. **Discuss the Motion.** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
8. **Vote.** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.
9. **Announce the Outcome.** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

### 3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the ordinance as submitted," or "I make a motion that we deny the resolution."

### 3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- **Motion to Remove from Table.** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

| NUMBER OF COUNCIL MEMBERS PRESENT | NUMBER OF VOTES FOR SUPER MAJORITY |
|-----------------------------------|------------------------------------|
| 6                                 | 5 or more                          |
| 5                                 | 4                                  |
| 4                                 | 3                                  |
| 3                                 | 3                                  |

- **Motion to Limit Debate.** This motion is sometimes referred to as, "moving the question" or, "calling the question." When a member of the Council makes such a motion, the member is saying, "I have had enough discussion, let's vote on the issue." When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.

- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

### **3.8 Motion to Reconsider.**

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

### **3.9 Courtesy, Decorum and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on

personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. **Request to Speak.** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. **Order.** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. **Improper References Prohibited.** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. **Interruptions.** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
  - a. **Point of Privilege.** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council member's ability to hear.
  - b. **Point of Order.** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
  - c. **Motion to Appeal.** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
  - d. **Call for orders of the day.** This is simply another way of saying, "let's return to the agenda." if a council member believes the discussion has strayed from the agenda. The

motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

**e. *Withdraw a Motion.*** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### **3.10 Enforcement of Rules and Procedures.**

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at Commission, meetings as requested by the council liaison and approved by the city manager.

1. ***Warning.*** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. ***Removal.*** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. ***Sergeant-at-Arms.*** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. ***Resisting Removal.*** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. ***Motion to Enforce.*** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

### **3.11 Council May Discipline its Own Members.**

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory Commissions is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the

City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory Commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

## ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, by days end of the day of posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the upcoming City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the eighth (8) calendar day preceding the date of the regular meeting.

If the agenda topic does not allow sufficient time for staff to adequately prepare the necessary reports, information, or materials for City Council's consideration, the mayor, city manager, and requesting council members shall discuss the matter and decide whether to move the item to a future Council agenda. Likewise if including the requested item(s) on the current Council agenda will result in an excessively long meeting, they shall discuss whether to move the item(s) to a future agenda meeting to balance out the City Council and staff workload. If no agreement can be reached on delaying the requested item, the requesting members shall prevail.

### 4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

#### **4.2 Executive Session Items.**

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

#### **4.3 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

#### **4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation**

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Commissions can independently determine if they would like to recite the pledges and conduct an invocation.

#### **4.5 Citizen Comments on Non-Agenda Items.**

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

#### **4.6 Items of Community Interest.**

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

#### **4.7 Presentations & Proclamations.**

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

#### **4.8 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

#### **4.9 Regular Agenda Items.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

#### **4.10 Citizen Comments on Agenda Items.**

All persons desiring to speak to the City Council on an agenda item must submit a “request to speak card” (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

#### **4.11 Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

#### **4.12 Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled “consent agenda.” Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

#### **4.13 Discussion Items.**

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

#### **4.14 Staff and Council Liaison Reports.**

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned Commissions. Council Liaisons may also bring forward items from their assigned Commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8(4)(d).

## **ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES**

### **5.1 Purpose.**

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

### **5.2 Agenda.**

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

### **5.3 Documents and Exhibits to be Presented.**

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at the same time the agenda is posted. When necessary, the mayor and city manager can introduce new material after the agenda has been posted when the new information is vital to an agenda item.

### **5.4 Technical Questions.**

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

### **5.5 Prohibitions Against Formal Actions.**

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

### **5.6 Audience Comments or Questions.**

Audience comments or questions will be considered at a work session subject to legal time constraints.

## **ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS**

### **6.1 Purpose.**

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

### **6.2 Rules Governing Citizen Comments.**

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items unless the council, by simple majority vote suspends this rule.

2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by simple majority, vote to suspend this rule.
3. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.
4. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
5. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
6. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
7. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.
  - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.

### **6.3 Preservation of Order.**

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

## **ARTICLE 7. COMMISSIONS**

### **7.1 General.**

All standing Commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc Commissions may be temporarily appointed and terminate upon completion of a specific task or special purpose for which they are created, or when abolished by a majority vote of the City Council. Ad hoc Commissions shall have no powers other than advisory to

the City Council and all Rules of Procedure apply to them, provided that such ad hoc Commissions shall not be required to follow any open meetings rules that are not applicable to such Commission under state law.

## **7.2 Meeting Times and Agenda Order.**

All regulatory Commissions shall be subject to these rules. Each Commission shall set their own agenda.

## **7.3 Commissions with Rulemaking, Independent Regulatory, or Quasi-Judicial Authority.**

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment. These may be referred to herein as “Regulatory Commissions”.

## **7.4 Commissions without Regulatory Authority.**

In no specific order: Lago Vista Parks and Recreation Advisory Commission, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Commission, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Commission, Lago Vista Youth Advisory Commission, and any additional non-regulatory city Commissions that are created.

## **7.5 Appointments.**

City Council Members shall review applications of all eligible applicants for vacant positions on the City’s Commissions. Each Council Member assigned as Liaison to a Commission shall nominate appointees to the specific Commission. City Council shall vote to approve or deny nominations, by majority vote, until such time as all vacancies have been filled on the specific Commission.

## **7.6 Commission Members’ Service.**

Members appointed to Regulatory Commissions shall serve 2-year terms in accordance with the City Charter. Members appointed to Commissions that *do not have* rulemaking, independent regulatory, or quasi-judicial authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all Commissions shall follow the Rules of Procedure set forth for the City Council. Members of Commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other Commission so as to encourage a broad base of citizen participation.

## **7.7 Open Government Training.**

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all Commission members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General’s website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

## **7.8 Council Liaisons and Commissions.**

### **1. Definition of Liaison**

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

### **2. Council Liaison**

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency Commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory Commission of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

### **3. Council Liaison Procedures**

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity. Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

### **4. Duties and Expectations of a Council Liaison**

- a. A Council member acting as a Liaison to a Commission is not a member of the Commission. Rather, the Councilmember is a positive resource to support the Commission in the completion of its work, subject to the rules stated below.
- b. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i To provide factual information to help support the discussions and deliberations of Commissions;
  - ii To answer Commission member questions;
  - iii To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council; and

- iv To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations.
- c. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.
- d. The Council liaison shall report on items and issues from their assigned Commission meetings, and shall bring to the Council, via an agenda item or during routine reports of the council liaisons, any requests from the Commission, such as the following:
  - i Questions raised by a Commission about the Commission's scope of work; and
  - ii Requests from the Commission to change the Commission's scope of work; and
  - iii Requests for expenditures of the city resources to further the Commission's work (money, staff time, or other resources); and
  - iv Requests from the Commission to place an item on a Council meeting agenda; and
  - v Items that are liaison or staff-initiated topics that need City Council input or need feedback to the Commission.

## 5. Selecting, replacing, and training of Commission members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the Commission. No candidate can be nominated to a Commission without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October – December timeframe.
- b. The council liaison is responsible for resolving any issues with a Commission member in consultation with the Commission chair and city attorney as appropriate. If the issue is with the Commission chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a Commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.
- c. Possible actions of the Council include:
  - i. **No Action.** The City Council chooses to take no action.

- ii. ***Private Censure.*** The City Council may choose to privately censure the offending member.
  - iii. ***Public Censure.*** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
  - iv. ***Removal.*** If the violation is severe enough in nature, the council; may make the decision to remove the member from the Commission.
- d. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a Commission member must conform with rules covered in the city charter, ordinances, and state law.
  - e. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced Commission members. This includes appropriate legal and/or specific subject- matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

#### **6. Selecting and replacing council liaisons**

- a. After elections each November, the city council members will discuss each Commission, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the Commission chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

#### **7. Selecting Commission officers**

Each January, each Commission is required to elect a chair, vice-chair, and secretary from among its members.

#### **8. Planning and reporting of the annual work plan of the Commission**

- a. At the beginning of each calendar year, each Commission other than the Board of Adjustment will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary.
- b. The Commission and related department head will review the Commission's annual work plan once a year.
- c. Every June or July, the Commission chair will report to the city council the progress on the Commission's annual work plan. Objectives and priorities will be adjusted as required.

#### **9. Preparing and publishing the agendas**

- a. The Commission chair will have the ultimate responsibility for creating the agenda for each meeting of non-regulatory Commissions. City staff will have the ultimate responsibility for bringing forward to the Commission chair the relevant development applications for inclusion in the agenda for each meeting of Regulatory Commissions.

- i. The Commission chair is responsible for accumulating desired agenda items from the other Commission members, and city staff.
  - ii. If council liaison would like an item included on a Commission's agenda, he/she will bring that item before city council for discussion, consideration and possible action followed by the council liaison reporting back to city council the actions of the Commission on said item.
  - iii. If an item is presented by the council liaison acting on behalf of the City Council, the Commission chair cannot withhold the item from the agenda.
  - iv. If a department head or Council liaison brings forward an item that is a development application or other matter with mandatory timelines, the Commission chair cannot withhold the item from the agenda.
  - v. The Commission chair has the authority to interact with the council liaison and the department head related to the Commission for the purpose of gathering appropriate information that should accompany agenda items. Should the Commission chair feel he/she needs access to other city staff, he/she will do so through city manager.
  - vi. The agenda should be emailed to the department head related to the Commission a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.
- b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the Commission chair and council liaison will be jointly responsible for:
  - i. determining what supporting material should be provided in a packet to the Commission prior to the meeting.
  - ii. accumulating the appropriate material with support of city staff; and
  - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c. Staff shall confirm that any application for consideration by a Commission or council is complete and shall prepare and publish the associated staff report before posting or publishing any required notices.
- d. If a staff report or recommendation includes reference to an ordinance, statute, or other regulation, then staff shall include a copy of the relevant and pertinent provisions of the current version of such ordinance, statute, or regulation in the packet of materials provided to the applicable Commission, or council.
- e. If a staff report or recommendation includes reference to a property, a map or maps are required to be added to the agenda item.
- f. The Commission secretary (whether Commission member or city staff depending on whether it is a state mandated Commission), chairperson, or related department head is responsible for the distribution of final agenda and packet items to Commission members and council liaison.

## **10. Roles in Commission meetings**

- a. Appropriate city staff and council liaison are permitted in executive sessions for their designated Commissions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated Commissions where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a Commission meeting.
- d. The council liaison has no voting rights in such meetings.
- e. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i. To provide factual information to help support the discussions and deliberations of Commissions;
  - ii. To answer Commission member questions;
  - iii. To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council;
  - iv. To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations; and
  - v. To act as Parliamentarian for the Commission.
- f. All the above apply equally to open and executive session segments of a Commission meeting.
- g. A council liaison attends all meetings of his or her assigned Commissions, and if the council liaison cannot attend a meeting in person, he or she should attend such meeting by video conference call or arrange a replacement council member.
- h. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.

## **11. Subcommittees**

- a. Commissions may make use of subcommittees (a non-quorum subset of the Commission) to analyze issues and bring back recommendations to the full entity.
- b. To appropriately create a subcommittee, an item must be placed on the Commission's official agenda to discuss and possibly take action on the issue at hand and the use of a subcommittee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a subcommittee to review the issue and report back information and recommendations to the full body. When creating a subcommittee, the full body in its motion should specify:
  - i. The issue the subcommittee will review;

- ii. The members of the subcommittee (no more than 1 less than a quorum of the full body); and
- iii. The time frame within which the sub-committee will operate.

## TABLE OF MOTIONS AND POINTS OF ORDER

| MOTION/ORDER                                            | REQUIRES SECOND | DEBATABLE | AMENDABLE | VOTE TYPE               |
|---------------------------------------------------------|-----------------|-----------|-----------|-------------------------|
| Basic Motion                                            | Yes             | Yes       | Yes       | Simple                  |
| Motion to Amend                                         | *               | No        | Yes       | N/A                     |
| Motion to Adjourn                                       | Yes             | No        | No        | Simple                  |
| Motion to Recess                                        | Yes             | No        | Yes       | Simple                  |
| Motion to Fix the Time to Adjourn                       | Yes             | No        | No        | Simple                  |
| Motion to Table                                         | Yes             | No        | No        | Simple                  |
| <b>Motion to Limit Debate</b>                           | Yes             | No        | No        | <b>Super</b>            |
| <b>Motion to Object to the Consideration of an Item</b> | Yes             | No        | No        | <b>Super</b>            |
| <b>Motion to Suspend Rules</b>                          | Yes             | No        | No        | <b>Super</b>            |
| Motion to Reconsider                                    | Yes             | Yes       | Yes       | Simple                  |
| Point of Privilege                                      | No              | No        | No        | N/A                     |
| Point of Order                                          | No              | No        | No        | N/A                     |
| Motion to Appeal                                        | Yes             | Yes       | No        | Simple                  |
| Call for Orders of the Day                              | No              | No        | No        | N/A                     |
| Withdraw a Motion                                       | No              | No        | No        | N/A                     |
| Motion to Enforce                                       | Yes             | No        | No        | Simple                  |
| <b>Motion to Hire/Fire the City Manager</b>             | Yes             | Yes       | Yes       | <b>At least 5 votes</b> |

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Benefield, City Council

**SUBJECT:** Discussion and possible direction regarding short-term rental and event venue regulatory options.

### ATTACHMENTS:

[STR - District Table.pdf](#)  
[Short Term Rental Application.pdf](#)  
[Short Term Rental Overlay District Map.pdf](#)  
[Short Term Rental Self inspection.pdf](#)  
[STR - Post with Comments.pdf](#)

Schedule of STR uses by zoning district

LEGEND

- P Indicated use is permitted by right in district, with license.
- S Indicated use may be approved as a Special Permit use.

|                                                                                              | R-E         | R-1A        | R-1B        | R-1C        | R-2         | R-3A        | R-3B        | R-3C        | R-3D        | R-3E        | O-1         | O-2         | O-3         | C-1         | C-2         | C-3         | C-4 | C-5         | M-1         | M-2         | M-3         |
|----------------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-----|-------------|-------------|-------------|-------------|
| Bed & Breakfast Homestay Establishment <sup>1</sup>                                          | S           | S           | S           | S           | P           | P           | P           | P           | P           | P           | P           | P           | P           | P           | P           | Not Allowed | P   | Not Allowed | Not Allowed | Not Allowed | Not Allowed |
| Bed & Breakfast Inn                                                                          | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | S           | S           | S           | S           | S           | S           | S           | P           | P           | P           | P           | P   | P           | Not Allowed | Not Allowed | Not Allowed |
| Short Term Rental Type I - Owner Occupied                                                    | S           | S           | S           | S           | P           | P           | P           | P           | P           | P           | P           | P           | P           | P           | P           | Not Allowed | P   | Not Allowed | Not Allowed | Not Allowed | Not Allowed |
| Short Term Rental Type II - Non-Owner Occupied, Single Family or Duplex <sup>1 &amp; 3</sup> | Not Allowed | Not Allowed | Not Allowed | Not Allowed | P           | P           | P           | P           | P           | P           | P           | P           | P           | Not Allowed | Not Allowed | Not Allowed | P   | Not Allowed | Not Allowed | Not Allowed | Not Allowed |
| Short Term Rental Type III - Non-Owner Occupied, Multi-Family <sup>2 &amp; 3</sup>           | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | Not Allowed | P           | Not Allowed | P   | Not Allowed | Not Allowed | Not Allowed | Not Allowed |

Notes:

- In R-E, R-1A, R-1B, R-1C, and R-2 zoning districts, a Bed & Breakfast Homestay Establishment or Short Term Rental Type II (STR Type II only allowed in R-2 zoning) may not be located within 500' of another licensed Bed & Breakfast Homestay Establishment or Short Term Rental Type II. The 500 feet restriction in R-2 zoning districts will be effective April 30, 2020.
- STR Type III properties may operate up to 5 units as STRs. STR Type III properties that meet the following criteria are exempt from this requirement:
  - The building is made up of individually owned units where each individual owner or person with an influential interest in a legal entity operates no more than five units as short term rentals;
  - The property is located in the Downtown District Overlay;
  - The property is zoned C-4; and
  - The applicant provides written verification from the association governing the individual units, including a condominium association, owners' association, or management company for such condominium association or owners' association, that:
    - Short Term Rentals are allowed in the building;
    - all individual owners or persons with an influential interest in a legal entity have been informed that Short Term Rentals are allowed in the building; and
    - there are written association policies, which have been provided to each owner, regulating the use of common areas by owners and occupants of the owner's unit.
- Effective June 15, 2021:
  - STR Type II no longer allowed by special permit within the R-E, R-1A, R-1B, and R-1C districts.
  - STR Type III no longer allowed by special permit within the R-3A, R-3B, R-3C, R-3D, R-3E, O-2, O-3, and C-1 districts.

**SHORT-TERM RENTAL (STR) LICENSE APPLICATION**  
**JONESTOWN ORDINANCE 2019-0-546, SEC. 2, ADOPTED 9/12/2019**

*(Applicant's property must be zoned for short-term rental use to apply for a license and not prohibited from short-term rental use by home owner association or deed restriction)*

| PROPERTY AND OWNER INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               |        |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------|-----------|
| Name of Establishment:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |        |           |
| Address of Establishment:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |        |           |
| Property Owner:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |        |           |
| Mailing Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | City:         | State: | Zip Code: |
| Email Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Phone Number: |        |           |
| MANAGEMENT INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |        |           |
| Management Company/Operator Contact:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               |        |           |
| Mailing Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | City:         | State: | Zip Code: |
| Email Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Phone Number: |        |           |
| Local Contact Name: <i>(must be available 24/7 while guests are occupying premises and respond within 60 minutes of notice)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Phone Number: |        |           |
| INFORMATION NEEDED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |               |        |           |
| <ol style="list-style-type: none"> <li>1. Is property located within the STR Overlay District (see map)? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></li> <li>2. If STR is located in an R-1 zoning district, is it the principal residence of the owner? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></li> <li>3. Property/Parcel size (acres): _____ Size of House (sf): _____</li> <li>4. Number of Bedrooms: _____ Proposed daytime occupancy: _____ Proposed overnight occupancy: _____</li> <li>5. Number of Units: _____ (If one structure is divided into and advertised as separate habitable areas for multiple reservations, indicate maximum number of separate reservations available at one time. Permit and fee will be required for each unit)</li> <li>6. Number of on-site parking spaces provided: _____ (attach diagram showing proposed layout of property use and on-site parking; please number each parking space)</li> <li>7. Pictures of the interior (all living spaces) and exterior of residence. Attached to application. <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></li> <li>8. <span style="background-color: yellow;">Is property restricted from short-term rental use by deed or homeowner association restriction?</span> <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></li> </ol> |               |        |           |



**CITY OF JONESTOWN CODE OF ORDINANCES  
CHAPTER 4 BUSINESS REGULATIONS  
ARTICLE 4.09 SHORT-TERM RENTALS**

**Sec. 4.09.001 Short title**

This article shall be known and may be cited as the short-term rental license ordinance of the city. (Ordinance 2019-O-547, sec. 1.01, adopted 9/12/19)

**Sec. 4.09.002 Purpose**

The provisions of this article are deemed to be the minimal necessary regulations for the purpose of regulating short-term rentals within the city's corporate limit, and are designed to ensure that properties used for short-term rentals, as defined in the zoning ordinance, are occupied in a safe and healthful manner and do not encroach on the rights of other abutting property owners to enjoy their property. (Ordinance 2019-O-547, sec. 1.02, adopted 9/12/19)

**Sec. 4.09.003 Jurisdiction**

This article applies to all short-term rentals within the corporate limits of the city. (Ordinance 2019-O-547, sec. 1.03, adopted 9/12/19)

**Sec. 4.09.004 License required**

(a) No owner or real estate manager of residential property shall conduct, operate, or maintain residential property that serves as a short-term rental, as defined by the zoning ordinance, in the city, without first having obtained and paid for a valid license from the city, and complying with the requirements of this and all applicable provisions of the city's ordinances.

(b) The applicant for a license subject to this article shall pay a fee as provided in the fee schedule or as otherwise established by the city council and file a completed and verified application with the city on the form promulgated by the city, and at a minimum shall provide the following information:

- (1) Address of the property proposed to be used for a short-term rental;
- (2) Owner and contact information for the owner of the real property;
- (3) Identify the type of property, such as whether it is single family or a duplex;
- (4) Local contact person with contact information that will manage the short-term rental if different than the owner;
- (5) Written authorization from the owner of the real property verifying that the property will be used for short-term rental purposes;
- (6) A site plan showing the location of all parking places to be made available to short-term rental tenants;



- (7) A copy of the lease the applicant will require of each short-term rental tenant, which lease shall include the following:
    - (A) Specification that short-term rental tenant(s) agree(s) to comply with all applicable city ordinances and state laws applicable to occupancy of the short-term rental property;
    - (B) Specification that short-term rental tenant(s) shall park vehicles only in such locations allowed under the short-term rental permit and include a listing of those specified in subsections (i) and (ii) below:
      - (i) Parking by short-term rental tenants or their guests shall be limited to the right-of-way abutting the rental property and to the garage and driveway on the rental property and shall not encroach upon or obstruct ingress and egress to the surrounding adjacent properties;
      - (ii) No parking of vehicles by occupants or guests outside of the property lines of the premises for which the short-term rental permit has been issued shall be allowed except for off-premises parking spaces which have been set aside, reserved and signed for short-term rental tenant(s) which has first been shown on a zoning development plan which has been approved by the council; and
    - (C) Specification that the short-term rental tenant(s) shall comply with any applicable city requirement related to the parking of particular vehicles, including boats, travel trailers, and recreational vehicles;
    - (D) Agreement by the short-term rental permittee and tenant(s) to indemnify and hold harmless the city in connection with the city's inspection of the property and other performance actions pursuant to the city's regulation of short-term rental properties.
  - (8) The owner must provide proof of ownership of the property, certify by written statement that the home to be rented is not the subject of any outstanding city code or state law violation that the owner is aware of, and must provide proof of an on-site septic system permit or wastewater connection for the home to be rented.
  - (9) Any additional information on the form promulgated by the city, or as deemed necessary by the city administrator or his designee to process the application.
- (c) An applicant shall make the property where the license is proposed, available for any investigation or inspection required by this article.
  - (d) Inspections under this section may relate to requirements established by the zoning ordinance, building ordinance, plumbing code, electrical code, and fire code, and to any other applicable provisions of the city code.
  - (e) The community development department shall review and route the application to staff as necessary to review and comment on the application.



- (f) The community development department shall certify an application is complete and issue a license only if it determines that:
- (1) The short-term rental at the property is an authorized use at that location; and
  - (2) The property and proposed short-term rental comply with all applicable provisions of the city's Code of Ordinances.
- (g) Except as provided in subsection (h), each city official required to review an application shall conduct an investigation and inspection as necessary to make the determinations required under this section.
- (h) A city official reviewing application under subsection (f) may certify an application under this article without re-inspecting the property if:
- (1) The place of business was inspected by the city department over which the official is responsible in the 12 months preceding the date an application was filed; and
  - (2) The official determines there has been no material change that affects the certification required by this section since the previous inspection.
- (i) The city officials reviewing an application may report an interim certification if the official's department is unable to provide the required certification because a structure or remodeling of a structure at the proposed place of business is incomplete.
- (j) If requested by the applicant, the code official shall certify an application based on interim certifications, provided that the property subject to the application may not be occupied and the business may not be operated until the applicant obtains a certificate of occupancy from the city.
- (k) Permit fees and issuance. A licensee must pay the city a license or renewal fee as provided in the fee schedule or as otherwise established by the city council.
- (l) A licensee who operates a short-term rental before the applicant pays the fees and obtains a license from the city commits a class C misdemeanor punishable in accordance with [section 4.09.015](#).

(Ordinance 2019-O-547, sec. 1.04, adopted 9/12/19)

#### **Sec. 4.09.005 General use standards**

A license issued for a short-term rental use may be revoked by the city administrator or his designee if one or more of the following conditions are violated:

- (1) Adherence to regulations. All structures housing short-term rentals shall comply with this article, the city's zoning and building ordinances, any other applicable ordinance, and any special conditions reasonably imposed by the city when the license is issued.



- (2) Insurance shall be maintained by the owner in minimal amounts to provide adequate personal injury and general liability coverage for the property and any structures on the property. The city shall be added as an additional insured. Proof of insurance shall be provided as part of the application process.
- (3) Parking by renters or their guests shall be limited to the right-of-way abutting the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the surrounding adjacent properties.
- (4) Advertisement of the short-term rental use shall not be displayed on the premises of the property.

(Ordinance 2019-O-547, sec. 1.05, adopted 9/12/19)

#### **Sec. 4.09.006 Duration**

All licenses issued for short-term rentals shall be valid for a period of one year running January 1st through December 31st, unless the license lapses or is revoked by the city. (Ordinance 2019-O-547, sec. 1.06, adopted 9/12/19)

#### **Sec. 4.09.007 Inspection**

- (a) Prior to issuing a license and during its term, the city administrator or his designee may enter the property at all reasonable times to inspect, enforce, investigate any unsafe condition or violation and perform any duty imposed under this article. If such property is occupied the city official shall first present proper credentials and request entry. If unoccupied, an effort shall be made to locate the owner or other person responsible for the premises to request entry.
- (b) If such entry is denied or permission cannot be obtained, the city shall have recourse to every remedy provided by law to secure entry.
- (c) When the city obtains a legal inspection warrant or other remedy to secure entry, the owner, occupant or person having charge, care or control of the building or premises shall, upon a proper request, promptly permit the city official entrance to inspect and investigate pursuant to this article.
- (d) The city official shall record all findings on an inspection report, which summarizes the requirements of this article and furnish a copy of the report to the owner or person in charge, which shall include:
  - (1) Description of each violation;
  - (2) A specific, reasonable time period for correction of each violation;
  - (3) A statement that the license is subject to suspension or revocation and that legal action may be taken for failure to comply with the notice.

(Ordinance 2019-O-547, sec. 1.07, adopted 9/12/19)



**Sec. 4.09.008 License denial, suspension and revocation**

- (a) The city may deny an application for a license or may suspend or revoke any license granted hereunder by serving applicant or license holder with written notice by hand-delivery or certified mail, return-receipt requested, if the applicant is found to be in violation of this article or other applicable municipal regulation, or due to a citizen complaint filed with the city and verified by the planning and zoning commission to be a valid complaint.
- (b) The city shall issue the written notice of denial, suspension or revocation of a license to the owner or license and shall contain, as a minimum, the following:
  - (1) State the name and address of the location and name of the licensee;
  - (2) State that the license is denied, suspended or revoked;
  - (3) Indicate the reason(s) for the denial, suspension or revocation;
  - (4) Order the location closed for use as a short-term rental;
  - (5) Recommended corrective measures to bring the property into compliance with the requirements of this or any other applicable ordinance;
  - (6) Establish a reasonable time limit for the completion of the corrective measures;
  - (7) State the license, if suspended, is subject to revocation for failure to complete the corrective measures within the allotted time; and
  - (8) State that the denial, suspension or revocation may be appealed to the city council under the provisions set forth in [section 4.09.009](#) of this article.
- (c) The code official shall post a sign at any location where a license or permit has been suspended or revoked pursuant to this article. Said sign shall contain the following statement:

“SHORT-TERM RENTAL CLOSED BY ORDER OF THE CITY OF JONESTOWN. VIOLATORS OF THIS ORDER ARE SUBJECT TO PROSECUTION PURSUANT TO ORDINANCE NO. 2019-O-547 AND ANY OTHER APPLICABLE ORDINANCES OF THE CITY OF JONESTOWN.”

(Ordinance 2019-O-547, sec. 1.08, adopted 9/12/19)

**Sec. 4.09.009 Appeals**

The city's decision is final unless within ten calendar days from the date of receiving a report, the owner or operator files with the city secretary a written appeal to the city council specifying reasons for the appeal. Upon receipt of a copy of the appeal, the city administrator or his designee, shall prepare a report indicating the reasons for the denial, suspension or revocation, and shall provide a copy to the owner or licensee, as well as indicate the date and time that the appeal has been scheduled for hearing before the city council. (Ordinance 2019-O-547, sec. 1.09, adopted 9/12/19)



**Sec. 4.09.010 Automatic lapse of license**

A license shall automatically lapse if the use has not been commenced within six (6) months from the date the license was issued. (Ordinance 2019-O-547, sec. 1.10, adopted 9/12/19)

**Sec. 4.09.011 Transfer**

A short-term rental license may not be transferred or assigned to any third party. Upon change of ownership, a new short-term rental license must be applied for. The license shall be void upon transfer of ownership of the property where the short-term rental is located. (Ordinance 2019-O-547, sec. 1.11, adopted 9/12/19)

**Sec. 4.09.012 Renewal**

- (a) No less than thirty days prior to the expiration of the license, the licensee must apply for a renewal and pay the applicable fee for renewal of the license.
- (b) If no complaints have been lodged against the applicant or the property during the preceding 12 months, and the property is not in violation of any applicable city ordinance, the city may approve a renewal of the short-term rental license for an additional 12-month period.

(Ordinance 2019-O-547, sec. 1.12, adopted 9/12/19)

**Sec. 4.09.013 Immediate closure by the city**

- (a) The city administrator or his designee may order the immediate closure of a short-term rental when there is a reasonable basis to believe that there is an immediate threat to the public health, safety and welfare of the occupants or to the public in general.
- (b) Failure to promptly comply with the notice of immediate closure shall subject the licensee to other enforcement provisions of this article.

(Ordinance 2019-O-547, sec. 1.13, adopted 9/12/19)

**Sec. 4.09.014 Enforcement authority**

The city administrator or his designee shall be authorized to administer and enforce the provisions of this article. (Ordinance 2019-O-547, sec. 1.14, adopted 9/12/19)

**Sec. 4.09.015 Penalty**

Any person violating any provision of this article shall upon conviction, be guilty of a misdemeanor and be punished by a fine not to exceed two thousand dollars. Each day the violation occurs shall constitute a separate offense. Any person violating this article is subject to a suit for injunction as well as prosecution for criminal violations. (Ordinance 2019-O-547, sec. 1.15, adopted 9/12/19)



## CHAPTER 14 ZONING ARTICLE 14.02 ZONING ORDINANCE

### Division 1. Generally

#### Sec. 14.02.005 Definitions

**Short-term rental.** A dwelling, including but not limited to, a single-family dwelling, multiple family attached dwelling, apartment house, condominium or duplex rented by the public for consideration and used for dwelling, lodging or sleeping purposes for any period less than thirty (30) consecutive days.

**Short-term rental license.** An operating license issued by the City of Jonestown authorizing the operation of a short-term rental establishment in compliance with the terms set forth in the license for a property so approved pursuant to Article 4.09, Short Term Rentals, of the Code of Ordinances.

### Division 2. Zoning Districts and Regulations

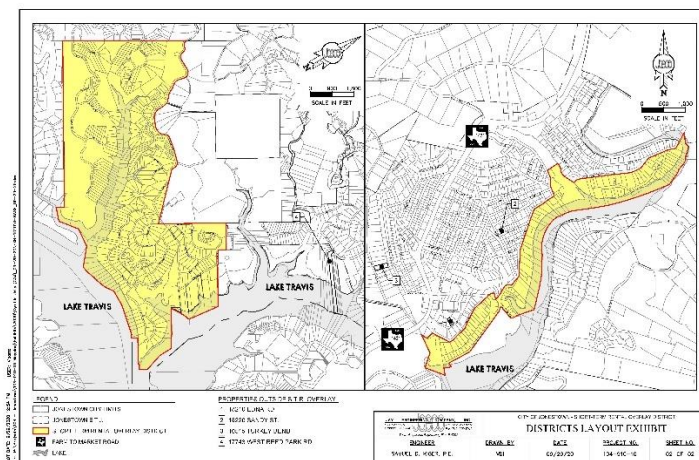
#### Sec. 14.02.0771 Short-Term Rental Overlay District.

(a) Purpose.

- (1) The city council establishes the Short-Term Rental Overlay District (“STR Overlay District”) to provide for orderly development and to maximize protection of the integrity of residential neighborhoods within the City.
- (2) The STR Overlay District is intended to identify and limit those areas within the City of Jonestown in which conditional use permits may be issued for short-term rental uses.

(b) Permitted uses other than short-term rentals. The uses permitted in the underlying zoning district shall be permitted in the STR Overlay District.

(c) Corridor designation. The STR Overlay District shall include all property located within the areas depicted on the STR Overlay District map, the boundaries of which are more particularly described as follows:





- (d) Conditions and limitations. Short-term rental use shall be allowed by right in the STR Overlay District so long as such use is registered and licensed pursuant to Art. 4.09, Short Term Rentals, as that article currently exists or may hereafter be amended.
- (e) Corridor Regulations. For any rental of a residence for less than thirty (30) days, a property owner who desires to rent his/her residential property, whether leased directly or subleased through another party, shall comply with the following criteria and conditions:
- (A) Recreational vehicles and trailers may not be utilized as short-term rental properties.
  - (B) Functions such as weddings, parties or other type gatherings at the short-term rental shall be prohibited.
  - (C) The minimum rental period for a short-term rental shall be two (2) consecutive nights.
  - (D) No more than fifteen (15) people can be at the residence at any given time.
  - (E) Occupancy of short-term rentals shall be based on the number of bedrooms in the residence, i.e., 1 bedroom = 4 persons; 2 bedrooms = 6 persons; 3 bedrooms = 8 persons; 4 bedrooms = 10 persons. Overnight occupancy of a short-term rental shall be limited to a maximum of ten (10) persons.
  - (F) No noise before 9:00 a.m. or after 10:00 p.m. which can be heard at the residence closest to the short-term rental is allowed.
  - (G) No live music before 1:00 p.m. or after 10:00 p.m.
  - (H) No outside activities are allowed after 10:00 p.m.
  - (I) No firepits shall be allowed.
  - (J) The property owner must comply with and pay any amounts required by state hotel occupancy tax laws and any ordinance of the city requiring the payment of hotel occupancy tax. A short-term rental license under Article 4.09 shall not be renewed if the property owner fails to comply with the state hotel occupancy tax laws or city ordinance.
  - (K) Any complaints related to the operation of a short-term rental, including but not limited to complaints concerning noise, garbage, parking and disorderly conduct by guests, shall be reported to the City of Jonestown community development department and reviewed at the time of the short-term rental licensing application.
  - (L) No permit shall be issued for residential property subject to deed restrictions or rules promulgated by a home or property owners' association prohibiting short-term rental use. For properties subject to home or property owner association deed restrictions, or similar regulations that do not prohibit short-term rental use, short-term rental tenants shall comply with other applicable home or property owner association regulations.



Section 4. Zoning Map: The Zoning Map of the City of Jonestown adopted by Section Sec. 14.02.062, Establishment of zoning districts, of the Code of Ordinances, and on file in the office of the City Secretary is hereby amended to reflect the STR District Overlay created herein.

Section 5. Penalty: Any person, firm, entity or corporation who violates any provision of this Ordinance or Jonestown's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Jonestown from filing suit to enjoin the violation. Jonestown retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### OATH OF APPLICANT

I declare that I have read and understood the foregoing application and all information therein. I have completed the application and declare all information provided is true, correct, and complete to the best of my knowledge, and that all conditions stated herein have been met.

\_\_\_\_\_  
Printed or typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Owners Name:\_\_\_\_\_

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

City, State, Zip: Jonestown, TX 78645

City of Jonestown  
18649 FM 1431, Suite 1-A  
Jonestown, TX 78645

To whom it may concern:

This is my written authorization verifying the property will be used for STR purposes

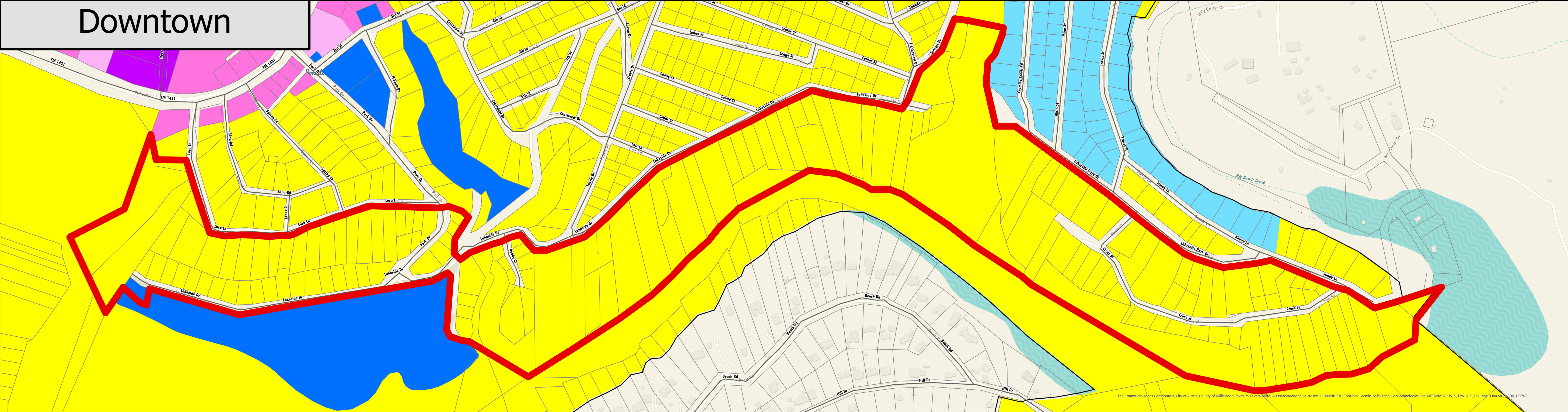
This is my written statement that the home to be rented (above-mentioned property address) is not the subject of any outstanding city code or state law violation that the owner is aware of.

Owner signature:\_\_\_\_\_

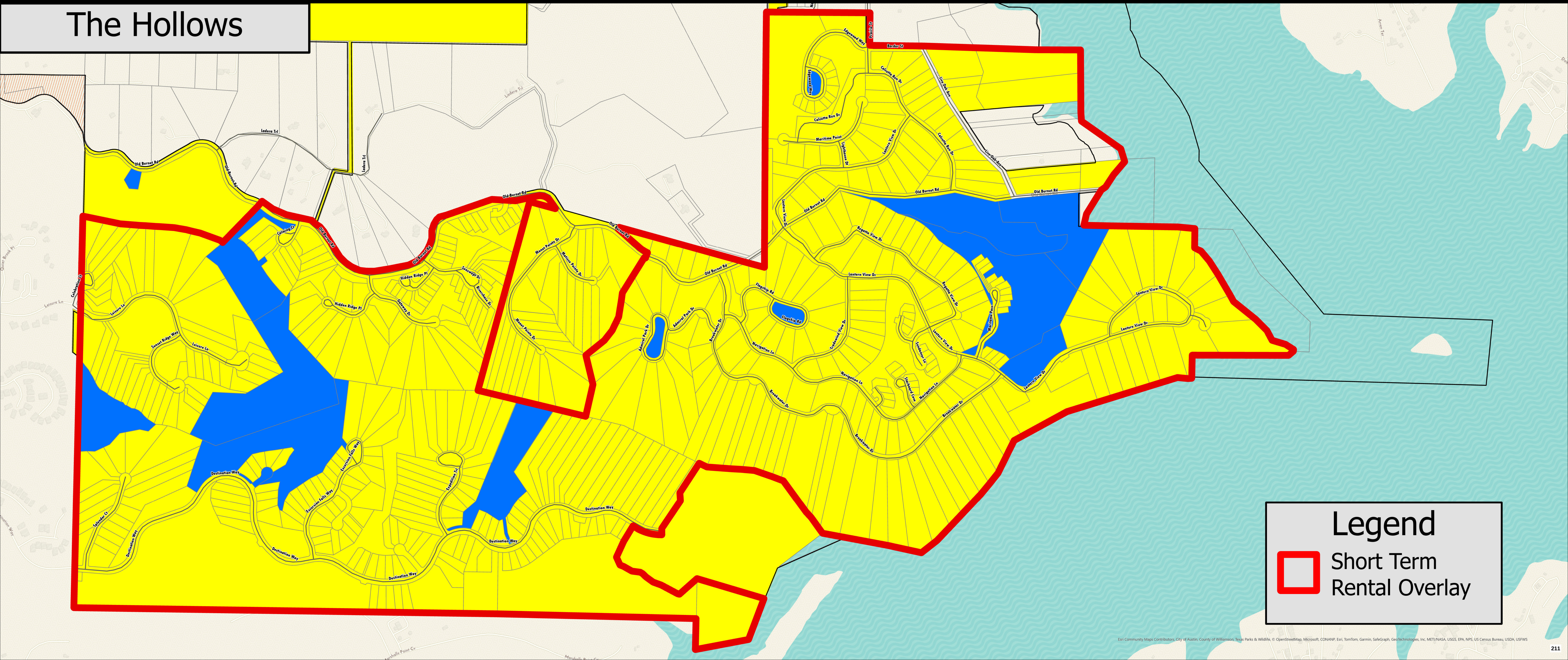
Date:\_\_\_\_\_

# City of Jonestown Short Term Rental Map

## Downtown



## The Hollows



Legend

Short Term Rental Overlay



## SHORT TERM RENTAL RENEWAL SAFETY INSPECTION CHECKLIST – SELF-COMPLIANCE AFFIDAVIT

Owner name: \_\_\_\_\_ STR address: \_\_\_\_\_ STR License #: \_\_\_\_\_

**Please Note: All statements listed below must be initialed. Failure to initial may delay your license issuance. Must be notarized on second page**

|    | HEALTH & LIFE SAFETY STANDARDS INSPECTION TYPE:                                                                                                                                                                                                                                                               | IN COMPLIANCE<br>Initial |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1  | Handrails/guard rails installed on stairways, porches, and decks in good repair, capable of withstanding 200 lbs of concentrated load.                                                                                                                                                                        |                          |
| 2  | All sleeping areas have egress windows or a door directly to the outside. For residences with more than one (1) story, an exterior ladder is required for a means of egress. (not required for The Hollows Condominiums with sprinkler systems)                                                               |                          |
| 3  | Smoke detectors are required in each sleeping room, outside of bedrooms and on each story. One smoke detector must sound / synchronize ALL ALARMS. UL listed device.                                                                                                                                          |                          |
| 4  | Carbon Monoxide (CO) detectors are required in residences with fuel-fired appliances and/or an attached garage. CO detectors shall be located outside of each separate sleeping area in the immediate vicinity of the bedrooms.                                                                               |                          |
| 5  | Physical address of residence listed and displayed on a welcome card with "Call 9-1-1" as the emergency number to call. Owner/Manager phone number listed on card.                                                                                                                                            |                          |
| 6  | 2 Fire Extinguishers (5 lb.) – 2-A-10-BC. Requirements –1 in the cabinet under the kitchen sink, 1 by the front door. Verify extinguisher pressure gauge is in the GREEN.                                                                                                                                     |                          |
| 7  | Safety Sheet for tenants with the following information: Gas, water, electrical shut off, and exterior ladder location and instructions if needed.                                                                                                                                                            |                          |
| 8  | Electrical extension cords used for permanent wiring are not allowed; power strips with surge protectors are allowed.                                                                                                                                                                                         |                          |
| 9  | 9-1-1 - Exterior Address Identification shall be legible and placed in a position that is visible from the road fronting the property. Characters shall contrast with their background. Numbers shall NOT be spelled out. Each character shall be not less than 4 inches high with a minimum width of ½ inch. |                          |
| 10 | Pools: Requirements – Secure Barrier, Alarm, Rope and Float                                                                                                                                                                                                                                                   |                          |
| 11 | Verify Waste Collection for property                                                                                                                                                                                                                                                                          |                          |

BUILDING & FIRE SAFETY – For additional information or questions, call Community Development Services at 512-267-0359 or email [permitting@jonestowntx.gov](mailto:permitting@jonestowntx.gov)

ADDITIONAL NOTES: \_\_\_\_\_



## SHORT TERM RENTAL RENEWAL SAFETY INSPECTION CHECKLIST – SELF-COMPLIANCE AFFIDAVIT

By completing and signing this affidavit I (we) affirm that, under pains and penalties of perjury, that I have inspected this property and that it complies with all applicable laws and codes.

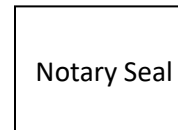
\_\_\_\_\_  
Owner Signature                      Printed Name                      Date

\_\_\_\_\_  
Owner Signature                      Printed Name                      Date

Subscribed and affirmed before me in the county of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Notary's official signature)

\_\_\_\_\_  
(Commission Expiration)



## Original Facebook Prompt

I had the opportunity to meet with the City Manager of Jonestown this past week to discuss how they've updated their short-term rental (STR) ordinance.

One of the tools used was a zoning/overlay approach that allows for higher concentrations of STRs in areas that are more tourism-oriented, such as near the lake, the island, and other destinations where visitors naturally gravitate.

At the same time, this approach would allow cities to maintain lower concentrations in more traditional residential neighborhoods.

As we continue discussing STR policy here in Lago Vista, I'm interested in hearing from residents:

1. Is a concept like this something you would generally support or oppose?
2. Where do you believe STRs make the most sense in Lago Vista?  
Examples might include near the lake, near commercial areas, the island, or other locations.
3. What impacts from STRs concern you the most, if any?  
Examples could include parking, noise, trash, party houses, traffic, etc.
4. What types of regulations would you support to ensure STRs operate responsibly?  
Examples could include occupancy limits, parking requirements, quiet hours, or stronger enforcement mechanisms.

The goal of asking these questions is simply to better understand community perspectives as I evaluate different approaches used by other cities and what may work best here in Lago Vista.

## Resident Comments

### Janna Morgan

In response to your STR questions...

Noise is a **huge issue**. Our neighboring STR has weddings, and what was once a quiet living space for us for the past 23 years has turned into party central. It's like we live on 6th Street.

Light pollution is another issue. They have string lights that are on 24/7.

Road maintenance is another issue because landowners have to maintain the roads and they are not meant for the amount of traffic we now get.

We are between Lago Vista and Jonestown, so sadly we are just Travis County, but these are issues we face that you might need to consider for Lago Vista.

### **Joseph S. Diacont**

An issue we have collectively north of Cedar Park until you get to Marble Falls is the **lack of a hotel or motel**, so STRs are filling that void.

Especially as the area population continues to grow, when people travel into our area they have nowhere to stay. Staying local provides the city a greater chance of visitors spending money at grocery stores, gas stations, and restaurants.

Lago Vista currently has **zero tourism**. It's not like Lake Travis has a destination in Lago Vista for people not from here to visit, since all parks along the lake are private.

Also, Lago Vista doesn't have a downtown where people come to shop at small mom-and-pop stores and stroll through. It's honestly just an affordable bedroom community for all ages that happens to share a large portion of the shoreline of Lake Travis.

Disclosure: I do not own an STR nor do I live on a street that has one.

### **Melissa Perna**

It's already residential near the lake in a lot of places, so those residents could be more negatively impacted if they were overrun with STRs.

But we have some near us and it's been okay.

Parking, trash, and noise would be my biggest concerns.

I would also charge a **yearly STR permit fee** (I thought I heard it's just a one-time fee).

We don't really have a "downtown," but near our restaurants and shopping areas—and of course near the lake—seem like good places.

We also don't really have a public option to get to the lake, so it seems like STRs are the only option for that anyway.

### **Alison Joseph**

We live next door to an STR and our biggest issue by far is **noise**.

The rental has a nice backyard and party pool area that guests take full advantage of. It severely affects our quality of life in the summertime.

Stronger enforcement and **actual consequences for noise violations** would help immensely.

Occupancy limits could help, but they would have to be pretty low to make a difference.

If it were up to me, I'd **ban STRs completely**, and whenever we move from here I'm going to do more research on an area's STR policy before buying a house.

## **Deborah McDevitt Gill**

I appreciate the conversation around STRs and the effort to gather community input.

One challenge with pinpointing specific areas for short-term rentals is that not all visitors come to Lago Vista for the same reasons.

Some prefer the comfort and safety of a residential neighborhood. Others are here for recreation near the lake. Some prefer a quieter or more remote setting, and others are simply in town for work assignments such as traveling nurses or other professionals who may stay for weeks or months at a time.

In my opinion, a lot of responsibility should fall on the **host to ensure STRs operate respectfully within the community**.

Clear occupancy limits, strict no-party policies, and thoughtful parking guidelines can go a long way toward preventing many of the concerns people often raise.

For example, when hosting, I always limit occupancy, clearly state that parties are not allowed, and provide specific parking guidance so guests are mindful of neighbors.

Simple practices like these can help STRs coexist more responsibly within residential areas while still supporting tourism and the local economy.

## **ATX Ferreira**

I'm generally opposed to limiting where STRs can be located through zoning overlays.

Property owners across Lago Vista pay the same taxes and should have the same basic rights to use their property, as long as they operate responsibly and follow the law.

Creating special zones for STRs starts to move the city toward regulating neighborhoods in a way that feels more like an HOA than a municipality.

In my view, the focus should be less about **where STRs are allowed and more about how they operate**.

If there are legitimate concerns such as noise, parking, trash, or party houses, those issues should be addressed directly through clear rules and consistent enforcement that apply citywide.

Responsible owners should not be restricted simply because of their location.

STRs already exist throughout Lago Vista, and visitors are an important part of the local economy, especially for a lake community like ours.

Instead of trying to concentrate them into certain areas, it may make more sense to ensure that wherever they operate, they follow reasonable standards for occupancy, parking, and quiet hours.

Strong enforcement against bad actors would likely solve many of the concerns residents have without creating zoning restrictions that limit property rights across the city.

### **Christa Wehling**

I'm not a fan at all, but I understand why people would want to try to make money on their house.

That being said, I think STRs should be limited to areas where the **condos, the Island, and lake access places** are located.

I don't think the rest of Lago Vista should have to suffer if there are Airbnbs on their street.

You can't control the people renting. The best you can do is not allow them back in your house. That doesn't help the neighborhood deal with the noise, parking, stupidity, and trash.

I personally think STRs are ruining many neighborhoods, and it's not fair to the people who have to live next door to them.

Where are their rights to peace and quiet in the home that they purchased?

### **Chandler Sampson**

I think a lot of this can lead to **overregulation**, which often doesn't lead to the desired outcome but increases the cost for STR hosts to operate, making Lago more expensive to stay in.

I think our focus should be on keeping Lago Vista an **affordable place to visit, build, and live**.

As mentioned above, welcoming visitors and new residents to Lago can provide an enormous economic benefit to small community businesses while also expanding the tax base.

### **Bill White**

Zoning ordinances should be followed. They were in place before BnBs.

Single-family residential means a **single family resides there**.

## **Misty Maxwell**

This exact approach was started in Lago about three or so years ago.

Certain neighborhoods were targeted as having limits, and there were meetings about it, and then it was all put on the back burner.

I'm assuming there are records of this, including video of the meetings.

That might be a good starting point rather than starting from scratch.

## **Casey Bright**

When we lived in Jonestown, the house next door was **grandfathered in when the zoning overlay was passed**.

When we sold our home, we found it harder to sell because it was next to an STR.

We also lost at least one potential buyer because the house was outside the overlay and they had interest in turning it into an STR.

Homeowners near STRs are already impacted and that can't be unwound, and adding restrictions on top of them can feel unfair.

## **BrandyJo Fontenot LeBlanc Miller**

I'm strongly opposed to allowing short-term rentals throughout residential neighborhoods in Lago Vista.

Homes should be for **residents and families—not mini hotels**.

Across the country, investors are buying houses specifically to turn them into Airbnb or vacation rentals, which reduces the supply of homes available for actual residents and pushes prices higher.

Studies have shown that short-term rentals can increase home prices and rents in popular areas because properties are taken off the long-term housing market and used for tourism instead.

This is already happening in many Texas cities where a large share of Airbnb listings are run by commercial operators rather than homeowners.

Lago Vista should protect its residential neighborhoods before we end up with streets full of investor-owned vacation rentals and fewer full-time neighbors.

Our housing supply should prioritize people who actually live and work here.

### **Jessica Longoria Burklow**

Honestly, we have **no place for guests to stay**—there are no hotels or motels.

There's nothing for graduations, holidays, parties, reunions, or family visits.

We need STRs.

That said, I'd rather see **better noise ordinances that are thoughtful and respectful to neighbors**.

Something where neighbors could easily call the city, and if a place has multiple offenses there are fines.

Just my thoughts.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 19, 2026

**SUBMITTED BY:** Councilor Benefield, City Council

**SUBJECT:** Discussion and possible direction regarding the City's Code Compliance and Code Enforcement program.

**ATTACHMENTS:**  
[Code Compliance .pdf](#)

## **CITY COUNCIL AGENDA ITEM**

**DATE:** March 19, 2026

**SUBMITTED BY:** Council Member Adam Benefield

**SUBJECT:** Discussion and possible direction regarding the City's Code Compliance and Code Enforcement program

**AGENDA ITEM NO.:** (Assigned by City Secretary)

### **BACKGROUND:**

Over the past several years, one of the most frequently raised concerns among residents has been the lack of consistent and effective enforcement of the City's municipal codes. These concerns have also been expressed by the Building and Standards Commission, which has identified code enforcement as one of the City's most significant operational challenges.

Historically, the City's code enforcement responsibilities were handled by the Police Department. Due to competing priorities and limited resources, this approach proved largely ineffective for addressing property maintenance and nuisance-related violations. As a result, code enforcement responsibilities were later transferred to City Hall under the Development Services Department.

Since that transition, the program has been referred to as Code Compliance rather than Code Enforcement, and enforcement activities remain primarily complaint-driven. While the change in terminology may have been administrative in nature, concerns have been expressed that the shift reflects a reduced emphasis on actively enforcing adopted ordinances.

It has also been suggested that certain provisions within the City's code may be difficult to enforce due to ambiguity in language or interpretation. One example raised recently involved the requirement that trailers be parked on an "improved surface", which historically has been understood to mean concrete, pavers, or other permanent improvements. Staff indicated that the ordinance language may not clearly define what constitutes an improved surface, which could create challenges for enforcement.

At the same time, residents continue to raise concerns regarding a variety of issues including:

- Trash and debris accumulation on residential properties
- Noise complaints and nuisance activity
- Illegally parked vehicles and trailers
- Lots that are not properly cleared, creating wildfire risks
- Short-term rental properties operating as party houses
- General property maintenance violations

These types of issues are typically addressed through municipal code enforcement and are commonly handled by cities through a progressive compliance process.

In most municipalities, this process prioritizes education and voluntary compliance as the first step. Property owners are typically notified of violations and provided a reasonable opportunity to correct the issue. However, when violations remain unresolved, enforcement through municipal court, typically a Class C misdemeanor citation, is the legal mechanism available to ensure compliance with adopted ordinances.

Without the ability or willingness to pursue enforcement when necessary, many adopted municipal regulations may become effectively unenforceable.

## **SCOPE OF MUNICIPAL CODE ENFORCEMENT:**

(For Council Consideration)

The City's Code Compliance program is responsible for enforcing a broad range of municipal ordinances that affect property maintenance, public safety, nuisance conditions, zoning compliance, and quality-of-life issues throughout the community.

Examples of ordinance areas that typically fall under Code Compliance responsibilities include:

### **Property Maintenance and Public Nuisances:**

- Trash, debris, and sanitation violations
- Overgrown grass, weeds, and wildfire fuel hazards
- Nuisance property conditions
- Unsafe or hazardous structures

Relevant Sections:

- Sec. 6.101–6.103 – Garbage and refuse regulations
- Sec. 6.201–6.214 – Public nuisance and property maintenance regulations

### **Noise and Nuisance Activity:**

- Loud music or amplified sound
- Party houses or disruptive gatherings
- Excessive animal noise

Relevant Sections:

- Sec. 6.301–6.310 – Noise regulations

## **Vehicle Storage and Parking Violations:**

- Parking trailers or recreational vehicles on unimproved surfaces
- Storage of vehicles on residential property
- Improper parking or storage of commercial vehicles

Relevant Sections:

- Sec. 6.60 – Storage of equipment and materials
- Sec. 6.65 – Storage and parking of vehicles
- Sec. 6.70 – Storage of vehicles on unimproved property

## **Abandoned or Inoperable Vehicles:**

- Junk vehicles
- Inoperable vehicles stored on residential property

Relevant Sections:

- Sec. 6.401–6.404 – Abandoned or inoperable vehicles

## **Short-Term Rental and Nuisance Property Issues:**

- Excessive occupancy
- Parking violations
- Noise complaints
- Nuisance activity

These issues are typically addressed through a combination of zoning regulations, nuisance ordinances, and noise regulations.

## **Zoning and Land Use Compliance:**

- Operating businesses in residential zones
- Violations of home occupation regulations
- Improper land use within zoning districts

These issues are addressed through zoning and development regulations within the City's land development code.

## **Building Code and Construction Violations:**

- Construction without permits
- Failure to obtain inspections
- Failure to obtain a certificate of occupancy

Relevant Sections:

- Sec. 3.110 – Permits and approvals
- Sec. 3.112 – Inspection requirements
- Sec. 3.113 – Certificate of occupancy

## **Dangerous Buildings and Unsafe Structures:**

- Buildings deemed unsafe or hazardous
- Structures that pose risks to public safety

Relevant Sections:

- Sec. 3.1201–3.1217 – Dangerous building regulations

## **Signs and Advertising:**

- Unpermitted signs
- Illegal temporary signage
- Maintenance of signs

Relevant Sections:

- Sec. 5.100–5.118 – Sign regulations

## **Exterior Lighting Violations:**

- Improper outdoor lighting
- Lighting spillover onto neighboring properties
- Lighting curfew violations

Relevant Sections:

- Sec. 3.801–3.807 – Outdoor lighting regulations

## **Right-of-Way and Easement Violations:**

- Structures located in easements or rights-of-way

Relevant Section:

- Sec. 3.118 – Structures in right-of-way or easements

## **Animal Control and Nuisance Animals:**

- Excessive barking
- Dangerous animals
- Animal sanitation issues

Relevant Sections:

- Sec. 2.201–2.238 – Animal control regulations

The above list illustrates that a significant portion of the City’s municipal code relies on Code Compliance to ensure adherence to adopted ordinances. Clarification from the City Council regarding the priority and expectations of enforcement may assist staff in aligning resources and enforcement practices with the policy direction of the governing body.

## **PURPOSE OF AGENDA ITEM:**

The purpose of this agenda item is to allow the City Council to discuss and provide policy direction regarding the City’s Code Compliance program and the enforcement of municipal ordinances.

Specifically, this discussion seeks to determine whether there is consensus among the City Council that:

- Education and voluntary compliance should remain the City’s preferred first approach
- Residents should be given reasonable notice and opportunity to correct violations
- When violations persist, the City should be willing to pursue enforcement actions as provided by law, including citations through municipal court when necessary

Clarifying the Council’s position on this issue will assist the City Manager and staff in determining the appropriate priority, procedures, and resources for the City’s Code Compliance program.

## **POSSIBLE COUNCIL DIRECTION:**

Council may provide direction to the City Manager including, but not limited to:

- Affirming that enforcement of adopted municipal ordinances is a priority for the City
- Directing staff to continue utilizing education and voluntary compliance as the primary enforcement tool
- Confirming that when violations persist after notice and opportunity to correct, staff may pursue formal enforcement actions in accordance with municipal code and state law
- Directing staff to review existing ordinances and identify any provisions that may require clarification in order to improve enforceability
- Requesting a report on current code compliance procedures, staffing levels, and enforcement practices

## **FISCAL IMPACT:**

None at this time. Any future changes to enforcement procedures or staffing would be brought to Council for consideration at a later date.

## **RECOMMENDED COUNCIL ACTION:**

Discuss and provide policy direction to the City Manager regarding the City's Code Compliance and enforcement program.