



**AGENDA
CITY COUNCIL SPECIAL CALLED MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
MAY 13, 2024 AT 7:00 PM**

JOIN MEETING VIA VIDEO CONFERENCE

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

<https://meet.goto.com/684146013>

You can also dial in using your phone.

United States: +1 (571) 317-3122

Access Code: 684-146-013

CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor

Chelaine Marion, Mayor Pro-Tem

Shane Saum, Council Member

Stephanie Smith, Council Member

Rob Durbin, Council Member

Paul Roberts, Council Member

Paul Prince, Council Member

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS

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

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

[Citizen Participation Registration Form](#)

PUBLIC HEARING

1. Conduct hearing and take possible action regarding formal complaint filed against the Mayor under Section 3.08 of the City Charter.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 10:45 a.m. on the 10th day of May 2024.

Starr Lockwood, Assistant City Secretary

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

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

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



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 13, 2024

SUBMITTED BY: Cobby Caputo, City Attorney

SUBJECT: Conduct hearing and take possible action regarding formal complaint filed against the Mayor under Section 3.08 of the City Charter.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[Email Correspondence - Monday's Hearing.pdf](#)

[Formal Complaint against Elected Official \(Mayor\) submitted by James Peck.pdf](#)

From: [Chelaine Marion](#)
To: [Cobby Caputo](#); [Kevin Sullivan](#)
Cc: [Tracie Hlavinka](#); [Lucy Aldrich](#)
Subject: Re: Monday's Hearing
Date: Thursday, May 9, 2024 10:28:45 PM

Received. Thank you.

Chelaine

[Chelaine Marion, M. Ed.](#)

[City Council Place 4](#)

[City of Lago Vista](#)

[512-267-1155](#)

[915-471-5298 \(cell\)](#)



From: Cobby Caputo <CCaputo@bickerstaff.com>
Sent: Thursday, May 9, 2024 3:05 PM
To: Kevin Sullivan <Mayor@lagovistatexas.gov>; Chelaine Marion
<CouncilPlace4@lagovistatexas.gov>
Cc: Tracie Hlavinka <Tracie.Hlavinka@lagovistatexas.gov>; Lucy Aldrich
<Lucy.Aldrich@lagovistatexas.gov>
Subject: RE: Monday's Hearing

Received.

Cobby A. Caputo
Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expwy
Building One, Suite 300
Austin, Texas 78746
512-472-8021
ccaputo@bickerstaff.com

From: Kevin Sullivan <Mayor@lagovistatexas.gov>
Sent: Thursday, May 9, 2024 2:54 PM
To: Chelaine Marion <CouncilPlace4@lagovistatexas.gov>
Cc: Cobby Caputo <CCaputo@bickerstaff.com>; Tracie Hlavinka
<Tracie.Hlavinka@lagovistatexas.gov>; Lucy Aldrich <Lucy.Aldrich@lagovistatexas.gov>
Subject: Monday's Hearing

Mayor Pro Tem,

I'm writing to request that Monday's hearing at 7:00 pm be conducted as a public hearing and not in Executive Session. The charter indicates that the choice is mine. I asked Cobby who I should send my request to and he indicated that since you officially accepted the complaint, you should be the one to accept this request.

I've copied Cobby, Tracie, and Lucy to close the circle.

Best Regards,

Kevin Sullivan

Mayor, Lago Vista

mayor@lagovistatexas.gov

(512) 698-5517

Formal Complaint Against Elected Official (Mayor)
Affidavit of James Edward Peck, RAAPOA President

State of Texas,

County of Travis,

City of Lago Vista.



James Edward Peck, being duly sworn deposed and states the following:

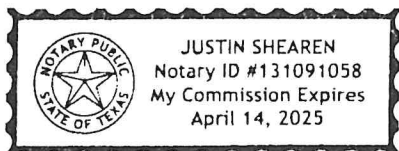
1. My name is James Edward Peck, I am 41 years old, and my current address of residence is 20916 Oak Ridge, Lago Vista, TX 78645.
2. I am currently the President of the Rusty Allen Airport Property Owners Association, Inc. (RAAPOA) with a Registered Address of 304 Flightline Road, Lago Vista, TX 78645.
3. The purpose of this affidavit is to file a formal complaint against the Mayor of Lago Vista, Texas, Kevin Sullivan, for failure to perform duties of mayor as stated in Section 3.06 Mayor, subsection i. of the Home Rule Charter of Lago Vista, Texas in relation resolution 24-2056 which was passed by city council with a five to one vote in the Regular Meeting of the City Council on April 4th, 2024.
 - a. Upon the passing of resolution 24-2056, the Council gave the mayor a deadline of close of business April 9th, 2024 to sign the resolution.
 - b. In an email from the city secretary, Lucy Aldrich, dated April 18th, 2024, 2:49pm CST, it was confirmed to me that resolution 24-2056 remains unsigned by the mayor.
 - c. Subsection i. of Section 3.06 of the Charter states the Mayor SHALL sign all approved ordinances and resolutions.
 - d. Subsection d. of Section 3.06 of the charter states "The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto.
 - e. Section 3.08 of the charter states "The council may remove any member of Council from office for any of the following reasons: Subsection b. "Willful violation of any provision of this Charter...]"

I hereby swear or affirm that the above information is true, accurate, and complete to the best of my knowledge.

Dated: 4-18-2024

Signed: [Signature]

(James Edward Peck)



Notary Public: [Signature]

Title and Rank: BANKER / NOTARY PUBLIC

Date of Commission Expiry: 04/14/2025