

## 1. Agenda

### Documents:

[AGENDA-CC-MAR-02-23 REG MTG AMENDED.PDF](#)  
[AGENDA-CC-MAR-02-23 REG MTG PAK AMENDED.PDF](#)

Mayor  
Ed Tidwell

Mayor Pro-Tem  
Paul Prince



Council Members  
Gage Hunt  
Kevin Sullivan  
Rob Durbin  
Chelanie Marion  
Paul Roberts

**AGENDA  
CITY COUNCIL  
REGULAR SESSION  
CITY OF LAGO VISTA - CITY COUNCIL CHAMBERS  
5803 THUNDERBIRD STREET  
MARCH 2, 2023 AT 5:30 PM**

**\*\*\* AMENDED \*\*\***

**JOIN MEETING VIA VIDEO CONFERENCE**

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- One-touch: <tel:+18722403311,,793602861#>

**Access Code: 793-602-861**

**CALL TO ORDER, CALL OF ROLL**

**EXECUTIVE SESSION**

Convene into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
- B. Consultation with Legal Counsel discussing the role of individual council members in legislating, governing, and investigating and discussing the rules regarding the same. (Government Code Section 551.071).

**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:

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



## **CITIZEN COMMENTS**

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

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

[Citizen Participation Registration Form](#)

## **ITEMS OF COMMUNITY INTEREST**

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

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

## **STAFF AND COUNCIL LIAISON REPORTS**

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

## **PRESENTATIONS**

3. Presentation by Turnback Canyon Trail Conservancy representatives.

## **CONSENT AGENDA**

4. Consider approval of the February 2, 2023, meeting minutes.
5. Consider approval of Resolution 23-1991; A Resolution by the City Council of Lago Vista, Texas authorizing the city manager to enter into an Interlocal Agreement with Purchasing Cooperative of America (PCA).

## **PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)**

6. The Lago Vista City Council will hold a public hearing and consider Resolution 23-1990; a Resolution of the City Council of Lago Vista, Texas to name the circle on Dawn Drive after Ann Murrow.
  - Open public hearing

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

- Staff's presentation
  - Close public hearing
  - Council discussion and possible decision (continue public hearing if no decision results)
7. The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-01; an Ordinance amending the existing Planned Development District (PDD) approval applicable to the property located at 1900 American Drive and known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels."
- Open public hearing
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  - Council discussion and possible decision (continue public hearing if no decision results)
8. The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-02; an Ordinance amending the official zoning map by changing an approximately 0.104-acre portion of Tract A of Lago Vista Estates Section Six adjacent to 7600 Lohman Ford Road, from the TR-1 ("Temporary Restricted") district to the C-2 ("Commercial, Large Scale") district, together with the required design approval for a retail center.
- Open public hearing
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  - Close public hearing
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9. The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-03; an Ordinance amending Sections 6.10, 11.60, and 17.05 of Chapter 14 of the Lago Vista Code of Ordinances to create a special exception approval for relief from the setback and size limit requirements related to accessory buildings, eliminating the current conditional use approval required for that same relief; and providing for related matters.
- Open public hearing
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## **ACTION ITEMS**

10. Discussion, consideration, and possible action regarding a contract with Local Oaks Tree Services to provide the budgeted maintenance and tree care services needed at the Golf Course, with consideration of an annual contract for annual maintenance services.

11. Discussion, consideration, and possible action on Ordinance 23-03-02-04; An Ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances, Article 10.000 Parks and Recreation Fees, Sec 10.200 Golf Course Fees.
12. Discussion, consideration and possible action on Ordinance 23-03-02-05; An Ordinance of the City of Lago Vista, Texas amending Article 1.1800 of Chapter 1 of the Lago Vista Code of Ordinances amending the Ethics Policy.
13. Discussion, consideration, and possible action on Resolution 23-1992; a Resolution by the City Council of the City of Lago Vista, Texas authorizing; in addition to City Manager, Tracie Hlavinka and Mayor Ed Tidwell; all City Council members and Mr. Shane Saum to speak on behalf of the City of Lago Vista with House Representatives and Senators as it pertains to the legislative bill concerning Capital Metro Transportation Authority and the Texas Transportation Code and legislation regarding the application process regarding the approval or disapproval deadline for plats and plans.

## 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 5:04 p.m. on the 27th day of February 2023.

*Lucy Aldrich*

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

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

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

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

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*Lucy Aldrich*

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Lucy Aldrich, City Secretary

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# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

<b>DATE:</b>	March 2, 2023
<b>SUBMITTED BY:</b>	Lucy Aldrich, City Secretary
<b>SUBJECT:</b>	Routine Reports from City staff.
<b>FINANCIAL IMPACT:</b>	N/A





# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** March 2, 2023

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

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

**FINANCIAL IMPACT:** N/A



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

**SUBMITTED BY:** Chris Mobley, Parks and Recreation

**SUBJECT:** Presentation by Turnback Canyon Trail Conservancy representatives.

**BACKGROUND:** The Turnback Canyon Trail Conservancy (TCTC) received two federal assistance grants through Texas Parks and Wildlife. Phase 1 May 2019 TCTC was awarded \$49,000 for trail building, that grant required \$12,325 in matching funds or volunteer labors. Additionally, Phase 1 TCTC fulfilled nearly all of this (over 95%) commitment by funding the initial trail routing. Phase 2 was awarded \$80,800 in May 2020, that requires \$21,300 in matching funds or volunteer labor. TCTC desires to transfer grant funds to the City of Lago Vista to fund each phase immediately and get reimbursement. Only \$3,000 of the Phase 1 \$49,000 is left. We don't have up to date quotes on Phase 2 of the project, but the TCTC estimates are roughly \$80,800 -- about the same as the grant. If Council opts to pay the \$21,300 matching funds in lieu of volunteer time, that plus the estimated \$80,800 (\$102,100) will be paid upfront before grant reimbursement.

**FINANCIAL IMPACT:** If approved, a budget amendment would be required and the City would need to secure three bids for the trail building. The funds would come out of the General Fund Reserve. If it is not approved, no financial impact would take place.

**ATTACHMENTS:**  
[Presentation](#)



# TURNBACK CANYON TRAIL CONSERVANCY

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## Turnback Canyon Trail Conservancy Proposal to City of Lago Vista

Carl Dieckmann – President

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# TURNBACK CANYON TRAIL CONSERVANCY

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## Organization Mission

- Mission to build long-lasting, sustainable trails to promote healthy outside activities, utilizing professional trail builders
- Use community volunteers to assist professional trail builders reducing cost

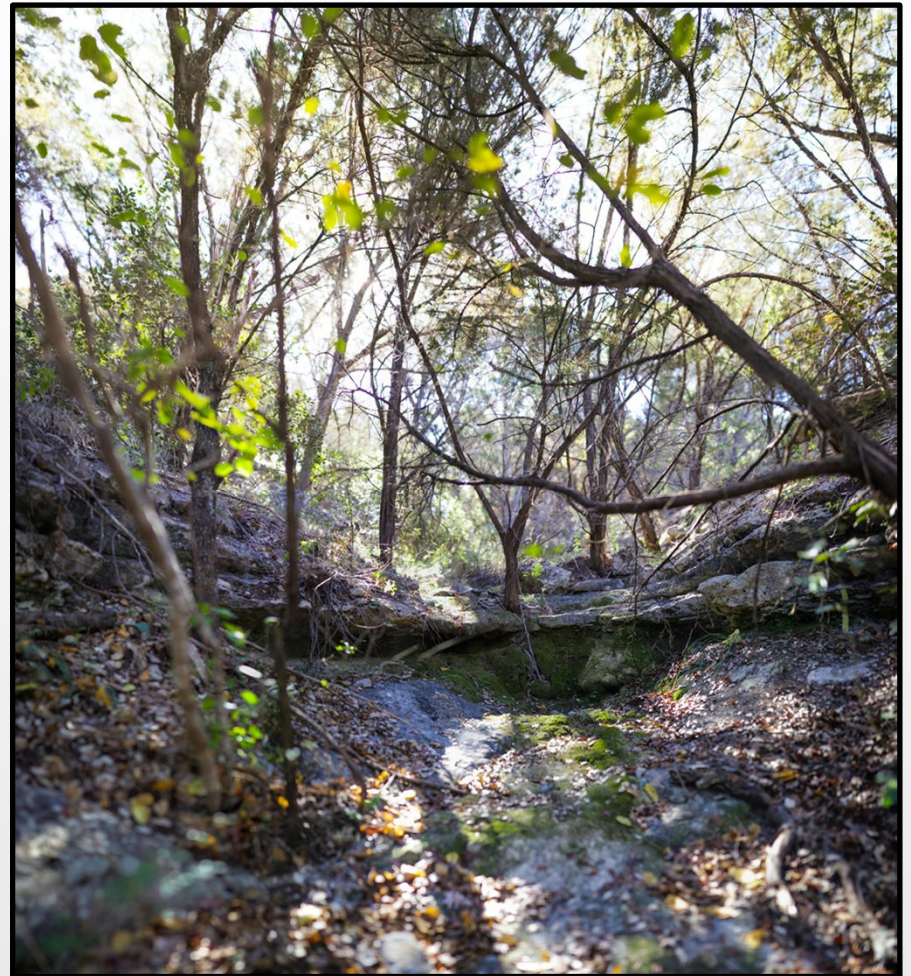


# TURNBACK CANYON TRAIL CONSERVANCY

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## History

- Established July 2017 as a non-profit (501(3)c)
- Received two federal assistance grants administered through Texas Parks and Wildlife







# TURNBACK CANYON TRAIL CONSERVANCY

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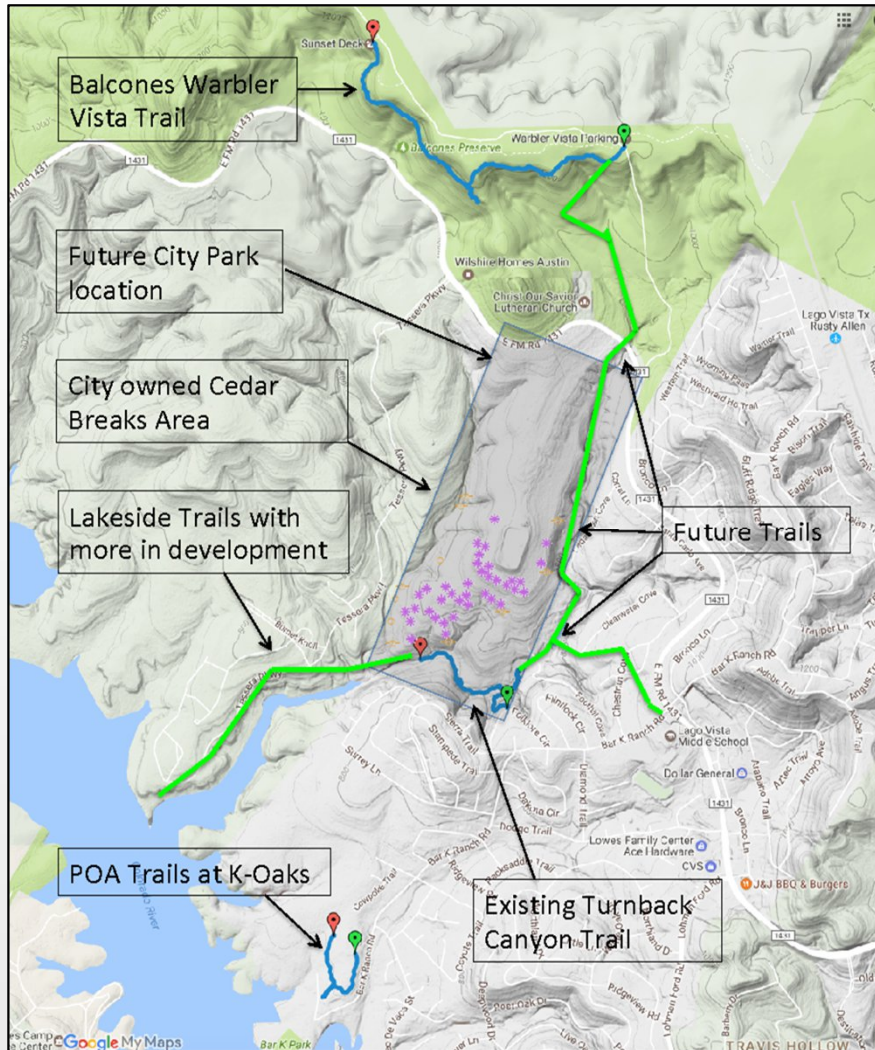
## Our Goals

- A 20-mile interconnected trail network on the north side of Lake Travis
- Connect the Balcones Canyonlands NWR, Sunset Park, and Lago Vista communities
- Highlight the unique topographical features and ecosystem of the region
- Provide opportunities for recreation, education and community building





# TURNBACK CANYON TRAIL CONSERVANCY



- Phase 1 - Trail from Foothill Cove to Lakeside Tessera
- Phase 2 - Continue the trail north to connect with Sunset Park





# TURNBACK CANYON TRAIL CONSERVANCY

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## Accomplishments

Phase I May 2019 awarded \$49,300 from Texas Parks and Wildlife grant for Turnback Canyon trail building. Requires \$12,325 in matching funds or volunteer labor. TCTC fulfilled nearly all of this (over 95%) commitment by funding the initial trail routing.

Phase 2 May 2020 awarded \$80,800 Texas Parks and Wildlife grant. Requires \$21,300 in matching funds and / or volunteer labor.







# TURNBACK CANYON TRAIL CONSERVANCY

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## Matching Fund Details

- Phase 2 requires \$21,300 in matching funds and/or volunteer labor
    - Option 1 CoLV can budget expense and be reimbursed 80% with submission and backup documentation
    - Option 2 Use volunteer hours, at \$22 per hour, by sponsoring trail building events. For example, one Saturday event with 20 volunteers x 5 hours x \$22 per hour = \$2,200 toward the matching funds
  - Grant fund expenditures over \$5,000 dollars require three bids from vendors such as professional trail builders (K.O.M. or SS Trail builders)
  - TCTC current bank balance will be used towards matching grant funds
-



# TURNBACK CANYON TRAIL CONSERVANCY

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## Path Going Forward

- TCTC desires to transfer grant funds to City of Lago Vista - Parks and Rec department
- Allows the city to fund each phase immediately and get reimbursed - more efficient use of funds
- Saves time and effort allowing trail builders to construct each phase in one visit - our citizens get trails quicker!





# TURNBACK CANYON TRAIL CONSERVANCY

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## Thank You

The Turnback Canyon Trail Conservancy would like to thank the many volunteers and the local contributors for supporting this organization for the past five years

Special thanks to the LV Women's Club for their financial support

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# TURNBACK CANYON TRAIL CONSERVANCY

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# Item Cover Page

## **CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** March 2, 2023

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

**SUBJECT:** Consider approval of the February 2, 2023, meeting minutes.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**  
[Minutes 02-02-2023](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, FEBRUARY 2, 2023**

**BE IT REMEMBERED** that on the 2nd day of February A.D., 2023, the City Council held a regular meeting at 5:30 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

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

**CALL TO ORDER, CALL OF ROLL**

Mayor Tidwell called the meeting to order at 5:30 p.m. and announced that all Councilmembers are present with Councilor Marion attending via videoconference.

**EXECUTIVE SESSION**

1. At 5:30 p.m., Council convened into a closed Executive Session pursuant to;
  - A. Consultation with Legal Counsel concerning all regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

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

2. At 5:54 p.m., Council reconvened from Executive Session into open session, and recessed until 6:36 p.m., to act as deemed appropriate in City Council's discretion regarding:
  - A. Consultation with Legal Counsel concerning all regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).  
No action taken.

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

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

**03:10 – 03:16**

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

No one signed up to speak.

**03:20 – 18:23**

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



- a. Expressions of thanks, gratitude, and condolences.  
Thanked all departments and individuals that worked through the winter storm.  
Thanked citizens for helping each other during the winter storm.
- b. Information regarding holiday schedules.  
City Hall will be closed on February 20, 2023, in observance of President's Day.
- c. Recognition of individuals, i.e., Proclamations.  
Recognized February as Black History Month  
Thanked the designers of the new city flag and announced where the flag is being flown.  
Lago Vista High School students and student athletes were recognized for their many accomplishments.
- d. Reminders regarding City Council events.  
None to report.
- e. Reminders regarding community events.  
Dinner with Cops event will be held February 8 from 6:00 p.m. to 8:00 p.m. at Lago Vista High School cafeteria.  
Lion's Club Chili Cook-off will be held February 11th.  
Lion's Club Blood Drive will be held February 18th.  
Chamber Casino Night will be held February 25th.  
Annual Bicycle Race will be held March 4th and 5th. There will be changes regarding parking and sound that have been issues in the past.  
St. Mary's Valentine Dinner and Dance will be held February 11th.
- f. Health and safety announcements.  
Lake Travis is up slightly but continues to remain below average lake levels.  
The priority for clearing brush and trim limbs from streets is as follows: major throughfares, collector streets, residential streets.  
Green Center temporary location is 5901 Municipal Court Way and will be open on Saturday, Monday and Tuesday from 8 to 4 each of these days. Additional days will be added as necessary.  
CapMetro services will return to normal tomorrow with the exception of rail services.  
Lago Vista Golf Course remains closed due to damage from the winter storm. Should be open by Saturday.  
CapMetro will be reviewing their currently offered services in June to see if any changes are warranted. Mayor and City Manager will be reaching out to CapMetro prior to CapMetro's review.

## **STAFF AND COUNCIL LIAISON REPORTS**

### **18:29 – 19:57**

3. Routine Reports from City Staff  
City staff did not have anything to report.

### **19:58 – 35:01**

4. Routine Reports from City Council Board/Committee/Commission Liaisons.  
Council Liaisons provided an update from each of their boards/committees/commissions recent meetings.

## **PRESENTATIONS**

### **35:08 – 1:39:26**

5. Presentation to provide an update on the FY2023 City Work Plan Goals and Objectives.  
No action taken.

## **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.

### **1:39:34 – 1:40:53**

Mayor Pro-Tem Prince requested item #6 be removed from the consent agenda.

7. Consider approval of Resolution 23-1988; A Resolution by the City Council of Lago Vista, Texas declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a manner which is beneficial to the City of Lago Vista.  
On a motion by Mayor Pro-Tem Prince, seconded by Councilor Durbin, City Council voted unanimously to approve the Consent Agenda. Motion carried.

### **1:40:56 – 1:42:50**

6. Consider approval of the January 5, 2023, meeting minutes.  
On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted unanimously to approve the minutes from January 5, 2023, correcting the action under consent agenda to reflect approval of items 4-7 and correcting the motion under agenda item #9 to reflect Councilor Marion seconding the amended motion. Motion carried.

## **ACTION ITEMS**

### **1:42:55 – 2:17:10**

8. Discussion, consideration and possible action regarding an agreement with Freese & Nichols to conduct a citywide Traffic Safety Analysis and authorizing the City Manager to execute an agreement.  
On a motion by Mayor Pro-Tem Prince, seconded by Councilor Sullivan, City Council voted 6 to 1 with Councilor Durbin in opposition to approve moving forward with the contract as defined with the following modifications; 1) that the horizon focus would be defined as 10 years out with the ability within the study to make comments and advise on the 5 and 20 year contraction expansion, and; 2) that staff would try to engage TxDot with the planning and the cost of planning. Motion carried.

### **2:17:25 – 2:22:45**

9. Discussion, consideration and possible action regarding a contract with Asphalt Inc. LLC dba Lone Star Paving Company to resurface six (6) City Streets and authorize the City Manager to execute the Contract.



On a motion by Mayor Pro-Tem Prince, seconded by Councilor Marion, City Council voted unanimously to approve authorizing the City Manager to move forward with the contract with Asphalt Inc dba Lone Star Paving Company. Motion carried.

**2:22:47 – 2:29:32**

10. Discussion, consideration and possible action regarding a modification to the City of Lago Vista Personnel Policies and Procedures related to Police Officer Work Periods and Work Schedules.

On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, City Council voted unanimously to approve the amended policy effective February 18, 2023. Motion carried.

**2:29:34 – 2:57:25**

11. Discussion, consideration and possible action regarding Ordinance No. 23-02-02-01; An Ordinance amending the City of Lago Vista Rules of Procedures, Article 7, section 8, subsections 9-11.

Councilor Durbin made a motion to suspend the Rules of Procedures to reconsider Article 7, section 8, subsections 9-11 and Article 1, section 1.2. Councilor Marion seconded the motion. During discussion, Councilor Durbin amended his motion to suspend the Rules of Procedures to reconsider Article 7, section 8, subsections 9-11, the amended motion was seconded by Councilor Marion. City Council voted 5 to 2 with Mayor Pro-Tem Prince and Councilor Hunt in opposition. Motion failed due to requirement of a super majority vote.

**ADJOURNMENT**

Mayor Tidwell adjourned the meeting at 9:32 p.m.

Respectfully submitted,

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Ed Tidwell, Mayor

ATTEST:

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Lucy Aldrich, City Secretary

On a motion by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_, the above and foregoing instrument was passed and approved this 2nd day of March 2023.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

**SUBMITTED BY:** Susan Price, City Manager

**SUBJECT:** Consider approval of Resolution 23-1991; A Resolution by the City Council of Lago Vista, Texas authorizing the city manager to enter into an Interlocal Agreement with Purchasing Cooperative of America (PCA).

**BACKGROUND:** During the budget discussions in September of 2022, the City Council allocated funding for a temporary municipal building and include funds for furniture. In order to maximize the funds and get quality furniture, the City would like to utilize another cooperative purchasing service with PCA.

**FINDINGS:** Staff researched several furniture dealers and found one that will fill our needs that uses PCA to help cut costs due to the pre-bid contract for merchandise and installation.

Approval of resolution and ILA agreement will begin the contractual relationship with a pre-bid Coop potentially resulting in savings on merchandise and/or installation. Procurement of furniture will result in a future agenda item for consideration by the city council.

**FINANCIAL IMPACT:** The furniture expenditure was programmed in the Non-Departmental Fund 10-511-9700 (Assets).

**RECOMMENDATION:** Request City Council approve the ILA for Cooperative Purchasing Services and resolution 23-1991 with PCA pursuant to Texas Government Code, Chapter 791 and Texas Local Government Code, Chapter 271.

**ATTACHMENTS:**

[Resolution](#)  
[Agreement](#)

**CITY OF LAGO VISTA, TEXAS**

**RESOLUTION NO. 23-1991**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL  
AGREEMENT WITH PURCHASING COOPERATIVE OF AMERICA (PCA).**

**WHEREAS**, the City Council of Lago Vista, Texas, pursuant to the authority granted by TEX. GOV'T Code 791.001, et set, desires to participate in the Purchasing Cooperative of America (PCA), and

**WHEREAS**, in the opinion that participating in this program will be highly beneficial to the City of Lago Vista through the anticipated savings to be realized.

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

THAT, the City Council of the City of Lago Vista, Texas requests a stated need for participation in Purchasing Cooperative of America (PCA) and authorizes the City Manager to sign and deliver any and all necessary request and documents in connection therewith for and on behalf of the City of Lago Vista.

**AND, IT IS SO RESOLVED. PASSED AND APPROVED** this 2<sup>nd</sup> day of March 2023.

ATTEST:

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

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

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



## INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING SERVICES

This Interlocal Agreement for Cooperative Purchasing Services ("Agreement") is entered into by  
and between the City of Lago Vista, 5803 Thunderbird, Lago Vista, TX 78645

COMPLETE LEGAL NAME (DO NOT ABBREVIATE) & MAILING ADDRESS

("PCA Member", "Party"), a governmental entity, and Purchasing Cooperative of America ("PCA", "Party") on behalf of PCA Awarding Agencies to participate in all Purchasing Cooperative of America ("PCA") cooperative purchasing programs administered by PCA and its affiliates and subsidiaries and for the purpose of participating in the cooperative purchasing services of PCA. Collectively, PCA and PCA Member and will be known as the "Parties".

### RECITALS

#### Purpose

The purpose of this Agreement is to support public entities by facilitating their purchasing operations through cooperative contracting and to promote real savings for PCA Members with discounts resulting from the competitive bid process.

*Texas Government Code, Chapter 791, Interlocal Cooperation Act, and Texas Local Gov't. Code, Chapter 271, Subchapter F. Cooperative Purchasing Program* allows for governmental entities to contract for cooperative purchasing services that each Party to the contract is authorized to perform individually.

Eligible public entities may use all PCA contracts awarded to a Vendor. Each jurisdiction is subject to its own and members' requirements. The use of a PCA contract by a PCA Member, along with their signed purchase order or other extension of the contract, constitutes acceptance of the contract and completes the interlocal agreement (if required by the entity(ies) between the Awarding Agency and PCA Member.

#### Membership Eligibility

Public entities in all 50 states, the U.S. Territories, Canada and Mexico, including local, state and federal governmental agencies, Indian tribal governments; educational institutions including K-12 public, private and charter schools, state and private colleges and universities; and non-taxed non-profit religious and charitable organizations are eligible to participate in the PCA purchasing cooperative. There is no fee to the PCA Member to join or use PCA contracts.

#### Role of the PCA Awarding Agency

1. Acts as Party to the Agreement.
2. Awards PCA contracts that have been competitively bid.
3. Provides service and support to PCA, PCA members and vendors, as necessary.

#### Role of the PCA Member

1. Registers on the PCA website, [www.pcamerica.org](http://www.pcamerica.org), or any successor website.
2. Executes a copy of this Agreement by providing an authorized signature in the appropriate space below and submitting the form to [Members@pcamerica.org](mailto:Members@pcamerica.org).



3. Designates a contact person and updates the contact information as necessary.
4. Works with PCA awarded contractors according to the PCA contract.
5. Issues supplemental contracts, purchase orders, or other applicable authorizations for purchases directly to the awarded contractor; and includes "Purchasing Cooperative of America" or "PCA" and the "Contract Number".
6. Makes payments to vendors in a timely manner and in accordance with the state laws and local procedures applicable to the PCA Member for all goods and services received.
7. Notifies PCA at the address or email shown below of any substantial problems in quality of goods or performance of services with an awarded contractor under a PCA contract.

#### **Role of the Purchasing Cooperative (PCA)**

1. Acts as a group purchasing organization that governmental entities join as members.
2. Performs the administration and management duties and responsibilities for which PCA will receive fees from PCA vendors using PCA contracts.
3. Performs all of the required steps of the competitive solicitation process in compliance with all applicable state statutes and regulations related to competitive procurement and contracting in the State of Texas.
4. Provides members access to cooperative contracts, due diligence documentation and PCA vendor contact information.
5. Provides support and service to PCA Members and vendors.
6. Performs such other related services and duties as are customarily performed by a entity in a similar position.

#### **General Provisions**

1. Effective Date. This Agreement is effective upon signature and shall be automatically renewed annually unless either Party gives sixty (60) days prior written notice of non-renewal.
2. No Minimum Purchase Requirement. This Agreement does not obligate the PCA Member to purchase a minimum amount of goods and/or services under any PCA contract.
3. Federal Requirements. The parties agree to comply fully with all applicable federal statutes, rules and regulations in connection with the cooperative contracts contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.
4. State Joint Powers Statutes. It is the sole responsibility of each PCA Member to follow their state procurement statutes as it pertains to cooperative purchasing, or joint power agreements, with in-state or out-of-state public agencies.
5. Governing Law-Texas. Any issue concerning PCA contracts in which a PCA Awarding Agency is involved shall be governed by the law of the State of Texas, excluding the conflicts of law provisions.
6. Venue-In Texas. Exclusive Venue for any litigation whatsoever involving PCA is the state district court of Harris County, Texas.
7. Governing Law-Outside Texas. PCA member's use of PCA contracts shall be governed by the laws of the State of \_\_\_\_\_, excluding the conflicts of law provisions.
8. Venue-Outside Texas. Exclusive Venue for litigation arising between PCA Member and PCA awarded contractor from use of PCA contracts is \_\_\_\_\_.  
(court jurisdiction)



9. Invalid Provision. If any term(s) or provisions of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.
10. Immunity. Neither Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees and agents as a result of this Agreement being executed or the performance of the functions and obligations describe herein.
11. Final Agreement. This Agreement incorporates all agreements, covenants and understandings between the Parties concerning subject matter in the Agreement. No prior agreement of understanding, verbal or otherwise, by the Parties or their agents, shall be valid or enforceable unless embodied in this Agreement.
12. "As is" Contracts. PCA makes PCA contracts available to the PCA Member "as is" and is under no obligation to revise the terms, conditions, scope, prices, and/or any other requirements of the contract for the benefit of the PCA Member.
13. Termination. This Agreement may be terminated with or without cause by either party upon (60) days prior written notice.
14. Notice. All forms of written notice, under this Agreement, shall be made by first class mail, postage prepaid and delivered to the other Party of this Agreement.
15. Records Requests. PCA Member agrees to cooperate in compliance with any reasonable request for information and/or records made by PCA. Breach of this provision may be grounds for termination after ten (10) days written notice to the PCA Member.
16. Submission. Send the signed Agreement via email to [Members@pcamerica.org](mailto:Members@pcamerica.org). An email copy of an executed signature shall have the same force and effect as an original signature page.
17. Term. This Agreement is effective the date of the final signature and shall continue indefinitely, subject to the Termination clause.

### Authorization

By execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized to enter into and perform the terms of this Agreement.

City of Lago Vista  
PCA Member Organization Name

### Purchasing Cooperative of America

Authorized Signature

PCA Authorized Signature

Tracie Hlavinka

Printed Name

Printed Name

Title City Manager

Title

Date

Date

Designated Contact Susan Price

Phone

Title Program Manager

Email

Phone 512-267-1155, ext. 132

Main PCA Email [pcamerica@pcamerica.org](mailto:pcamerica@pcamerica.org)

Email [susan.price@lagovistatexas.gov](mailto:susan.price@lagovistatexas.gov)



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** The Lago Vista City Council will hold a public hearing and consider Resolution 23-1990; a Resolution of the City Council of Lago Vista, Texas to name the circle on Dawn Drive after Ann Murrow.

- Open public hearing
- Staff's presentation
- Close public hearing
- Council discussion and possible decision (continue public hearing if no decision results)

**BACKGROUND:** On January 19, 2023, City Council voted unanimously to approve the submission of an application to consider renaming the circle on Dawn Drive after Ann Murrow.

**FINDINGS:** Upon review and evaluation of the application, a public hearing was scheduled to be held on this 2nd day of March, 2023 and public notice was published in the newspaper and posted on the City's website as outlined in the City Facility Naming Policy beginning on February 14, 2023.

**FINANCIAL IMPACT:** Financial impact will be dependent upon street signage.

**ATTACHMENTS:**  
[Resolution](#)

## **RESOLUTION No. 23-1990**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, RENAMING THE CIRCLE ON DAWN DRIVE AFTER ANN MURROW.**

**WHEREAS**, the City Council adopted a City Facility Naming Policy on December 1, 2022; and,

**WHEREAS**, on January 19, 2023, City Council voted unanimously to approve the submission of an application to consider renaming the circle on Dawn Drive after Ann Murrow; and,

**WHEREAS**, upon City Manager review and evaluation of the application, a public hearing was scheduled to be held on this 2nd day of March, 2023 and notice was published in the newspaper and posted on the City's website as outlined in the City Facility Naming Policy beginning February 14, 2023; and,

**WHEREAS**, following the public hearing, the City Council may adopt a resolution officially renaming the City facility.

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

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

**SECTION 2.** The City Council hereby renames the circle on Dawn Drive after Ann Murrow.

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

**PASSED AND APPROVED this the 2nd day of March 2023.**

**CITY OF LAGO VISTA:**

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

**ATTEST**

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

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





# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-01; an Ordinance amending the existing Planned Development District (PDD) approval applicable to the property located at 1900 American Drive and known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels."

- Open public hearing
- Staff's presentation
- Close public hearing
- Council discussion and possible decision (continue public hearing if no decision results)

**BACKGROUND:** Immediately following this summary and a draft zoning ordinance amendment is a staff report that describes the discussion and the recommendation of the Planning and Zoning Commission following the public hearing related to this request at their meeting on February 9, 2023. This packet also includes the application that was originally considered at their August 11, 2022, and was the basis of Ordinance No. 22-09-01-01 that was subsequently adopted by the City Council. However, it was later determined that the notice map prepared by the former GIS staff was inaccurate and that the application needed to be considered again following a corrected notice.

That packet also included a draft ordinance that was originally the same as Ordinance No. 22-09-01-01 with an amended designation. However, two things significant corrections are included in the updated draft ordinance presented for your consideration. First, the City Attorney determined that the amendment to the Future Land Use Map that was part of Ordinance No. 22-09-01-01 remains valid, notwithstanding the flawed notice as amendments to the Comprehensive Plan did not require notice at the time that ordinance was adopted.

Second, the recommendation forwarded by the Planning and Zoning Commission was the result of a motion to approve that failed by a vote of three members who were in favor and three

who were opposed. The City Attorney confirmed that this is a valid recommendation, but one that does result in a requirement for three-fourths of the members of the Council for approval, as no recommendation against enactment of the change was forwarded.

The packet also includes the written comments from property owners within 200 feet of the subject property presented to the Planning and Zoning Commission prior to their meeting on February 9, 2023. Any written comments received after that meeting will be included in a tabulation related to Section 13.20(e)(3)(B) of Chapter 14 that might require a vote of three-fourths of the members of the Council for approval of the proposed ordinance. To date however, we have not received written comments opposing the application from twenty percent of the owners of property within 200 feet of the subject property in the municipal limits of Lago Vista. However, that process will continue up until the time of the Council meeting.

**FINDINGS:**

The packet includes the written comments from property owners within 200 feet of the subject property presented to the Planning and Zoning Commission prior to their meeting on February 9, 2023. Any written comments received after that meeting will be included in a tabulation related to Section 13.20(e)(3)(B) of Chapter 14 that might require a vote of three-fourths of the members of the Council for approval of the proposed ordinance. To date however, we have not received written comments opposing the application from twenty percent of the owners of property within 200 feet of the subject property in the municipal limits of Lago Vista. The tabulation process will continue up until the time of the Council meeting.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**

[Ordinance](#)

[Peninsula PDD Amendment Packet](#)

## **ORDINANCE NO. 23-03-02-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”**

**WHEREAS**, the owner of approximately 40.60 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; and

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

**WHEREAS**, the amended list and description of permitted uses for the Property is set forth in Section 4 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, with all other aspects of the approval remaining intact; and

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

**WHEREAS**, the Planning and Zoning Commission at its public hearing held on February 9, 2023, has reviewed the request and the circumstances of the Property, and a motion to recommend approval of the request in accordance with the conditions enumerated in the staff report resulted in three members voting in favor and three members opposed; and

**WHEREAS**, the Planning and Zoning Commission has forwarded a recommendation to the City Council in accordance with applicable regulations that does not oppose enactment of the proposed zoning change; and

**WHEREAS**, the City Council at its public hearing held on March 2, 2023, has reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property has transpired; and

**WHEREAS**, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, with amendments to its Future Land Use Map including Section 6 of Ordinance No. 22-09-01-01, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan; and

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

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

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

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

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

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

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

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

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by zoning the approximately 40.60 acres of land, more particularly described in **Exhibit "A"** as an update to "The Peninsula Planned Development District" (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas as set forth in this Ordinance.

**Section 4. Zoning Requirements.** All applicable use restrictions and development requirements in the existing Planned Development District" (PDD) known as "The Peninsula" as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;
  - F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the site development plan review required by Chapter 10.5 of the Lago Vista Code of Ordinances.

**Section 5. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**Section 6. Repealer.** The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the amendment to “The Peninsula Planned Development District” (PDD) as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

**Section 7. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 8. Penalty.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

**Section 9. Publication Clause.** The City Secretary of the City of Lago Vista is hereby

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

**Section 10. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

**Section 11. Change of Zoning Map.** The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

**Section 13. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

**AND, IT IS SO ORDERED.**

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

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

ATTEST:

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

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

**EXHIBIT "A"**

**Legal Description**

**40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW ) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

**THENCE** S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

**THENCE** along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

**THENCE** along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

**THENCE** N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

**THENCE** N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

**THENCE** S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

**THENCE** S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;



**EXHIBIT "A"**

**Legal Description (continued)**

**THENCE** S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

**THENCE** S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

**THENCE** S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

**THENCE** along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

**THENCE** N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

**LAGO VISTA CITY COUNCIL  
STAFF LAND USE REPORT – MARCH 2, 2023**



<b>P&amp;Z CASE NO:</b>	<b>23-2314-PDD-MOD:</b> 1900 American Drive
<b>APPLICANT:</b>	Laci Ehlers (McLean & Howard LLP)
<b>LANDOWNER:</b>	SGB Development Corp. (David Rulien)
<b>LOCATION:</b>	End of American Drive ± 1,300' south of Highland Lake Drive
<b>ZONING:</b>	"Peninsula PDD" (Ordinance Number 08-08-21-02)
<b>PROPOSED USE:</b>	PDD Use Description Amendment

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**PLANNING AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION:**

- Absent any prior input from the City Attorney, the possibility that the previous amendment to the Future Land Use Map of the current comprehensive plan would need to be repeated was presented by the staff to the Planning and Zoning Commission. That possibility was subsequently confirmed to be unnecessary by Mr. Crawford as that portion of the previous ordinance (Number 22-09-01-01) remains valid.
- The previous application and recommendation by the Planning and Zoning Commission was discussed, including the flawed notification list that did not accurately identify all property within 200 feet of the request. That flawed list of property owners to be noticed was created by the GIS Technician that was previously a member of the IT Department staff. That error was of course corrected for this application.
- The balance of the discussion was to ensure that the members understood that the request was to remove the limitation on long-term rentals (currently 30 percent), while completely eliminating the possibility of any short-term occupancy of thirty days or less. The current approval would allow all 30 percent of the rental units to be used for short-term occupancy. The applicant offered that the limitations within the current ordinance were too inflexible for the current financial (lending) climate. The applicant also volunteered that short-term occupancy is not consistent with the target market, regardless of the percentage of units occupied by owners or tenants with long-term leases.
- Four individuals spoke in opposition to the application, but the reasons did not seem directly related to the requested amendment. One mentioned the lack of investment in the property since the demolition of the previous facility and the original PDD approvals. Another emphasized opposition to any increase to approved heights. An individual expressed a preference to deal with whatever ownership group might acquire the property in a subsequent transaction. The final speaker was concerned by the history of the current owner in employing various types of modular construction.
- On August 11, 2022, this same application resulted in a recommendation for approval by five of the seven Commission members present at the meeting. Since then, one member has resigned and was replaced effective January 1, 2023. Another member that participated in the original recommendation was not in attendance at the most recent meeting on February 9, 2023 that this application was considered by the Planning and Zoning Commission.
- A motion to recommend approval, including any change to the Future Land Use Map that might prove necessary, resulted in three members in favor and three members opposed. Therefore, at least one member that previously favored a recommendation of approval was no longer in favor of that same recommendation. The City Attorney participated in the meeting virtually and confirmed that this result was a recommendation that met the statutory requirements and could be forwarded to the City Council as a failure to oppose enactment of the requested change. As a precaution, they recommended the previous amendment to the Future Land Use Map if it were to prove necessary. Although the City Attorney has since confirmed that the previous amendment to the Future Land Use Map remains valid, that recommendation was approved by five of the six members present at the February 9, 2023 meeting.

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**POTENTIAL ALTERNATIVE DECISIONS:**

- A. Approve the application as meeting the requirements of a concept and detail plan, subject to the following conditions:
1. the number of units and total area of the development shall be limited as required for compliance with the applicable edition of the International Fire Code at the time of the site development plan and building permit approval; and
  2. the funding of design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the site development plan review required by Chapter 10.5 of the Lago Vista Code of Ordinances.
- B. Deny the application for either a concept plan only approval or a concept and detail plan approval.
-

**LAGO VISTA PLANNING AND ZONING COMMISSION  
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



<b>P&amp;Z CASE NO:</b>	<b>23-2314-PDD-MOD:</b> 1900 American Drive
<b>APPLICANT:</b>	Laci Ehlers (McLean & Howard LLP)
<b>LANDOWNER:</b>	SGB Development Corp. (David Rulien)
<b>LOCATION:</b>	End of American Drive ± 1,300' south of Highland Lake Drive
<b>ZONING:</b>	"Peninsula PDD" (Ordinance Number 08-08-21-02)
<b>PROPOSED USE:</b>	PDD Use Description Amendment

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**UPDATE:**

- On August 11, 2022 the Planning and Zoning Commission originally considered this application. Five of the seven members present at the meeting voted to recommend approval of an amendment to the PDD, subject to enumerated conditions which included a correction to the current Comprehensive Plan. The Lago Vista City Council unanimously adopted Ordinance Number 22-09-01-01 at their September 1, 2022 meeting. The approval included a reminder that a traffic impact analysis (TIA), required by both Chapter 10 and Chapter 10.5 would determine what improvements to American Drive and Highland Lake Drive would be the responsibility of the developer.
- However, it was subsequently determined that the original notification map prepared by the Lago Vista IT Department staff (specifically the GIS technician) contained an error and did not include the 200 feet to the east of the subject property as required by both local ordinance and state statutes. This error resulted in the omission of 13 required notifications, consisting largely of property owners within the development known as "the Cove at Lago Vista."
- That previous notification drew two written comments, one of which was in favor of the previous application (22-2169-PDD-MOD). However, the second comment was a written objection from the individual who represented the 2,346 fractional owners of the development that markets itself as "the Shores at Lake Travis" (a California entity known as Vacation Village Association). That single objection exceeded the threshold (20 percent) that required Ordinance Number 22-09-01-01 be approved by at least three-fourths of the Council members.
- Regardless, the interim City Attorney has determined that pursuant to the objection of at least one of those property owners with standing that should have, but were not sent a mailed notice, that the notification error would have to be corrected and a new draft ordinance considered by the City Council, following a recommendation from the Planning and Zoning Commission. It is less clear whether the amendment to the Comprehensive Plan included in the previous ordinance is considered valid. Regardless, the staff will seek that determination before the application is considered again by the Council. In addition, the original application date (July 13, 2022) predates the effective date of the recent ordinance amendment that requires modifications to the Comprehensive Plan to be pursued prior to an associated zoning change application.
- The staff subsequently received written objections from property owners with standing. The maps and notification mailing lists were corrected and the statutory notification process repeated. To date, we have received no written comments as a result of the notification. We will nonetheless continue to account for written objections up until the time that a new ordinance is considered by the City Council in early March. In addition to the corrected maps and the applicant's original submission, this packet also includes the Ordinance that was originally adopted by the Council on September 1, 2022 and the original staff report prepared for the Planning and Zoning Commission. Both are found immediately following this update to the original staff report.
- Prior to the recently adopted amendment to Chapter 14, there was no local ordinance notice requirement for a Comprehensive Plan amendment. Nonetheless, pending a determination by the interim City Attorney that the component of the previous ordinance amending the Comprehensive Plan as it relates to this property remains valid, we urge the Planning and Zoning Commission to include that condition as a component of any approval recommendation.

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**POTENTIAL ALTERNATIVE RECOMMENDATIONS:**

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, subject to the following conditions:
    - 1. the number of units and total area of the development shall be limited as required for compliance with the applicable edition of the International Fire Code at the time of the site development plan and building permit approval; and
    - 2. the land use designation for this property in the current Comprehensive Plan is erroneously inconsistent with the official zoning map that was applicable at the time of its adoption and should be amended to reflect a “POA Park” at the location of parcels ‘A,’ ‘E,’ and ‘F’ of the existing PDD ordinance and “Mixed Use” at the location of the balance of the subject property.
  - B. Recommend denial of the application for either a concept plan only approval or a concept and detail plan approval.
-

## **ORDINANCE NO. 22-09-01-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”**

**WHEREAS**, the owner of approximately 40.60 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; and

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

**WHEREAS**, the amended list and description of permitted uses for the Property is set forth in Section 4 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, with all other aspects of the approval remaining intact; and

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

**WHEREAS**, the Planning and Zoning Commission at its public hearing held on August 11, 2022 and the City Council at its public hearing held on September 1, 2022, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

**WHEREAS**, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan except as specifically described and amended in Section 6 below, which shall not otherwise be interpreted as inconsistent with this rezoning; and

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

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

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

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

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

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

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

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

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by zoning the approximately 40.60 acres of land, more particularly described in **Exhibit “A”** as an update to “The Peninsula Planned Development District” (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas as set forth in this Ordinance.

**Section 4. Zoning Requirements.** All applicable use restrictions and development requirements in the existing Planned Development District” (PDD) known as “The Peninsula” as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. **Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:**

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;



- F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
- 24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the required “detail plan” and “design review” required by the Lago Vista zoning ordinance.

**Section 5. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**Section 6. Amendment of Future Land Use Map.** To the extent that the Future Land Use Map adopted in 2016 by Ordinance No. 16-05-05-02 as amended is inconsistent with the official Zoning Map of the City of Lago Vista, Texas as it relates to the Property as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, it is hereby amended as follows: the area corresponding to parcels ‘A,’ ‘E,’ and ‘F’ shall be designated as “POA Park;” and the area corresponding to parcels ‘B,’ ‘C,’ and ‘D’ shall be designated as “Mixed Use.”

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

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

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

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

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

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

**Section 13. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 1st day of September 2022.

Ed Tidwell

Ed Tidwell, Mayor



ATTEST:

Lucy Aldrich  
Lucy Aldrich, City Secretary

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

**EXHIBIT "A"**

**Legal Description**

**40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW ) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

**THENCE** S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

**THENCE** along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

**THENCE** along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

**THENCE** N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

**THENCE** N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

**THENCE** S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

**THENCE** S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

**EXHIBIT "A"**

**Legal Description (continued)**

**THENCE** S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

**THENCE** S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

**THENCE** S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

**THENCE** along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

**THENCE** N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

**LAGO VISTA PLANNING AND ZONING COMMISSION**  
**ORIGINAL STAFF LAND USE REPORT – FEBRUARY 9, 2023 / AUGUST 11, 2022**



**P&Z CASE NO:** 22-2169-PDD-MOD: 1900 American Drive  
**APPLICANT:** Laci Ehlers (McLean & Howard LLP)  
**LANDOWNER:** SGB Development Corp. (David Rulien)  
**LOCATION:** End of American Drive ± 1,300' south of Highland Lake Drive  
**ZONING:** "Peninsula PDD" (Ordinance Number 08-08-21-02)  
**PROPOSED USE:** PDD Use Description Amendment

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**GENERAL INFORMATION / LOCATION:**

- American Drive is a street that winds predominately in a north-south direction through the southwest portion of Lago Vista. The extreme extents of this residential street terminate in two prominent lakefront properties. The north property is developed and referred to as the "Island on Lake Travis." This application relates to the south property which remains vacant but is referred to in the existing PDD approval as "the Peninsula." The staff has been told that it was the former location of a demolished development that predates the incorporation of the city.
- "The Peninsula" PDD was originally approved by the Lago Vista City Council in Ordinance Number 07-02-15-01 for a maximum of 225 condominium units within a development that includes the type of accessory uses normally associated with a lakeside resort. Restrictions related to the public use of some of the resort amenities were subsequently modified in Ordinance Number 08-08-21-02.
- The Planning and Zoning Commission considered an application (21-1867-PDD-MOD) at their July 8, 2021 meeting that proposed a significant reduction in the improvements, including the number of residential dwelling units. The application also sought modifications that would balance the heights of the buildings within the "condominium parcels." With six of the seven members present, the Planning and Zoning Commission forwarded a unanimous recommendation to the City Council that the change be approved.
- However, this represented an increase to the heights of the buildings on the east side of the subject property, closest to an existing residential development known as "the Cove of Lago Vista." Those property owners strenuously objected to the approval at the City Council meeting on August 5, 2021 at which the application was being considered. This caused the applicant to withdraw the application during the meeting and prior to any action by the Council.
- As a result, the prior approvals (Ordinance Number 07-02-15-01 as amended by Ordinance Number 08-08-21-02) remain intact. As explained in the letter included in the packet from the representative of the property owners, the application seeks to modify the current provisions that relate to the rental of the dwelling units within the "condominium parcels." Rentals are currently limited to thirty percent of the maximum 225 units specified in the zoning approval, although all could be offered for short-term occupancy. The proposed change would preclude the possibility of any short-term occupancy, but eliminate any restriction on long-term leases or rentals (defined as thirty days or longer by the Lago Vista zoning ordinance).

**SITE PLAN / CONTEXT CONSIDERATIONS:**

- The above referenced letter from the applicant's representative mentions the need to amend Section 6.4.C and Section 6.4.F of Ordinance Number 08-08-21-02. However, that appears to be a simple typographic error likely caused by the discrepancy in the Section numbers employed in the original approval (Ordinance Number 07-02-15-01) and the currently applicable approval. The correct references in Ordinance Number 08-08-21-02 are Section 4.4.C and Section 4.4.F which we have marked for convenience.
- The area surrounding the subject property south of Highland Lake Drive consists of uses that are somewhat similar in nature. Waterside Oaks Condominiums is on the west side of this portion of

American Drive while Aloha Suites of Lake Travis and the Shores of Lake Travis are on the east side. On the opposite side of the adjacent Lake Travis inlet to the east is a series of lots fronting on Highland Lake Drive and Highland Lake Loop in a subdivision platted as “the Cove of Lago Vista” and described above. While it consists primarily of single-family (R-1C) residential property, there are four R-2 (two-family) residential lots that are inconsistent with that pattern. They seem to include non-conforming attached units that span across the property lines.

**RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:**

- The applicant requests the uses permitted in Section 4.4.C of Ordinance Number 08-08-21-02 be expanded to add “apartments” as well as “residential condominiums” to the list of approved uses. The staff does not disagree as both uses are defined separately in the Lago Vista zoning ordinance. However, we would also note that there is nothing in the ordinance that would prevent a “residential condominium” from being rented or leased for long-term occupancy any more than there is a restriction on the long-term rent or lease of a single-family residence.
- Instead, it is the language within Section 4.4.F of Ordinance Number 08-08-21-02 that necessitates this application. A permissible mechanism in a “Planned Development District” (PDD), Section 4.4.F “voluntarily” imposes a restriction on both long-term and short-term occupancy that otherwise does not exist in the zoning ordinance. The current PDD provision treats long-term and short-term occupancy as indistinguishable.
- The proposed net result of this application is to remove any restriction in the PDD for long-term leases or rentals, but to also completely eliminate the possibility of any short-term occupancy. Absent any mention in the applicable zoning approval, there is no limit on the percentage of short-term occupancy in a PDD or the CR and R-4 zoning districts. Even the current draft amendment to Section 23 of Chapter (later on this same agenda) does not contemplate any limit on the percentage of short-term occupancy for this housing form (“multifamily” dwelling units).
- The more interesting analysis is related to the change in the zoning ordinance provisions since approval of the currently applicable PDD in 2008 rather than the nature of this application. The current requirement for both a “concept and detail plan” approval was adopted by ordinance in 2020. The 2007 and 2008 PDD ordinances applicable to the subject property do not meet those current requirements, yet those entitlements nonetheless remain valid. The much more developed plans that were presented for comparison during the most recent application that was ultimately withdrawn (21-1867-PDD-MOD) were the result of an administrative site development plan review.
- As those documents propose development that have been subsequently confirmed by the staff to be substantially consistent with those PDD approvals, there is a reasonable basis for accepting them as adequate supplements to meet the current requirements for both a “concept and detail plan” approval. However, that same review is unable to meet the current requirements for a valid site development plan review. As that review is not a permit, that approval is not vested and most development ordinances have undergone substantial change in the interim.
- Perhaps most notably, that review did not include the analysis for compliance with the currently adopted version of the International Fire Code that would presumably have occurred during the subsequent building permit review. As there is only one common path of emergency egress or fire safety apparatus access (i.e. only one way in or out), there is a limit on both the area of improvements and the maximum number of dwelling units that can be permitted. Those limits vary in accordance with a number of factors (such as the inclusion of an automatic fire suppression system, more commonly referred to as fire sprinklers). Nonetheless, the maximum number of dwelling units and the total size of the development will likely be somewhat less than permitted by the current zoning entitlement (contrary to the smaller development proposed in the 2021 application that was ultimately withdrawn).

- Another new ordinance provision adopted subsequent to the most recent applicable PDD approval requires design review approval for any multifamily or non-residential development. Section 6.105 of Chapter 14 was adopted in 2019 by Ordinance Number 19-11-07-03. While the approval is an integral component of a new “concept and detail plan” PDD application and approval, that requirement remains outstanding as it relates to the subject property.
- While the required documents might have been included as part of the current application, the procedure outlined in Section 6.105(b)(2) seems preferable. It provides the opportunity for the review by the Planning and Zoning Commission (which does not require a public hearing) to benefit from the site development plan review required by Chapter 10.5. This would allow that review to incorporate compliance with the International Fire Code as it relates to the maximum area of improvements and the maximum number of dwelling units.
- In one sense, it is arguable that the Comprehensive Plan is not particularly relevant to the current proposed amendments as the land use designations within it do not distinguish between long or short-term rental units and owner occupied residences. Nonetheless, this property is currently designated as “low density residential” despite its historic use as a resort hotel prior to the incorporation of the City of Lago Vista or the adoption of either of the two earlier PDD approvals. Like a handful of other instances, it seems likely that the consultant team that prepared the Future Land Use Map were not provided a complete list of existing PDD approvals that accurately described the entitled uses. It seems appropriate to take this opportunity to correct that oversight as part of the ordinance sought by the applicant. The appropriate land use designations (before and after any potential approval of this application) are “POA Park” for parcels ‘A,’ ‘E,’ and ‘F’ and “Mixed Use” for parcels ‘B,’ ‘C’ and ‘D.’

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**POTENTIAL ALTERNATIVE RECOMMENDATIONS:**

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, subject to the following conditions:
    - 1. the number of units and total area of the development shall be limited as required for compliance with the applicable edition of the International Fire Code at the time of the site development plan and building permit approval; and
    - 2. the land use designation for this property in the current Comprehensive Plan is erroneously inconsistent with the official zoning map that was applicable at the time of its adoption and should be amended to reflect a “POA Park” at the location of parcels ‘A,’ ‘E,’ and ‘F’ of the existing PDD ordinance and “Mixed Use” at the location of the balance of the subject property.
  - B. Recommend denial of the application for either a concept plan only approval or a concept and detail plan approval.
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23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 1

Application



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

**APPLICATION FOR ZONING DISTRICT CHANGE**

**Contact Person:** David Rulien **Fee:** See Ordinance Appendix A (non-refundable)  
**Contact Phone:** 954-646-8457 **Contact Email:** drulien@sgblocks.com  
**Property Owner(s):\*** SGB Development Corp  
**Owner's mailing address:** 17 State Street, Floor 19, New York, NY 10004

**COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY**

**Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise\***  
40.60 acres of land out of the James K. Baldwin Survey, Abstract 609, Travis County, Texas  
(metes & bounds attached)

**Municipal Address(es)\* if applicable:** \_\_\_\_\_

**NATURE OF REQUEST**

**Current Zoning District(s):** PDD **Requested District:** PDD

**Purpose or Basis of Request\* (if PDD, include whether concept and/or detail plan approval is sought):**

Minor amendment to The Peninsula PDD to allow up to 100% of the condominiums to be rental units.

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

**Name of Agent:** McLean & Howard LLP (Jeff Howard or Laci Ehlers) **Email:** lehlers@mcleanhowardlaw.com

**Mailing Address:** 4301 Bull Creek Road, Ste 150, Austin, TX 78731 **Phone:** 512-328-2008

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

SGB Development Corp  
[Signature]  
**Property Owner's signature(s)\***

7-13-22

**Date**

**\*Attach additional sheets as required**

## Roy Jambor

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**From:** Laci M. Ehlers <lehlers@mcleanhowardlaw.com>  
**Sent:** Wednesday, August 10, 2022 3:56 PM  
**To:** Roy Jambor  
**Cc:** Erin Selvera  
**Subject:** Peninsula - FLUM Amendment

Roy,

Please accepted this request on behalf of SGB Development Corp, as owner of that certain 40.60 acre tract in Lago Vista locally known as The Peninsula PDD, to amend the Future Land Use Map to align with uses provided in the Peninsula PDD. We request that the amendment to the FLUM be considered by Planning & Zoning Commission and Council concurrently with the submitted PDD amendment request (City Case File No. 22-2169-PDD-MOD).

Please let me know if you need any further information.

Thank you,  
Laci

**Laci Ehlers**

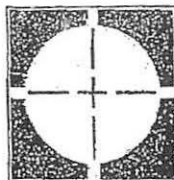
[lehlers@mcleanhowardlaw.com](mailto:lehlers@mcleanhowardlaw.com)

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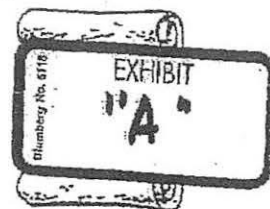
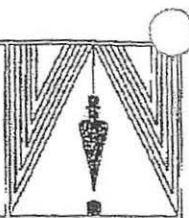


**\*\*\*\*\*We've moved\*\*\*\*\*Please note our new address.**

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**WATSON SURVEYING**  
9501 CAPITAL OF TEXAS HWY.  
SUITE 303 AUSTIN, TX 78759  
346-8566 FAX 346-8568



FIELD NOTES FOR 40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609), CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G/PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G/PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive, also the northeast corner of Lot 30001-C, A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a ½" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a ½" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.69 feet and radius of 60 feet, to a ½" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a ½" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a ½" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13'E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a  $\frac{1}{2}$ " steel pin found, for angle point,
- 2) N14°25'32"E 205.77 feet to a  $\frac{1}{2}$ " steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the POINT OF BEGINNING, containing 40.60 acres of land.

Surveyed 1 September 2005 by:

  
Stuart Watson, RPLS 4550



23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 2

Proposed Use Description Amendment / Draft Ordinance

July 13, 2022

Roy Jambor, Director  
Development Services Department  
City of Lago Vista  
5803 Thunderbird Street  
Lago Vista, Texas 78645

RE: **Zoning Amendment Application for The Peninsula Planned Development District** (the "Application") Located at the South Terminus of American Drive, Lago Vista, Texas (the "Property")

Dear Mr. Jambor:

This firm represents, and this letter is submitted on behalf of, SGB Development Corp. (the "Applicant") as the owner of the undeveloped Property in the above-referenced Application. The Property is 40.60 acres in size and is bounded by condominiums and vacation rentals to the west, undeveloped property owned by the Applicant to the north, and Lake Travis to the south and east. The Property is currently zoned as The Peninsula Planned Development District ("The Peninsula PDD") based on Ordinance No. 07-02-15-01 ("PDD Ordinance"). The purpose of this Application is to request minor amendments to The Peninsula PDD to permit apartments, increase the limitation on rental units, and limit the ability to use the units for short term rentals ("PDD Amendments").

To appropriately react to current market conditions and provide a market-rate, rental residential product to the community, the Applicant is requesting the PDD Amendments as further detailed below:

**Zoning for the Condominiums Parcels – Parcels D1, D2 and D3.**

- Amend Section 6.4.C to include "apartments" as a use permitted for development in the Condominium Parcels.
- Amend Section 6.4.F. to read "Up to one hundred percent (100%) of the apartments or condominiums may consist of rental units, which may not be leased for less than thirty days."

On behalf of the Applicant, we look forward to working with the City on approval of these proposed PDD Amendments. If you have any questions or comments, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Laci Ehlers



## **ORDINANCE NO. 23-03-02-0** 🗳️

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”**

**WHEREAS**, the owner of approximately 40.60 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; and

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

**WHEREAS**, the amended list and description of permitted uses for the Property is set forth in Section 4 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, with all other aspects of the approval remaining intact; and

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

**WHEREAS**, the Planning and Zoning Commission at its public hearing held on February 9, 2023, has reviewed the request and the circumstances of the Property, and was unable to secure a vote of a majority of the members present to recommend either that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property has or has not transpired; and

**WHEREAS**, the Planning and Zoning Commission has forwarded a recommendation to the City Council in accordance with applicable regulations that does not oppose enactment of the proposed zoning change; and

**WHEREAS**, the City Council at its public hearing held on March 2, 2023, has reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property has transpired; and

**WHEREAS**, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, with amendments to its Future Land Use Map including Section 6 of Ordinance No. 22-09-01-01, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

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

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

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

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

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

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

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

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

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by zoning the approximately 40.60 acres of land, more particularly described in **Exhibit "A"** as an update to "The Peninsula Planned Development District" (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas as set forth in this Ordinance.

**Section 4. Zoning Requirements.** All applicable use restrictions and development requirements in the existing Planned Development District" (PDD) known as "The Peninsula" as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;
  - F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the site development plan review required by Chapter 10.5 of the Lago Vista Code of Ordinances.

**Section 5. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**Section 6. Repealer.** The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the amendment to “The Peninsula Planned Development District” (PDD) as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

**Section 7. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 8. Penalty.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

**Section 9. Publication Clause.** The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

**Section 10. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

**Section 11. Change of Zoning Map.** The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

**Section 13. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

**AND, IT IS SO ORDERED.**

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

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

ATTEST:

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

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

**EXHIBIT "A"**

**Legal Description**

**40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW ) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

**THENCE** S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

**THENCE** along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

**THENCE** along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

**THENCE** N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

**THENCE** N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

**THENCE** S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

**THENCE** S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

**EXHIBIT "A"**

**Legal Description (continued)**

**THENCE** S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

**THENCE** S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

**THENCE** S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

**THENCE** along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

**THENCE** N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 3

Previously Approved PDD Plans / Ordinances



CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 07-02-15-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE LAND KNOWN AS *THE PENINSULA* FROM DISTRICT "CR RESORTS" APPLICABLE TO SUCH PROPERTY IN EFFECT PURSUANT TO ORDINANCE NO 00-12-14-02 TO A "PLANNED DEVELOPMENT DISTRICT"; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property known as The Peninsula described hereinafter (the "Property") has requested that the Property be rezoned;

WHEREAS, after giving ten days' notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendations on the rezoning to the City Council;

WHEREAS, after publishing notice to the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings:** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinances:** Ordinance No. 98-04-27-03, as amended, the City of Lago Vista Zoning Ordinance (the "Zoning Ordinance" or "Code"), Ordinance No. 00-12-14-02 ( the "Zoning Overlay District"), Ordinance No. 00-12-14-02 (the "Resorts Master Plan") are hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property:** The Zoning Ordinance, the Zoning Overlay District, and the Marina Ordinance are hereby amended by changing the zoning district from the current zoning district of "CR Resorts" to zoning district "PDD", subject to this ordinance (this "Ordinance") for the land described as

40.60 acres of land out of the JAMES K. BALDWIN SURVEY, ABSTRACT NO. 609, in the City of Lago Vista, Travis County, Texas, being composed of a 16.84 acre tract of land conveyed to G&G/Peninsula, L.P. by warranty deed recorded in Doc. No. 2005114201, Official Public Records of Travis County, Texas, and a 23.76 acre tract of land conveyed to G&G/Peninsula, L.P., by warranty deed recorded in Doc. No. 2005114202, Official Public records of Travis County, Texas, said 40.60 acres being described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes (collectively, the "Property")

The Property is accordingly hereby rezoned to Planned Development District- "PDD", with the uses as set forth in Section 4 of individual parcels identified hereinbelow.

**Section 4. Amendment and Modification of Applicable Zoning Ordinances:**

The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as The Peninsula Planned Development. The comprehensive zoning requirements of Ordinance No. 00-12-14-02 related to a Resorts Master Plan shall be of no further force or effect as to the Property. The comprehensive zoning requirements of Ordinance No. 98-04-27-03, as amended, shall apply to each individual Parcel as identified below; provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual Parcels set forth herein, the requirements set forth herein shall control. The Marina Ordinance, as amended, is hereby amended to the extent of any conflict herewith; provided that should a conflict appear between the requirements of the Marina Ordinance and the requirements herein for a marina, the requirements set forth herein control.

**Section 5. Identification of Parcels within the PDD:** The Property consists of the following parcels of land which are also depicted in Exhibit "B" attached hereto and incorporated herein for all purposes:

- a. Parcel A, the "Recreational Area Parcel";
- b. Parcel B, the "Dry Boat Storage Facility Parcel";
- c. Parcel C, the "Marina Parcel";
- d. Parcels D1, D2 and D3, the "Condominiums Parcels";
- e. Parcel E, the "Garden Areas Parcel"; and
- f. Parcel F, the "Cove Parcel".

**Section 6. Zoning Requirements:** The following zoning requirements established herein shall apply to the Parcels identified in Section 5, as follows:

1. **Zoning for the Recreational Area Parcel - Parcel A:**
  - A. Construction in Parcel A shall comply with the zoning requirements and development standards for Developed Park District P-1B except as hereinafter modified.
  - B. No off-street parking will be required for Parcel A.
  - C. The Recreational Area Parcel shall be developed exclusively for outdoor recreational areas including, specifically, tennis courts, indoor and outdoor swimming pools, children's playground, volleyball courts, and other similar conventional recreational uses associated with the project. No residential living quarters or public recreational water parks or commercial or community marina or private boat docks or slips shall be constructed on any portion of Parcel A.
  - D. The Recreational Area Parcel shall not be made available to the general public, but shall exclusively be reserved for the use of the condominium association and its members.

- E. Lighting for recreational uses shall conform to Retail Center Lighting provisions which require downcasting lights, minimum wattage, and dimming after 11:00 p.m.
  - F. Construction and operation of a snack bar shall be permitted on Parcel A.
  - G. There shall be no setback requirements in Parcel A internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property boundary of the project site.
2. Zoning for the Dry Boat Storage Facility Parcel - Parcel B:  
 The Dry Boat Storage Facility Parcel shall be designed, constructed and operated subject to the following conditions:
- A. Construction in Parcel B shall comply with the zoning requirements and development standards for Commercial District C-2 except as hereinafter modified:
  - B. No off-street parking will be required for Parcel B.
  - C. Any development or use permitted on Parcel E, the Garden Areas Parcel, with the exception of parking shall be permitted on Parcel B;
  - D. The Dry Stack Boat Storage Facility Parcel shall be limited to the lesser of the following: (1) two hundred (200) dry stack slips with trailer storage facility or, (2) a number of dry stack slips equal to the total number of condominium units constructed in Parcels D1, D2 and D3.
  - E. The dry boat storage facility shall be constructed and designed in a manner clearly consistent with the architectural style of the condominium buildings.
  - F. The dry boat storage facility shall not exceed a height of 745 feet msl.
  - G. Boat loading and unloading operations shall employ fork lifts and other equipment capable of the proposed load conveyance and equipped with noise suppression equipment and quiet technologies which will yield the lowest commercially available decibel measurements.
  - H. Dry boat loading and unloading operations shall be restricted to times between the hours of 7:00 am and 10:00 pm.
  - I. The dry boat storage loading ramp shall be constructed directly between the opening of the boat storage building and the nearest appropriate location of Lake Travis as defined by the site design engineer subject to City approval.
  - J. Dry stack boat storage facilities shall not be made available to the general public, but shall exclusively be reserved for the use of the condominium association and its members. This requirement shall be codified as a deed restriction on the property.
  - K. There shall be no setback requirements in Parcel B internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
3. Zoning for the Marina Parcel-Parcel C:
- A. Construction in Parcel C shall comply with the zoning requirements and development standards for commercial zoning designation C-1C except as hereinafter modified:
  - B. One publicly-available parking spot shall be provided for every two publicly-available marina slips.

- C. The Marina Parcel, including any inundated lands forming part of such Parcel, shall be developed only as condominium marina, private boat docks, wet slips, and/or dockominiums.
  - D. All development of marinas and boat docks shall be subject to approval by the Lower Colorado River Authority.
  - E. Condominium Marina or Boat Docks shall mean any type of floating marina facility or boat dock as defined by the LCRA in which individual permanent floating slips are owned or available for sale or lease to individual owners of The Peninsula condominiums project only and in which common areas such as roofs, gangways, decks, anchoring facilities, and other appurtenances are owned and maintained by the Condominium Owners Association or other similar such entity.
  - F. Boat rental to the owners of the condominiums units but not to the public at large is an approved use to be located in Parcel C.
  - G. The Condominium Marina and Boat Docks shall be limited to a combined maximum of fifty (50) permanent wet slips plus the number of courtesy slips and tie-up docks appropriate for operation of the dry boat storage facility, an on-the-water restaurant, if constructed, and a boat rental facility but under no circumstances to exceed ninety-six (96) total wet slips and tie-up locations.
  - H. The Condominium Marina Parcel may include development and construction of a ship's store and a floating restaurant not to exceed 3,500 square feet in size.
  - I. The playing of music associated with operation of the floating restaurant shall be restricted based on applicable City of Lago Vista curfew and City code requirements. The playing of amplified music outdoors is prohibited after 10:00 p.m.
  - J. There shall be no marine fueling facilities constructed in Parcel C.
  - K. No more than one (1) restaurant, including restaurants serving alcoholic beverages, may be constructed at the floating marina facility. This restaurant may be open to the general public.
  - L. A floating Ship's Store may be constructed in Parcel C.
  - M. Development and construction of boat launch facilities, including ramps, appurtenances, ancillary mechanical equipment, and access driveways to provide ingress and egress to Lake Travis for watercraft shall be permitted on Parcel C.
  - N. There shall be no setback requirements in Parcel C internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
4. Zoning for the Condominiums Parcels - Parcels D1, D2 and D3:
- A. Construction in Parcels D1, D2 and D3 shall comply with the zoning requirements and development standards for zoning designation CR/Condominiums except as hereinafter modified:
  - B. Building exterior materials shall be limited to white limestone rock with 100 percent masonry coverage unless otherwise approved by the City Council.
  - C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums, including privately owned or leased units; accessory uses as defined and limited in

- Item H below; and any and all uses specified in Parcel E including parking except as limited in Item 4.L below;
- D. A maximum of two hundred and twenty-five (225) units may be constructed on the combined areas of Condominium Parcels D1, D2 and D3;
  - E. All combined construction of residential and accessory uses on Parcels D1, D2 and D3 shall be subject to a maximum aggregate of two hundred and seventy thousand (270,000) square feet of heated and air-conditioned space not including the dry stack boat storage facility. If future market conditions warrant an increase in the size of the meeting and conventions facility over and above the 5,000 square feet minimum starting size, the final maximum size of the meetings and conventions facility will be up to 20,000 square feet and the final maximum size of the entire heated and air conditioned space collectively on the Condominiums Parcels, excluding the dry stack boat storage facilities, will not exceed two hundred and eighty-five thousand (285,000) square feet.
  - F. Up to thirty percent (30%) of the condominiums may consist of rental units, which, when leased nightly, weekly or monthly for a term of less than thirty days, will be subject to applicable hotel occupancy taxes due the City of Lago Vista from such use;
  - G. There shall be no use of any condominium units as time share properties.
  - H. Accessory uses shall be permitted on the Condominiums Parcels as follows: meeting room (no less than 5,000 sf total and no more than 20,000 sf total), one restaurant/bar/commercial kitchen/dining room/private club (not to exceed 6,000 sf total), health and exercise facilities (not to exceed 2,000 sf total), spa/beauty and retail shops (not to exceed 2,000 sf total), medical facilities (not to exceed 2,000 sf total), offices/lobby (not to exceed 3,000 sf total), and any and all recreational uses and facilities as permitted on Parcel A. The total area of accessory uses in Parcels D1, D2 and D3 shall not exceed in total thirty-five thousand (35,000) square feet;
  - I. Construction of accessory uses is not limited to either Zone D1, D2 or D3.
  - J. The maximum height for any structure located on Parcel D1 shall be 776 feet msl (approximately 48 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D2 shall be 755 feet msl (approximately 26 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D3 shall be 755 feet (approximately 26 feet above the maximum elevation on the tract).
  - K. The maximum number of stories dedicated to residential use located in Parcel D1 shall be four. The maximum number of stories dedicated to residential use located in Parcel D2 shall be two. The maximum number of stories above elevation 723 located in Parcel D3 shall be two. In addition to the residential stories, one or two parking levels may be located below the residential levels.
  - L. Surface and enclosed parking facilities may be constructed with minimum parking ratios for each use contained within Parcels D1, D2 and D3 to comply with City of Lago Vista Code as of the date of adoption of this Ordinance;



- M. Boat Launch Facilities, including ramps, appurtenances, equipment and driveways, may be constructed across Parcel D1 to provide access and ingress and egress for to-be-stored or launched personal watercraft to and from Parcel B and Parcel C.
  - N. There shall be no setback requirements in Parcels D1, D2 and D3 internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
5. Zoning for the Garden Areas Parcel - Parcel E:
- A. Construction in Parcel E shall comply with the zoning requirements and development standards for park zoning designation P-1B except as hereinafter modified:
  - B. The Garden Areas Parcel shall be developed only as a combination of one or more of the following uses: gardens, garden appurtenances such as gazebos and walkways, water features, driveways, entrance features, fire lanes, garbage truck access lanes, and surface parking areas limited to a maximum of 150 parking spaces.
  - C. There shall be no setback requirements in Parcel E internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
6. Zoning for the Cove Parcel - Parcel F:
- A. Construction in Parcel F shall comply with the zoning requirements and development standards for park zoning designation P-2 except as hereinafter modified:
  - B. The Cove Parcel shall be developed exclusively for pedestrian trails and walkways and non-structural recreational facilities such as picnic areas or volleyball. No residential living quarters or commercial or community marina or private boat docks or slips or parking areas or structural recreational facilities such as tennis courts or swimming pools shall be constructed on any portion of Parcel F. Subsurface anchoring systems required for construction of floating marina facilities located in Parcel C (the "Marina Parcel") shall be allowed in Parcel F.
  - C. No off-street parking will be required for Parcel F.
7. The City of Lago Vista shall have a public safety easement over all private streets and roadways and all easements and any greenbelts dedicated to the homeowner's association.
8. Each developed Parcel within the PDD shall be served by City of Lago Vista water and wastewater utility services. Wastewater utilities located within this Planned Development are public utilities up to the point of connection to each Tract's lot line. Water utilities are part of the public system up to the point of connection to a private service meter.
9. No street lights shall be required on private streets. Street lights shall be installed by the declarant under the to-be-formed condominium regime ("Declarant") on all new public streets constructed by Declarant, not less frequently than every

800 lineal feet. All street lights shall be downcasting type capable of dimming after 11:00 p.m.

10. Save and except in case of excavations for construction of structures, boat storage facilities and subsurface parking, cut and fill shall be limited to a maximum of 4 feet above or below grade; provided, however, that cut or fill in excess of 4 feet shall be permitted if the cut or fill slope is terraced to control erosion and sedimentation. Cut or fill in excess of 4 feet for construction of boat launching and conveyance facilities shall be permitted provided such cut or fill shall be subject to recommendations from a licensed geotechnical engineer as to safe slope stability and erosion controls.
11. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
12. No building or other structure other than a marine structure, boat ramp or associated appurtenances may be constructed below the 681 foot mean sea level contour line of Lake Travis.
13. No barbed wire shall be allowed in the construction of any fence on the Property. Any fence, wall, hedge or other similar structure shall not exceed 6-feet in height nor be composed of a material other than 14 gauge or heavier wire or wrought iron or masonry
14. No livestock, horses or exotic animals shall be allowed on any Parcel.
16. Building Setbacks shall also serve as conservation and Non-Point Source("NPS") vegetative buffer strips unless otherwise designated on the Site Plan.
17. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.
18. All of the Property shall be subject to a Critical Water Quality Zone beginning at the 681-ft contour and extending 75 feet horizontally inland.
19. Impervious cover on the property shall not exceed seventy (70) percent of the gross area of the tract located above the 681' contour.
20. The developer agrees that a fair and objective appraisal will be performed on the area currently designated as public ROW at The Peninsula property, and that the developer will pay the City of Lago Vista the value determined in this appraisal for purchase of this public ROW area.<sup>21</sup> Upon approval of this PDD document, the developer agrees to commence subdivision and final platting for the subject property. The developer further agrees to submit a site plan application with construction documents to the City of Lago Vista. No issuance of building permits for the proposed project will occur without a City of Lago Vista approved Site Plan and Final Plat. The City of Lago Vista agrees that a condominium regime will be permitted on the subject property.
22. The following facilities will be open to the public:



- Residential condominiums which may be rented out as described in Section 4.D above
  - Meeting rooms including the initial 5,000 sf and any additional meetings and convention space which is added to the project
  - On-shore restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
  - Floating restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
  - Ship's store at the floating marina
  - Spa/beauty facilities
  - Medical offices
  - Retail facilities
  - Easements for walking on private streets, sidewalks and common areas without use of the Parcel A recreational facilities
23. The following facilities will not be open to the public but will be reserved exclusively for condominium owners/renters and their guests:
- Residential condominiums reserved for ownership only
  - Dry stack marina
  - Floating marina slips
  - Boat rentals at the floating marina
  - Parcel A recreational facilities
  - Parcel A snack bar
  - Parcel D office facilities
  - Health and exercise areas
24. The developer agrees to fund design and construction of improvements to American Drive between the project site and Boggy Ford Road including roadway overlay and widening.
25. The developer agrees to fund design and construction of all lift station improvements at the American Drive lift station site necessary to serve increased densities at the project site. The developer will also fund design and construction of a portion of the total length of force main improvements necessary to convey wastewater effluent to the City of Lago Vista's municipal wastewater treatment system.
26. The developer agrees to fund design and construction of all water line improvements along American Drive between the project site and Highland Lake Blvd necessary to serve increased densities at The Peninsula.

**Section 7. Amendment of Ordinances.** Ordinance No. 98-04-27-03 and Ordinance No. 00-12-14-02 are hereby amended to add the above-described Planned Development District.

**Section 8. Severability.** Should any section or part of this Ordinance be held unconstitutional illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions

thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

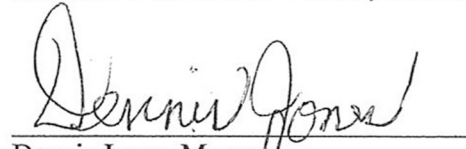
**Section 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

**PASSED AND APPROVED** on this 15<sup>th</sup> day of February, 2007.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS

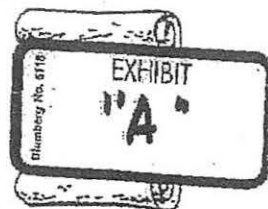
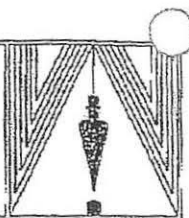
  
Christina Buckner, City Secretary

  
Dennis Jones, Mayor

On a motion by Mike Thornton, seconded by Fred Harless, the above and foregoing instrument was passed and approved.



**WATSON SURVEYING**  
9501 CAPITAL OF TEXAS HWY.  
SUITE 303 AUSTIN, TX 78759  
346-8566 FAX 346-8568



FIELD NOTES FOR 40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609), CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G/PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G/PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive, also the northeast corner of Lot 30001-C, A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a ½" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a ½" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.69 feet and radius of 60 feet, to a ½" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a ½" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a ½" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13'E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a  $\frac{1}{2}$ " steel pin found, for angle point,
- 2) N14°25'32"E 205.77 feet to a  $\frac{1}{2}$ " steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the POINT OF BEGINNING, containing 40.60 acres of land.

Surveyed 1 September 2005 by:

  
Stuart Watson, RPLS 4550





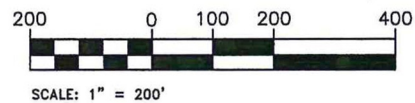
	APPROXIMATE SIZE
Ⓐ RECREATION AREA PARCEL	1.0 Ac.
Ⓑ DRY BOAT STORAGE FACILITY PARCEL	0.8 Ac.
Ⓒ MARINA PARCEL	11.6 Ac.
Ⓓ CONDOMINIUM PARCELS	6.0 Ac.
Ⓔ GARDENS PARCEL	4.3 Ac
Ⓕ COVE PARCEL	16.9 Ac.

AREAS SUBJECT TO CHANGE FOR FINAL DESIGN AND GRADING.

THE PENINSULA  
PDD ZONE MAP  
JANUARY, 2007

**LOOMIS  
AUSTIN**

ENGINEERING, LAND SURVEYING &  
ENVIRONMENTAL CONSULTING  
3103 Bee Cave Road • Suite 225 • Austin Texas 78746  
Phone: (512) 327-1180 • Fax: (512) 327-4062 • www.loomisaustin.com





- D. All development of marinas and boat docks shall be subject to approval by the Lower Colorado River Authority.
- E. Condominium Marina or Boat Docks shall mean any type of floating marina facility or boat dock as defined by the LCRA in which individual permanent floating slips are owned or available for sale or lease to individual owners of The Peninsula condominiums project only and in which common areas such as roofs, gangways, decks, anchoring facilities, and other appurtenances are owned and maintained by the Condominium Owners Association or other similar such entity.
- F. Boat rental to the to the public at large is an approved use to be located in Parcel C.
- G. The Condominium Marina and Boat Docks shall be limited to a combined maximum of fifty (50) permanent wet slips plus the number of courtesy slips and tie-up docks appropriate for operation of the dry boat storage facility, an on-the-water restaurant, if constructed, and a boat rental facility but under no circumstances to exceed ninety-six (96) total wet slips and tie-up locations.
- H. The Condominium Marina Parcel may include development and construction of a ship's store and a floating restaurant not to exceed 3,500 square feet in size.
- I. The playing of music associated with operation of the floating restaurant shall be restricted based on applicable City of Lago Vista curfew and City code requirements. The playing of amplified music outdoors is prohibited after 10:00 p.m.
- J. There shall be no marine fueling facilities constructed in Parcel C.
- K. No more than one (1) restaurant, including restaurants serving alcoholic beverages, may be constructed at the floating marina facility. This restaurant may be open to the general public.
- L. A floating Ship's Store may be constructed in Parcel C.
- M. Development and construction of boat launch facilities, including ramps, appurtenances, ancillary mechanical equipment, and access driveways to provide ingress and egress to Lake Travis for watercraft shall be permitted on Parcel C.
- N. There shall be no setback requirements in Parcel C internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.

4. Zoning for the Condominiums Parcels - Parcels D1, D2 and D3:

- A. Construction in Parcels D1, D2 and D3 shall comply with the zoning requirements and development standards for zoning designation CR/Condominiums except as hereinafter modified:
- B. All building exterior materials shall be limited to white limestone rock; or masonry coverage unless otherwise approved by the City Council.
- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums, including privately owned or leased units; accessory uses as defined

- and limited in Item H below; and any and all uses specified in Parcel E including parking except as limited in Item 4.L below;
- D. A maximum of two hundred and twenty-five (225) units may be constructed on the combined areas of Condominium Parcels D1, D2 and D3;
- E. All combined construction of residential and accessory uses on Parcels D1, D2 and D3 shall be subject to a maximum aggregate of two hundred and seventy thousand (270,000) square feet of heated and air-conditioned space not including the dry stack boat storage facility. If future market conditions warrant an increase in the size of the meeting and conventions facility over and above the 5,000 square feet minimum starting size, the final maximum size of the meetings and conventions facility will be up to 20,000 square feet and the final maximum size of the entire heated and air conditioned space collectively on the Condominiums Parcels, excluding the dry stack boat storage facilities, will not exceed two hundred and eighty-five thousand (285,000) square feet.
- F. Up to thirty percent (30%) of the condominiums may consist of rental units, which, when leased nightly, weekly or monthly for a term of less than thirty days, will be subject to applicable hotel occupancy taxes due the City of Lago Vista from such use;
- G. There shall be no use of any condominium units as time share properties.
- H. Accessory uses shall be permitted on the Condominiums Parcels as follows: meeting room (no less than 5,000 sf total and no more than 20,000 sf total), one restaurant/bar/commercial kitchen/dining room/private club (not to exceed 6,000 sf total), health and exercise facilities (not to exceed 2,000 sf total), spa/beauty and retail shops (not to exceed 2,000 sf total), medical facilities (not to exceed 2,000 sf total), offices/lobby (not to exceed 3,000 sf total), and any and all recreational uses and facilities as permitted on Parcel A. The total area of accessory uses in Parcels D1, D2, D3, and B shall not exceed in total thirty-five thousand (35,000) square feet;
- I. Construction of accessory uses is not limited to either Zone D1, D2 or D3.
- J. The maximum height for any structure located on Parcel D1 shall be 776 feet msl (approximately 48 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D2 shall be 755 feet msl (approximately 26 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D3 shall be 755 feet (approximately 26 feet above the maximum elevation on the tract).
- K. The maximum number of stories dedicated to residential use located in Parcel D1 shall be four. The maximum number of stories dedicated to residential use located in Parcel D2 shall be two. The maximum number of stories above elevation 723 located in Parcel D3 shall be two. In addition to the residential stories, one or two parking levels may be located below the residential levels.



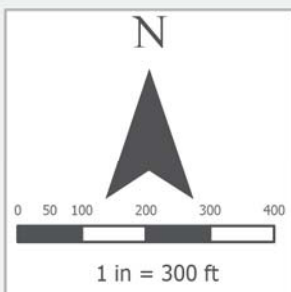
23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 4

Maps



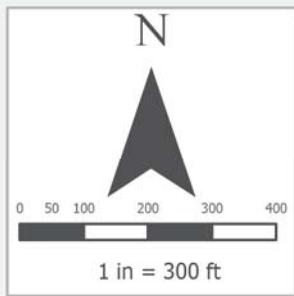
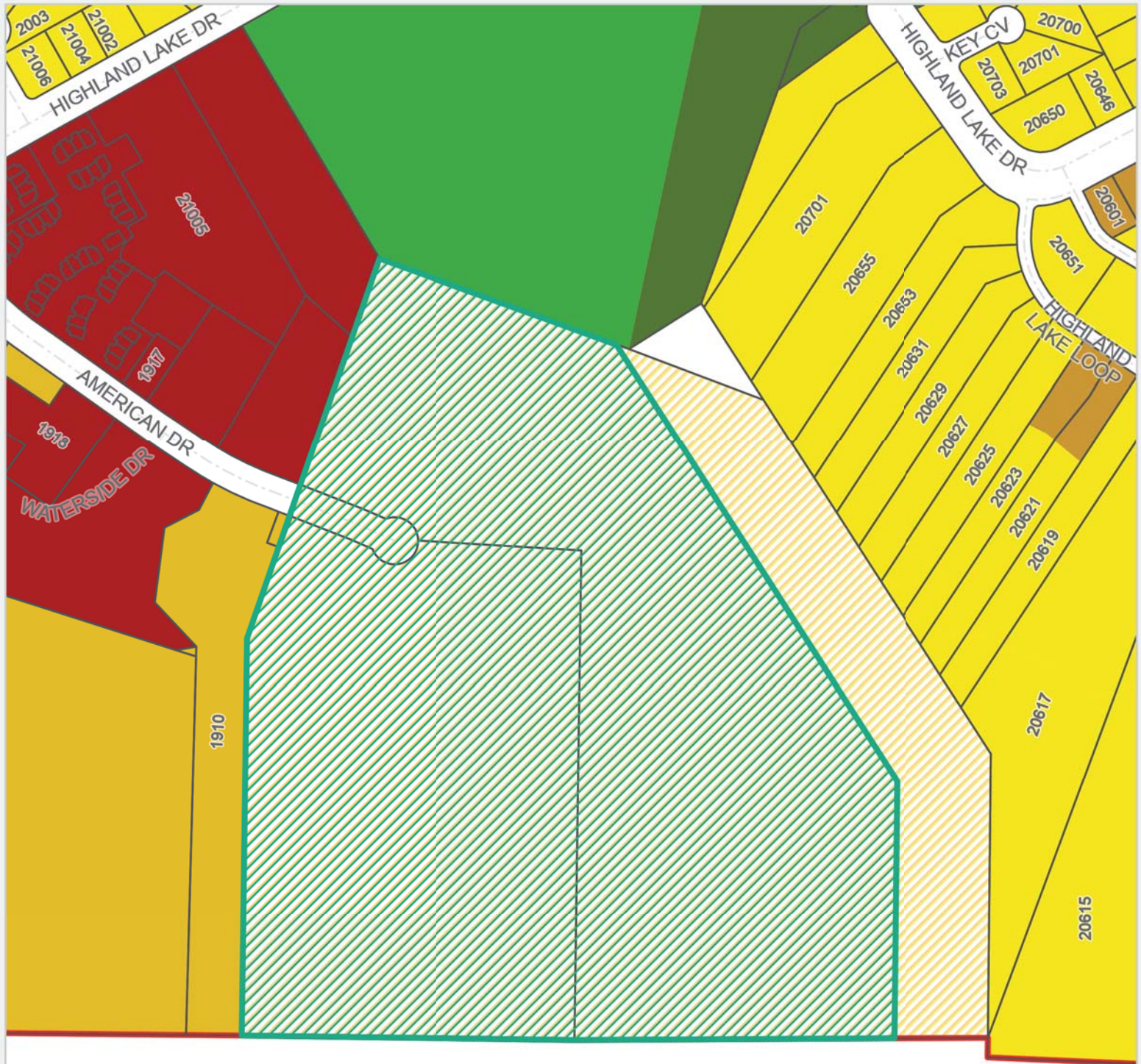


1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Aerial Image and Topography	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

**Contours**

- 10 ft
- 50 ft
- Street
- Project Area
- TaxParcel
- City Limits

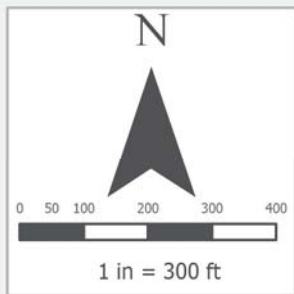
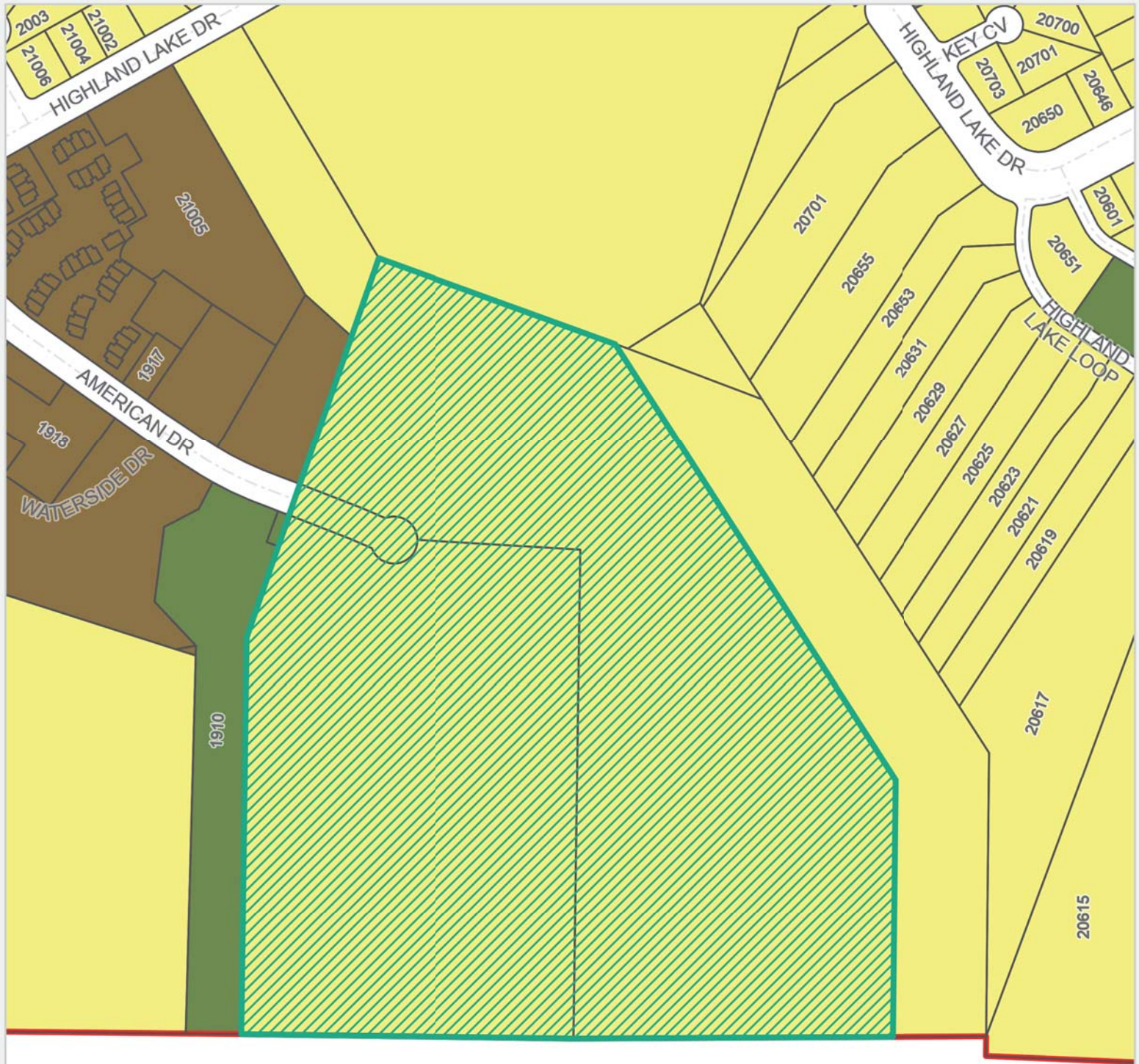




1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Existing Zoning Districts	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

— Street	G-1
— Project Area	P-1A
— TaxParcel	P-1C
— City Limits	PDD
Zoning Districts	
CR	R-1C
	R-1G
	R-2





1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Future Land Use	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

---	Street
	Project Area
	TaxParcel
	City Limits
	High Density Residential
	Low Density Residential
	POA Park

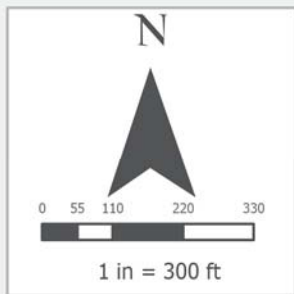
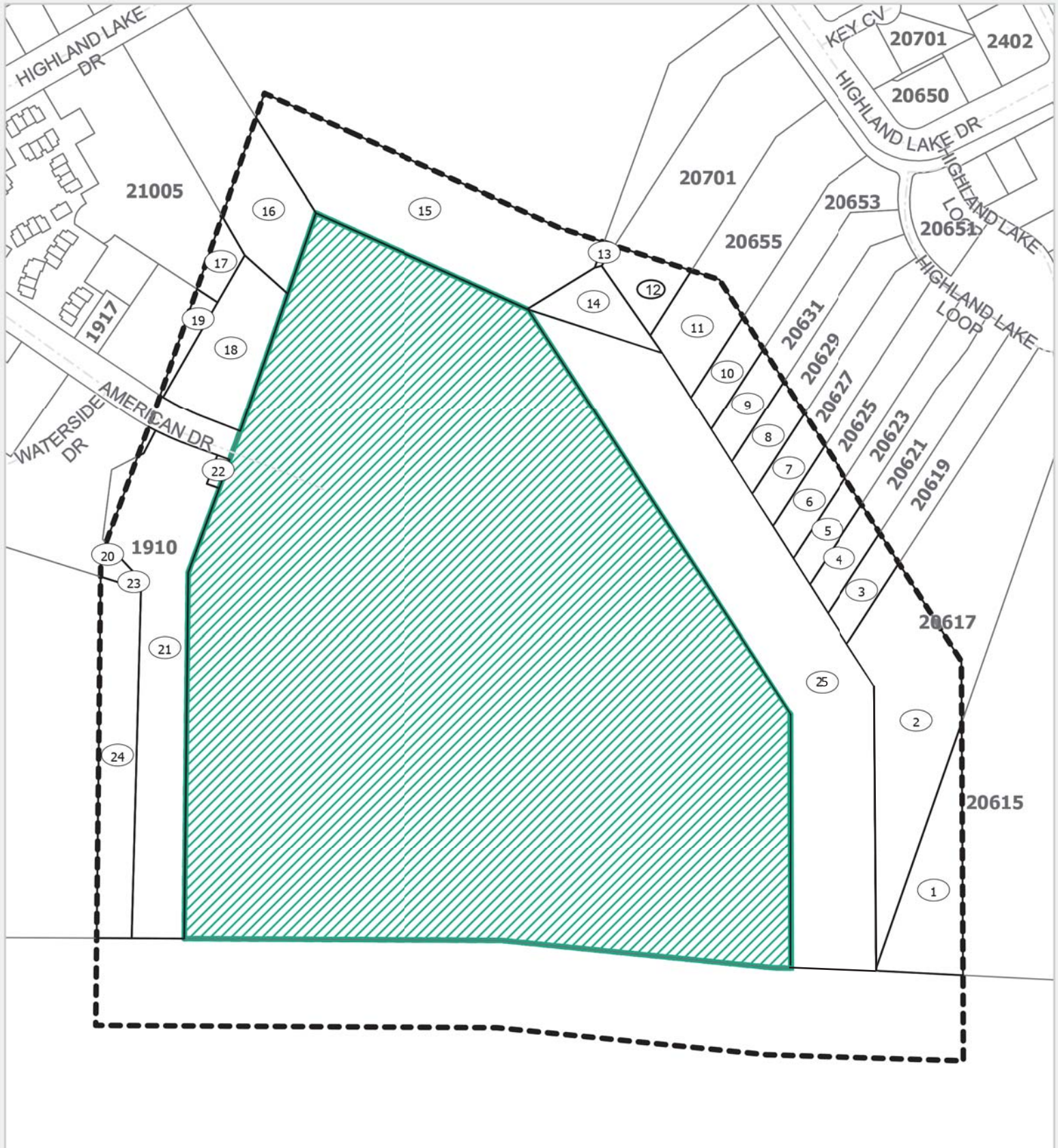
23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 5

Notice Comments





1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Notification Boundary	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

	Requestor Property
	200ft Notice Boundary
	Street
	Tax Parcels (TCAD)



## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 2

January 25, 2023

PIASECKI RICHARD F & JILL C  
LIVING TRUST  
20617 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Phone Number:** 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

*see attached*

Signed:

*John Rich Piasecki*

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



The Peninsula Project, 1900 American Drive, Lago Vista, TX

Project # 23-2314-PDD-MOD

We are **OPPOSED** to Applicant's requested amendment to the existing PDD known as 'The Peninsula'.

The "**MINOR**", "**SMALL**", "**STRAIGHT-FORWARD**" change requested by Applicant is anything but minor, small and straight-forward. What was touted by the original applicant back in 2007-2008 --- an upscale amenity-rich condominium complex --- and again in 2021 by this Applicant --- upscale market-rate condominiums, health club, marina and other amenities making Lago Vista an 'eco-chic alternative in the housing market' --- will be reduced to a stripped-down version of one- and two-bedroom units if allowed to be re-zoned for apartments. (Applicant has declined to provide information on market-rate until they complete their studies but is requesting this amendment nonetheless.) The listed amenities in the existing PDD simply don't jive with an apartment complex. The character and use of the property will be totally changed.

This request to amend the PDD to add "apartments" and delete "STR" in lieu of "LTR" is a smoke screen and not the real issue at hand. This is not about STR vs. LTR. I sincerely doubt that the Applicant is concerned about what is "right for the community" (words of Dave Rulien/SGB). Condos and apartments may be the same under the zoning ordinance, but they are very different animals. It goes much deeper than Mr. Jambor said --- having a "unit above you" as opposed to a townhouse. We are talking about owner vs. renter and the ramifications thereof.

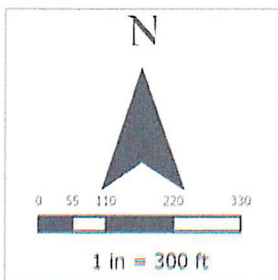
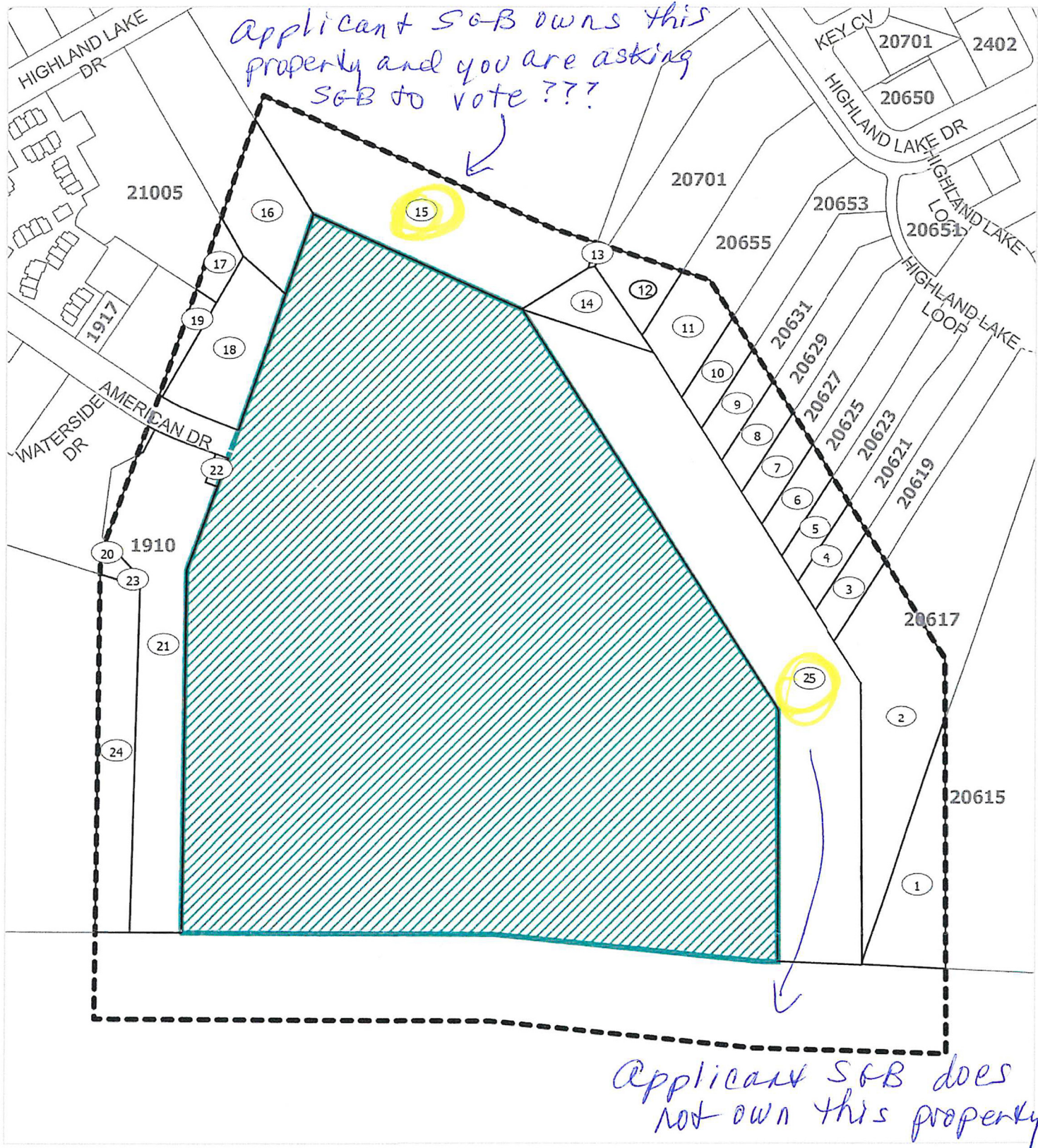
This property and its incredible location deserve better.

Thank you for listening.



Jill & Rich Piasecki

Notification Mailing ID #2



### 1900 American Drive

Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Notification Boundary	Drawn By	RJambor

This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.

- Requestor Property
- 200ft Notice Boundary
- Tax Parcels (TCAD)





## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 3

January 25, 2023

KARR GEORGE K IV & KAREN M  
20619 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Phone Number:** 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

would like owners that are vested in the community rather than renters with no investment in keeping the property nice over the long term.

Signed:

Syn / Lot 13 the Cove

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 4

January 25, 2023

YATES JOHN T  
20621 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

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☐ In Favor; ☒ Opposed

Comments:

see attached letter

Signed:

John Yates

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



Feb 5, 2023

Development Services And the Planning & Zoning Committee

Re 23-2314-PDD-MOD, The Peninsula

To whom it may concern:

I am a long term Lago Vista Resident, since August 2001.

I am against the current Zoning request in front of the P&Z Commission.

First the Developer has it listed for sale, The City should not grant zoning adjustment to allow a developer merely a greater sales profit. SGB purchased years ago and has nothing to improve the property. The city is responsible to its citizens not Developer Profits.

Second this property is worth more than being just a rental place. We should ensure private ownership in an effort to help ensure the property is maintained.

Third, We still haven't seen the traffic or fire impact study. American can not handle the traffic the their isn't really a road between Highland Lake Drive and the Peninsula, Its more of a parking lot.

Fourth the property has minimal buildable acreage. Attached is a photo of the property during the 2018 flood.



Sincerely

*John Yates*  
John Yates

20621 Highland Lake Loop



## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 5

January 25, 2023

SMITH WELTON C & NANCY L FOSTER SMITH  
20623 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

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**Phone Number:** 512-267-5259

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☐ In Favor; ☒ Opposed

Comments: *Reasons to appose:*  
*1. Lower property values* *4. Destruction of roads*  
*2. Additional crime.* *to Peninsula.*  
*3. more noise* *5. Breaks our view of the lake*  
Signed: *Nancy L. Smith* *6. Probably will have open door of renters and of owners.*  
*Welton C. Smith*

This whole page may be returned as follows:

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**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645

**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall  
5803 Thunderbird St.





## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 7

January 25, 2023

DUNLAP KAREN JOLENE &  
PECK WAYNE CODY  
20627 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

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**Phone Number:** 512-267-5259

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☐ In Favor; ☒ Opposed

Comments:

*Why not wait to see what the new owner wants to do. They may be opposed to this change. We don't think this additional change to the 2007/2008 PDD adds any value.*

Signed:

*Karen Jolene Dunlap & Wayne Cody*

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



Feb. 8, 2023

City of Lago Vista  
Development Services  
Planning and Zoning Committee

Re: Project 23-2314-PDD-MOD

Hearing Date and Time: Thursday, Feb. 9, 2023 at 6:30 PM

Project Property Location: 1900 American Drive

200' Notification Mailing ID: 8 **Verified**

Richard and Julie Wolf / 20629 Highland Lake Loop

Regarding item #5 on the P&Z agenda of Feb. 9, 2023

5. 23-2314-PDD-MOD: Consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

As a property owner within the 200 foot radius of the proposed zoning change – we are **OPPOSED** to this request.

We are long term residents of Lago Vista, having lived at our residence for over 20 years.

We have seen many PDD proposals / modifications for the subject property 'The Peninsula' over the years. We are **OPPOSED** to the current request to modify the PDD.

Per my understanding, SGB wants to allow apartments instead of being restricted to condominiums. In my research the primary difference comes down to ownership. Apartments are never "owned" by the residents, they are owned by corporations. This would certainly change the resulting development - which was originally marketed as an upscale amenity rich condominium complex - complete with health spa, marina, restaurants and other amenities to make it a destination on the north shore of Lake Travis.

The Peninsula PDD has undergone revision after revision. Each time a new owner comes into play, there are changes. SGB has tried to sell this property multiple times since they withdrew their original PDD modification / application and abruptly left the City Council meeting on Aug. 5, 2021. Currently SGB has this property set to be auctioned off.

I believe we should spare Planning and Zoning, the City Council, and residents of Lago Vista the extra work and confusion that will be added to an already multi-layer of changes in this PDD. It will certainly be modified again once the auction has been completed and there is a new owner. Let the new owner come up with their vision for the property and make application for amendment as they see appropriate.

Regards,

Julie and Richard Wolf / 20629 Highland Lake Loop / Lago Vista, TX



## Notice of Public Hearing

**Project #:** 23-2314-PDD-MOD

**Hearing Date and Time:** Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

**200' Notification Mailing ID:** 10

January 25, 2023

LADNER GARY L & LYNDAS  
20653 HIGHLAND LAKE LOOP  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

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**Phone Number:** 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

We do not think that this change is necessary. The current owner has made it known that they plan to sell the property. Last notice in The American Statesman says an on-line auction will happen in the near future. Why not wait to see what the next owner wants? This does not have to be added to the 2007/2008 PDD to muck more things up. It adds no value.

Signed: Lynda S Ladner Gary L Ladner

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-02; an Ordinance amending the official zoning map by changing an approximately 0.104-acre portion of Tract A of Lago Vista Estates Section Six adjacent to 7600 Lohman Ford Road, from the TR-1 ("Temporary Restricted") district to the C-2 ("Commercial, Large Scale") district, together with the required design approval for a retail center.

- Open public hearing
- Staff's presentation
- Close public hearing
- Council discussion and possible decision (continue public hearing if no decision results)

**BACKGROUND:** Immediately following this summary and a draft zoning ordinance amendment is a staff report that describes the discussion and the recommendation of the Planning and Zoning Commission following the public hearing related to this request at their meeting on February 9, 2023. It includes the application material that was originally considered at their January 12, 2023, meeting that was unanimously deferred by the five members present. Five members of the public spoke at the first public hearing, mostly concerned about existing traffic problems but also mentioning noise and a lack of comfort with any form of drive-thru food service.

In addressing those comments and the potential design alternatives referenced in the original staff report, the applicant and their consultants were able to both reduce the size of the proposed development amount and increase the level of protection afforded the adjacent residential property. The size of the buildings and parking lot were reduced, and the drive-thru service eliminated. The requested design and construction detail was also provided.

As a result, the applicant was able to eliminate the request for

a commercial zoning change to any existing residential property. The zoning change request is now limited to the 0.104-acre portion of Tract A consisting of the approximately 15-foot deep "strip" currently in the TR-1 district, along with the required associated commercial design approval. The applicant has also agreed to defer the change from TR-1 to R-1D for the balance of the "strip" until a suspected error in the Future Land Use Map impacting a much larger area can be comprehensively addressed. The amended request and the associated design were unanimously recommended for approval by the six members present at the February 9, 2023, meeting.

**FINDINGS:**

The packet includes the written opposition from a single property owner within 200 feet of the subject property presented to the Planning and Zoning Commission prior to their meeting on January 12, 2023. Any written comments received after that meeting will be included in a tabulation related to Section 13.20(e)(3)(B) of Chapter 14 that might require a vote of three-fourths of the members of the Council for approval of the proposed ordinance. The required tabulation will continue up until the time of the Council meeting.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

[Ordinance](#)

[7600 Lohman Ford Road Retail Center Packet](#)

## **ORDINANCE NO. 23-03-02-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING AN APPROXIMATELY 0.104-ACRE PORTION OF TRACT A OF LAGO VISTA ESTATES SECTION SIX ADJACENT TO 7600 LOHMAN FORD ROAD, FROM THE TR-1 (“TEMPORARY RESTRICTED”) DISTRICT TO THE C-2 (“COMMERCIAL, LARGE SCALE”) DISTRICT, TOGETHER WITH THE REQUIRED DESIGN APPROVAL; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, Sikotar, LLC acting by and through Shyam Patel, Manager, the owner of an approximately 0.104-acre portion of Tract A of Lago Vista Estates Section Six, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting the change in zoning of this property from the TR-1 (“Temporary Restricted”) district to the C-2 (“Commercial, Large Scale”) district; and

**WHEREAS**, Sikotar, LLC acting by and through Shyam Patel, Manager, is also the owner of the adjacent Lot 1873 of Lago Vista Estates Section Six, commonly referred to as 7600 Lohman Ford Road, which is currently in the C-2 (“Commercial, Large Scale”) district; and

**WHEREAS**, Sikotar, LLC acting by and through Shyam Patel, Manager, has included a request for design approval in that same application in accordance with the provisions of Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance for both the Property and Lot 1873 of Lago Vista Estates, Section Six, as set forth in **Exhibit “B”** attached hereto; and

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

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

**WHEREAS**, the Planning and Zoning Commission at its public hearings held on January 12, 2023 and February 9, 2023, and the City Council at its public hearing held on March 2, 2023, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

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

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

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

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

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

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

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

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

**Section 2. Enactment.** The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the approximately 0.104-acre portion of Tract A of Lago Vista Estates Section 6 as described in **Exhibit "A"** from the TR-1 ("Temporary Restricted") district to the C-2 ("Commercial, Large Scale"), together with the required design approval in accordance with **Exhibit "B"** and the conditions described in **Exhibit "C."**

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

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

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

**Section 6. Publication Clause.** The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

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

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

**Section 9. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

**AND, IT IS SO ORDERED.**

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

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

ATTEST:

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

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



**EXHIBIT "A"**

**Legal Description**

**0.104 ACRES BEING A PORTION OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.104 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** for reference, at a 1/2-inch iron rod found at a point of curvature in the north right-of-way line of Northland Drive (50' r.o.w.), being the south line of Lot 1873, of said **LAGO VISTA ESTATES SECTION SIX;**

**THENCE** along said north right-of-way line, being the south line of said Lot 1783, along a curve to the right, having a radius of 342.39 feet, a central angle of 21°20'34", an arc length of 127.54 feet, and a chord which bears N77°26'16"W, a distance of 126.80 feet to a calculated point at the common south corner of said Lot 1873 and said Tract A, for the **POINT OF BEGINNING** and southeasterly corner hereof;

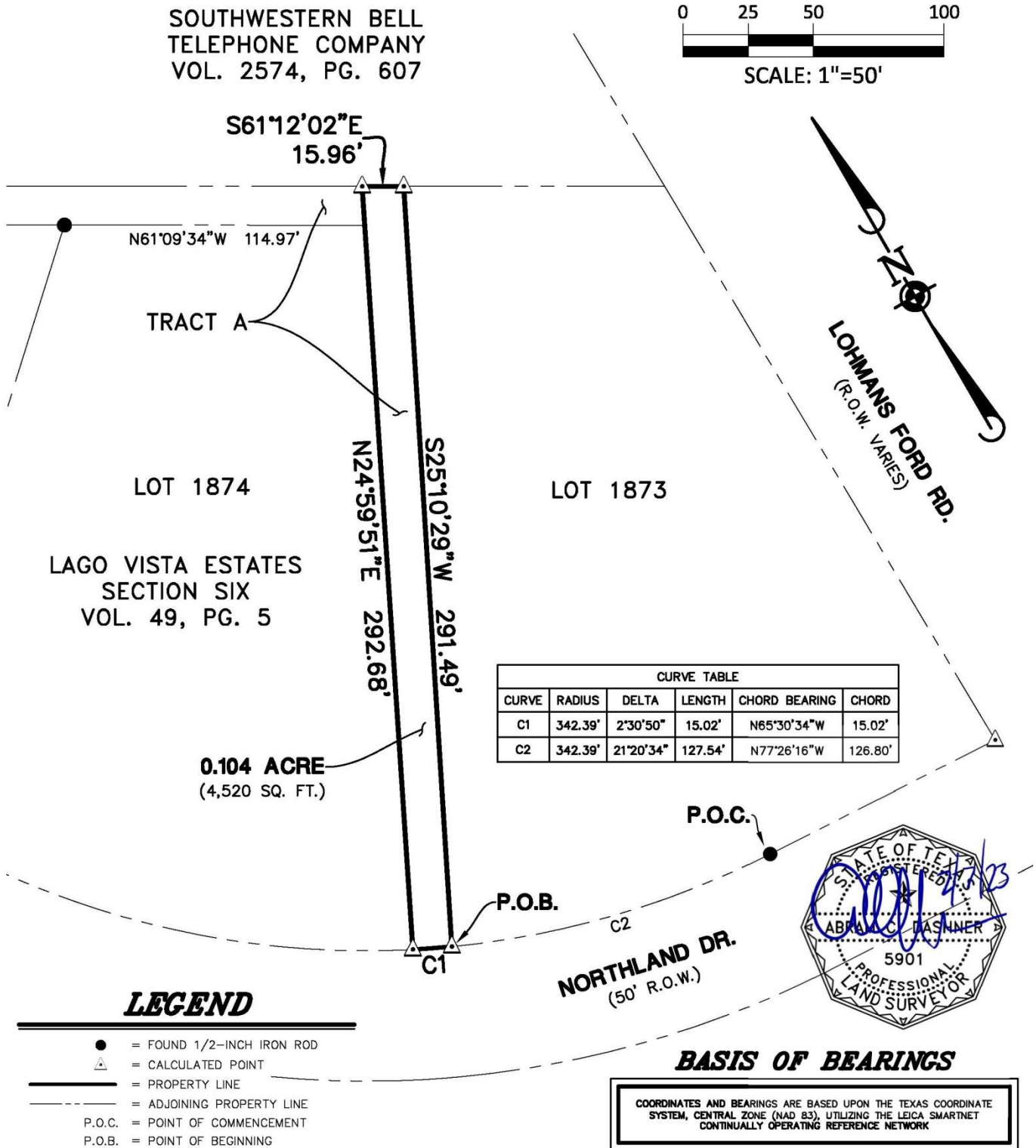
**THENCE** continuing along said north right-of-way line, being the south line of said Tract A, along a curve to the right, having a radius of 342.39 feet, a central angle of 2°30'50", an arc length of 15.02 feet, and a chord which bears N65°30'34"W, a distance of 15.02 feet to a calculated point at the common south corner of said Tract A and Lot 1874, of said **LAGO VISTA ESTATES SECTION SIX**, for the southwesterly corner hereof;

**THENCE** N24°59'51"E, leaving said north right-of-way line, in part along the line common to said Lot 1874 and said Tract A, and in part over and across said Tract A, a distance of 292.68 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwestern Bell Telephone Company, by Deed of record in Volume 2754, Page 607, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof;

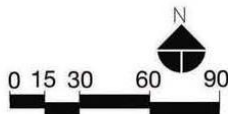
**THENCE** S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 15.96 feet to a calculated point at the common north corner of said Tract A and said Lot 1873, for the northeasterly corner hereof;

**THENCE** S25°10'29"W, along the line common to said Lot 1873 and said Tract A, a distance of 291.49 feet to the **POINT OF BEGINNING**, containing approximately 0.104 acre (4,520 square feet) of land.

**EXHIBIT "A"**  
**Legal Description (Continued)**



## Design Approval

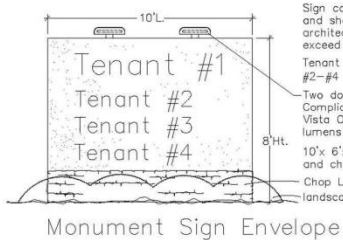
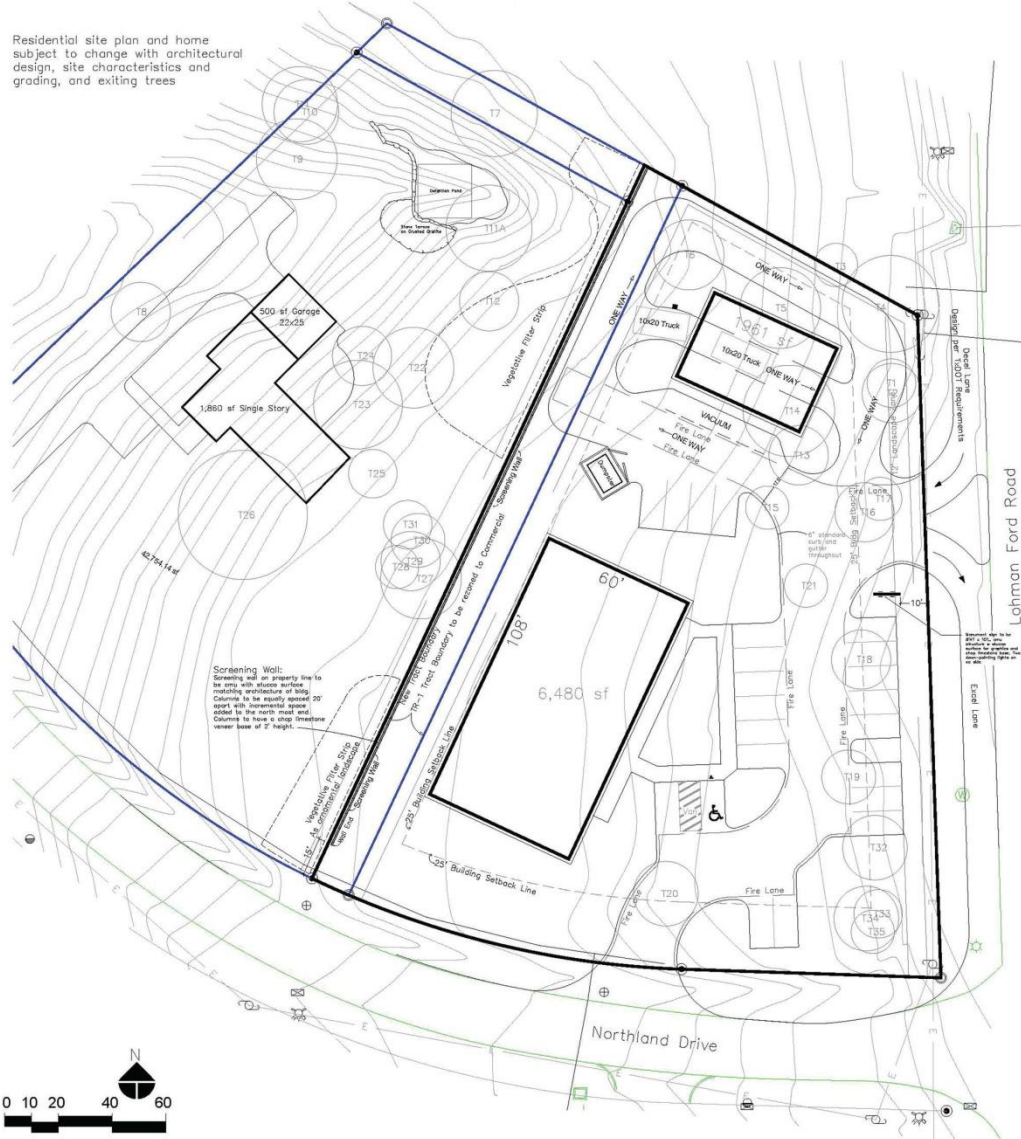


## ZONING CHANGE DESCRIPTION

## EXHIBIT "B"

### Design Approval

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



Sign concept is conceptual only in size and shape. Actual design will represent architectural style. Final design will not exceed overall sq ft.

Tenant #1 letters at 12" ht. Tenants #2-#4 letters at 9" ht.

Two down-pointing lights on each side. Compliant with Dark Skies and Logo Vista Ordinances, not to exceed 117 lumens per square foot.

10' x 6' x 1' CMU block wall with stucco and chop limestone veneer landscape

#### Impervious Cover-Residential Lot

Total Lot	44,421.40 sf
50% IC Max	22,210.70 sf
Actual IC	5,956.10 sf 13.4%

#### Home

Living Space	1,860 sf One Story
Garage (2 cars)	500 sf 22'x25'
Total Home Construction	2,360 sf

Note: •Commercial Lot and residential lot are the same owner

•Commercial buildings subject to change with architectural design, site characteristics and grading, and existing trees. Calculations shown will not be exceeded.

#### Impervious Cover

Total Lot	47,696.35 sf
60% IC Max	28,617.81 sf
Actual IC	26,480.99 sf (55.5% IC)

#### Parking: 1sp/300sf

Building 1	6,480 sf	22 Spaces
Car Wash	1,961 sf	0 Spaces
Total Spaces Required		22 Spaces
Total Spaces Proposed		22 Spaces

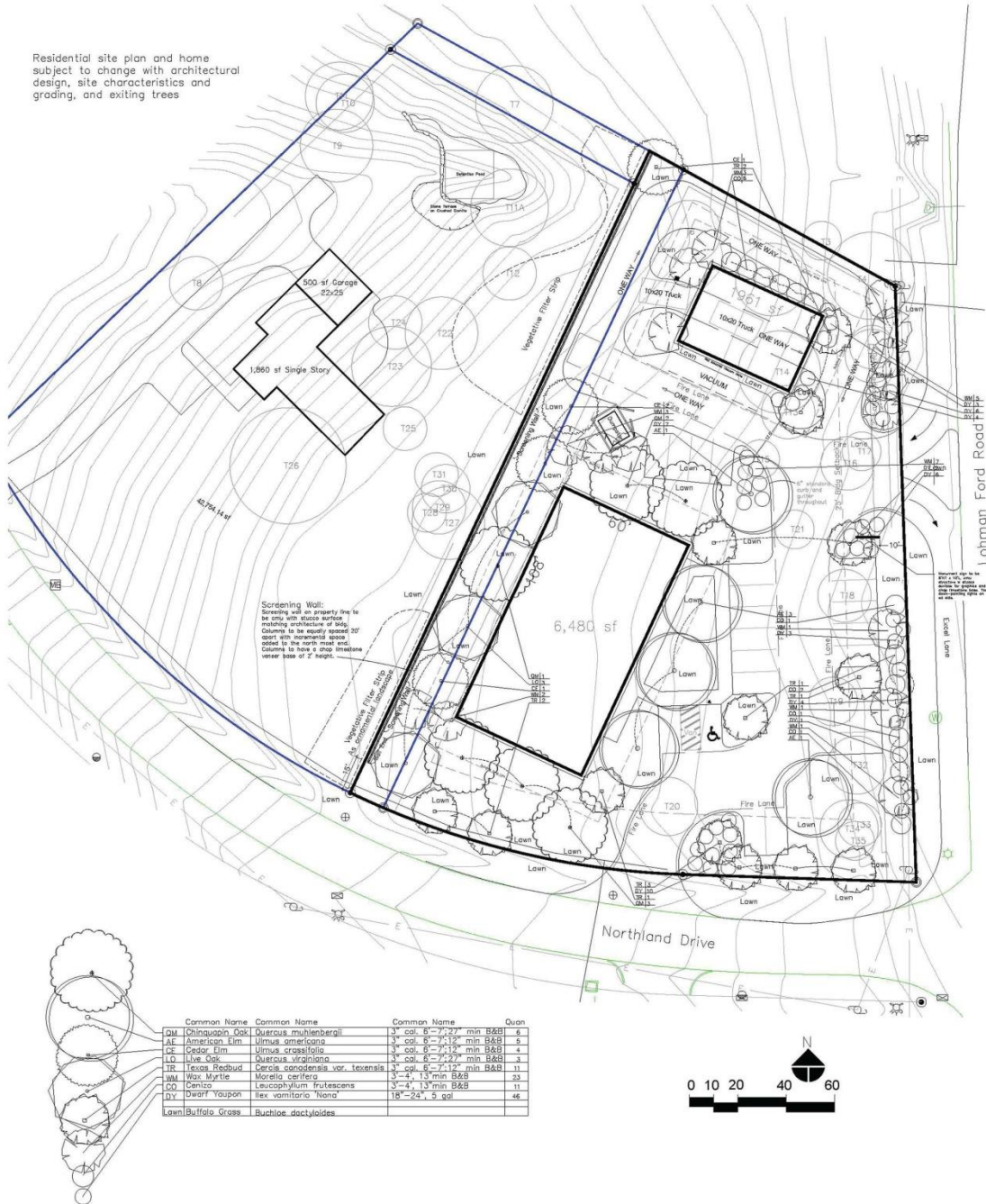
Land Use Summary 01 20 23

## SITE PLAN



## Design Approval

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



## LANDSCAPE PLAN

## EXHIBIT "B"

### Design Approval

Tree Preservation & Replacement Calculations											
Tree Survey						Total Caliper Inc	Total Protected Inches	Protected Saved Inches	Protected Removed-Site	Bldg Site	Caliper Inches Replaced
R	T1	CO	CEDAR								
R	T2	CO	LIVE OAK	8	6		14				
R	T4	CO	LIVE OAK	10	9	7	26	10	10		10
R	T5	CO	LIVE OAK	15			15	15	15	BA	15
R	T6	CO	LIVE OAK	9	8		17				
	T7	RE	SPANISH OAK	11	10		21	21	21		
	T8	RE	ASH	11			11	11	11		
	T9	RE	SPANISH OAK	15			15	15	15		
	T10	RE	SPANISH OAK	12			12	12	12		
	T11	RE	SPANISH OAK	14			14	14	14		
	T11A	RE	SPANISH OAK	11	10		21	21	21		
	T12	RE	LIVE OAK	11			11	11	11		
O	T13	CO	LIVE OAK	11			11	11	11	BA	
R	T14	CO	LIVE OAK	17			17	17	17	BA	17
R	T15	CO	CEDAR								
R	T16	CO	LIVE OAK	11			11	11	11		11
R	T17	CO	CEDAR								
R	T18	CO	LIVE OAK	11			11	11	11		11
R	T19	CO	LIVE OAK	10			10	10	10		10
R	T20	CO	LIVE OAK	12			12	12	12		12
R	T21	CO	CEDAR								
	T22	RE	SPANISH OAK	10	10		20	20	20		
	T23	RE	SPANISH OAK	11	11		22	22	22		
	T24	RE	LIVE OAK	11			11	11	11		
	T26	RE	SPANISH OAK	16	16	13	45	45	45		
	T27	RE	LIVE OAK	11	8		19	11	11		
	T29	RE	LIVE OAK	11			11	11	11		
	T30	RE	CEDAR								
	T31	RE	CEDAR								
O	T32	CO	LIVE OAK	12			12	12	12		
	T34	CO	LIVE OAK	12			12	12	12		
	T35	CO	CEDAR								
							401	346	260	86	86
								65%	21%	% Removed/saved from total caliper inches	
C	Cluster of Trees										
R	Removed Trees										
O	Option to Explore with architecture										
RE	Residential Lot										
CO	Commercial Lot										

Note: The tree calculation assumes 3" trees so that all tree replacement inches are at a 1:1 ratio

**28.67** 3" trees to be planted  
**7,166.67** Fee in Lieu of planing trees

Note: When measuring caliper inch of 3" trees selected, be sure to measure at 40" HT according to Lago Vista Ordinance; Chp 14, Exh. A, Part IV, Sec. 20 (e)(3)

Mulch: Stone mulch to be 4"-6" crushed limestone  
 Woody mulch to be Texas Hardwood, twice grind minimum, 3" depth after settling  
 All tree rings are woody mulch unless indicated otherwise.  
 Mulch edges to have trench-cut edge, no steel or plastic edging

### TREE LIST

TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
R T2)	(M)8",6" LIVE OAK	R T16)	11" LIVE OAK
R T4)	(M)10",9",7" LIVE OAK	R T18)	11" LIVE OAK
R T5)	15" LIVE OAK	R T19)	10" LIVE OAK
R T6)	(M)9",8" LIVE OAK	R T20)	12" LIVE OAK
T7)	(M)11",10" SPANISH OAK	T22)	(C)10",10" SPANISH OAK
T8)	11" ASH	T23)	(M)11",11" SPANISH OAK
T9)	15" SPANISH OAK	T24)	11" LIVE OAK
T10)	12" SPANISH OAK	T26)	(M)16",16",13" SPANISH OAK
T11)	14" SPANISH OAK	T27)	(M)11",8" LIVE OAK
T11A)	(C)11",10" SPANISH OAK	T29)	11" LIVE OAK
T12)	11" LIVE OAK	O T32)	12" LIVE OAK
O T13)	11" LIVE OAK	T34)	12" LIVE OAK
R T14)	17" LIVE OAK		
R Remove		(C) =	CLUSTER OF TREES
O Options for saving		(M) =	MULTI TRUNK TREE

## PROTECTED TREE PRESERVATION



## **EXHIBIT “B”**

### **Design Approval**

#### **Architectural Points of Commitment:**

Compliance with all building code and style requirements  
Modern lines and styling  
Substantial glazing on front of buildings  
Stone and stucco veneer  
Rear property screening with solid wall and landscape  
All exterior lighting to be compliant with Dark Skies and Lago Vista ordinances

#### **Building Exteriors:**

The architectural materials and style to reflect the image examples above.

The buildings will be a combination of stucco and limestone veneers with limestone being more accents and wainscoting of the two buildings.

The proposed south building is a single story building that will be divided for commercial uses in conformance to the proposed allowable land use chart provided. The north building is an automated car wash.

#### **Accessory Structures:**

Monument sign, screening wall, and dumpster enclosure will all be of similar style of exterior building materials. In general this refers to stucco wall surfacing with accents of split faced limestone veneer bases and column base accents.



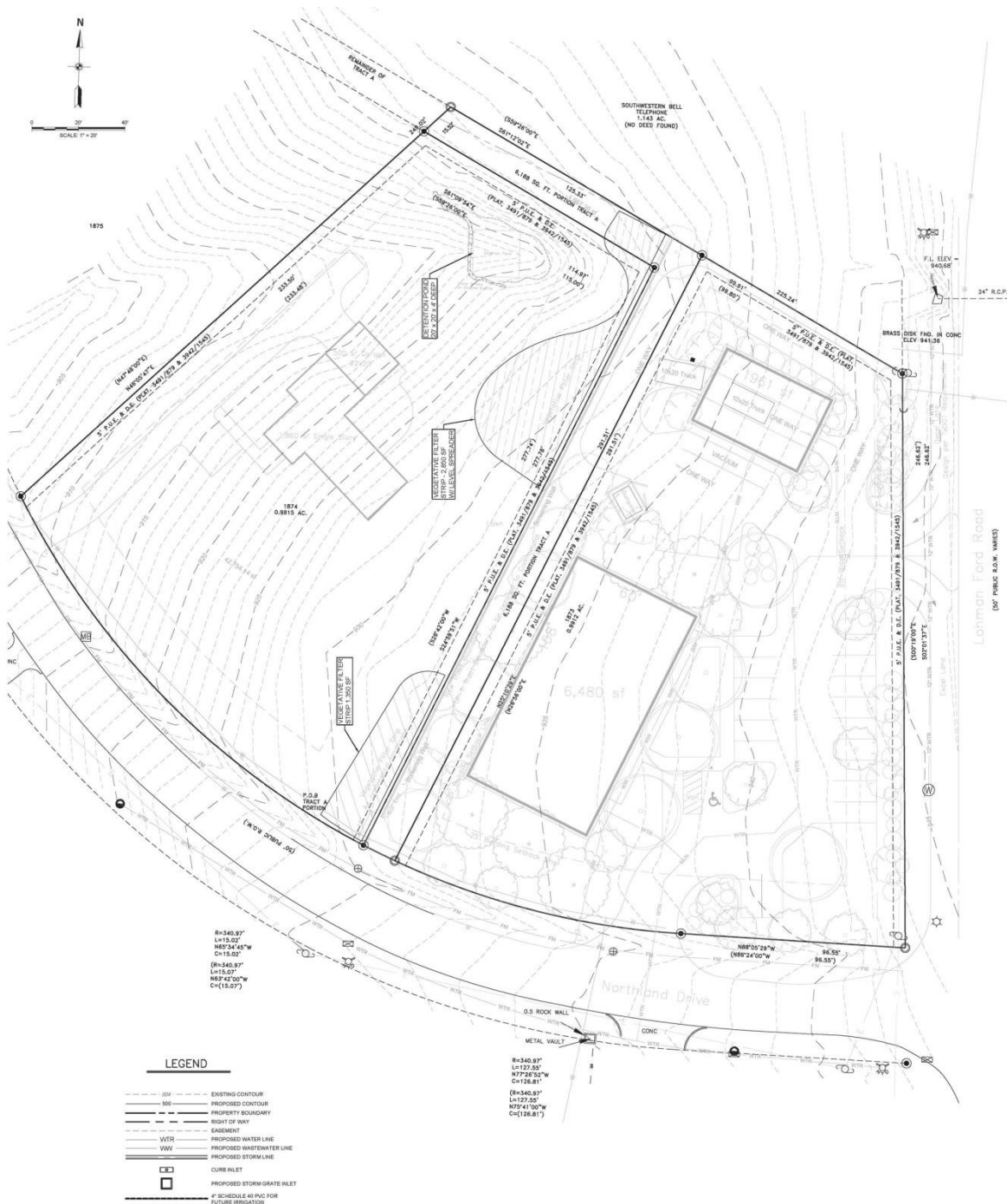
**ARCHITECTURAL  
EXAMPLES**

### **BUILDING MATERIALS / ELEVATIONS**



# EXHIBIT "B"

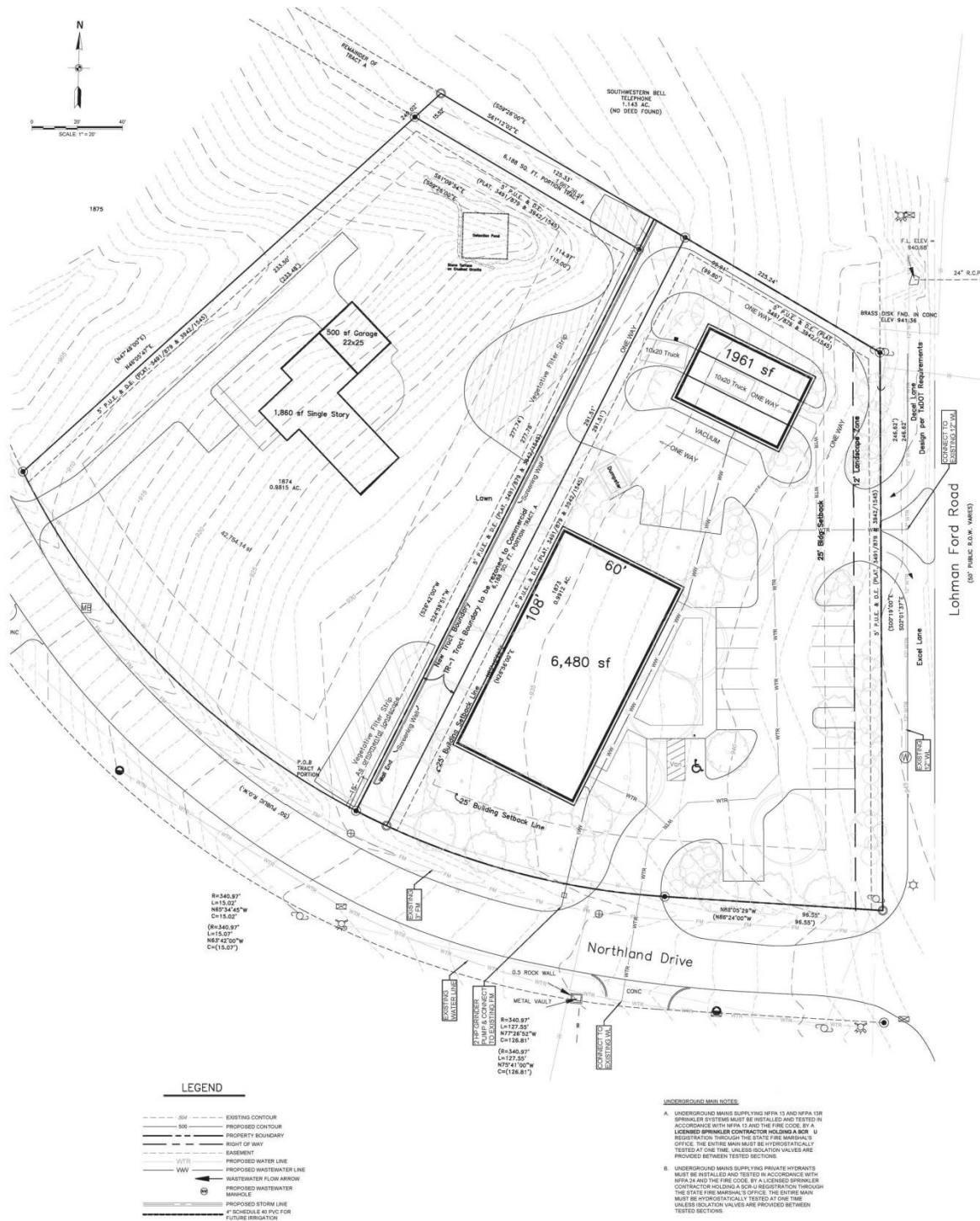
## Design Approval



## DRAINAGE PLAN

# EXHIBIT "B"

## Design Approval



## UTILITY PLAN

## **EXHIBIT “C”**

### **Conditions**

The Property and Lot 1873 of Lago Vista Estates Section Six as described in Exhibit “B” attached hereto, has been approved as meeting the design review requirements in accordance with Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance, subject to compliance with the following conditions:

1. the required traffic impact analysis (TIA) shall be submitted as part of the required site development plan review and prior to the approval of the required subdivision plat amendment involving the commercial property;
2. all improvements identified in the TIA as being the responsibility of this development, including improvements to Lohman Ford Road and Northland Drive; shall be completed prior to the issuance of a certificate of occupancy for any commercial use of the property, except as otherwise might be provided for in a subsequent development agreement approved by the Lago Vista City Council;
3. the subdivision plat amendment of the commercial property shall include the adjacent residential property which shall include any encumbrances in favor of the commercial property to accommodate required stormwater detention and water quality improvements;
4. absent the relocation of the existing water main from within the former Tract A (the Property), all landscaping within or adjacent to the associated utility easement shall be in accordance with the required administrative site development plan approval; and
5. the monument sign proposed adjacent to the Lohman Ford Road driveway shall comply with the regulations applicable at the time when the required permit is issued.

**LAGO VISTA CITY COUNCIL  
STAFF LAND USE REPORT – MARCH 2, 2023**



<b>P&amp;Z CASE NO:</b>	<b>22-2282-R-REZ:</b> 7600 Lohman Ford Road
<b>APPLICANT:</b>	Vista Planning & Design (Mitch Wright)
<b>LANDOWNER:</b>	Sikotar, LLC (Shyam Patel)
<b>LOCATION:</b>	Northwest corner of Lohman Ford Road and Northland Drive
<b>ZONING:</b>	TR-1 to C-2 (with design review)
<b>PROPOSED USE:</b>	General Commercial / Retail

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**PLANNING AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION:**

- This application was initially considered at the January 12, 2023 meeting of the Planning and Zoning Commission. Many of the numerous concerns included in that associated staff report were echoed by the five individuals that spoke during that public hearing conducted at that meeting. However, by far the most significant and common concern of all the residents of that area related to the traffic problems that they admit are caused by the adjacent auto repair establishment that uses the Northland Drive right-of-way due to the poor design of that facility.
- The staff acknowledges that it is unfortunate that the existing design review requirement did not exist at the time that establishment was permitted. However, the staff also reminded both the Commission and the neighboring property owners that the development would be responsible for a traffic impact analysis (TIA) and all the improvements that it prescribes. Both were reminded that a previous TIA for a different use at this property included significant improvements to Northland Drive, and that it was likely that some of those same improvements would still be required.
- The Commission was also reminded that the likelihood of the Lohman Ford Road access driveway being limited to right-in / right-out movements would also likely make the Northland Drive access drive necessary. Unless the TIA determined that the Lohman Ford Road access driveway could safely accommodate left-hand turns, precluding a driveway on Northland Drive would instead increase the intrusion into the adjacent residential neighborhood. Patrons would be forced to exit the property headed south on Lohman Ford Road and would instead seek to turn around using the first convenient opportunity on Northland Drive. In addition, eliminating access on Northland Drive would undoubtedly remove any possibility of this development funding the needed improvements to this public street and the intersection referenced above.
- More importantly, the applicant and their consultants should be commended for their attempts to address all the concerns of the staff and nearby residents in the amended application published and presented for consideration at the February 9, 2023 meeting. The original application was unanimously deferred by the five members present at the January 12, 2023 meeting. The size of the facility was reduced, and the drive-thru eliminated in lieu of a car wash that was located on a portion of the site that would not impact the nearby residences. This reduced the parking demand and improved vehicle circulation.
- Perhaps the most significant impact of these design revisions was that the use of any portion of the existing adjacent single-family residential property owned by the applicant was no longer required. Instead the commercial zoning change is limited to the approximately 15-foot deep portion of Tract A that is currently in the TR-1 district. In addition, the applicant has agreed to delay the request to change the balance of Tract A that they own for inclusion in the R-1D zoning district.
- That will allow the City to pursue a more orderly and comprehensive effort to address what appears to be an error on the Future Land Use Map that designates all of that nearby single-family residential property as “estate residential.” Of 114 existing platted lots that include that designation, only three include a sufficient area. One of those results from an amended plat that merged three existing lots. As a result, this current staff report now refers to the desired change as being from the TR-1 district to the C-2 district only. It also refers to the location as being 7600 Lohman Ford Road rather than 20700 Northland Drive, the residential property also owned by the applicant.

- Delaying the residential zoning change of the balance of Tract A owned by the applicant will not preclude that property from being part of the pending subdivision plat amendment that will make it part of Lot 1874. It will simply remain in the TR-1 district pending a future ordinance amendment and delay any desired permits. Coincidentally, that plat amendment is the tool that will encumber Lot 1874 to accommodate the stormwater drainage improvements required by Lot 1873 despite any future change in ownership, a question posed by a Commission member.
- The applicant also acknowledged the recent recommended amendments to the permitted use table that will soon be forwarded for consideration to the City Council. They do not anticipate any tenants that would require a special use approval (SUP) under the recommended amendment, but understand that it would present an opportunity for the City Council to impose appropriate conditions if they were to seek that type of approval in the future.
- It remains to be seen whether the significantly improved application published in the packet was responsible for the lack of opposition at the February 9, 2023 public hearing. If not, that opposition will likely be present at the Council meeting at which this amended request will be considered. It received a unanimous recommendation for approval from the six members present, subject to the conditions enumerated below.

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**POTENTIAL ALTERNATIVE DECISIONS:**

- A. Approve the C-2 zoning district change within the approximately 0.104-acre portion of Tract A only along with the required design approval for the entire proposed commercial development subject to the following conditions (the Commission will consider initiating a future change to the R-1D district for the balance of “Tract A” following a preferred separate Comprehensive Plan amendment):
    1. the required traffic impact analysis (TIA) shall be submitted as part of the required site development plan review and prior to the approval of the required subdivision plat amendment involving the commercial property;
    2. all improvements identified in the TIA as being the responsibility of this development, including improvements to Lohman Ford Road and Northland Drive; shall be completed prior to the issuance of a certificate of occupancy for any commercial use of the property, except as otherwise might be provided for in a subsequent development agreement approved by the Lago Vista City Council;
    3. the subdivision plat amendment of the commercial property shall include the adjacent residential property which shall include any encumbrances in favor of the commercial property to accommodate required stormwater detention and water quality improvements;
    4. absent the relocation of the existing water main from within the former Tract A (the Property), all landscaping within or adjacent to the associated utility easement shall be in accordance with the required administrative site development plan approval; and
    5. the monument sign proposed adjacent to the Lohman Ford Road driveway shall comply with the regulations applicable at the time when the required permit is issued.
  - B. Approve the requested commercial zoning change (TR-1 to C-2) and the required design review subject to the same conditions enumerated above, along with a recommendation to amend the Comprehensive Plan for the balance of “Tract A” to “low density residential” as part of the requested zoning change from TR-1 to R-1D.
  - C. Approve all requests with no additional conditions related to the required design review.
  - D. Deny all requests.
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**LAGO VISTA PLANNING AND ZONING COMMISSION  
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



<b>P&amp;Z CASE NO:</b>	<b>22-2282-R-REZ:</b> 20700 Northland Drive
<b>APPLICANT:</b>	Vista Planning & Design (Mitch Wright)
<b>LANDOWNER:</b>	Sikotar, LLC (Shyam Patel)
<b>LOCATION:</b>	Northwest corner of Lohman Ford Road and Northland Drive
<b>ZONING:</b>	R-1D / TR-1 to C-2 (w/ design review) and TR-1 to R-1D
<b>PROPOSED USE:</b>	General Commercial / Retail and Single-Family Residence

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**UPDATE:**

- The applicant's representative seems to have addressed all the concerns raised in the previous design review staff report. Moreover, in the process, it appears that they have verified that they can do without the additional approximately 20 feet of depth that was originally proposed to be changed from the R-1D single-family residential zoning district to C-2 commercial zoning district. Instead they are now only seeking "permanent" zoning for the "strip" of property (referred to as "Tract A" by their surveyor) that was acquired from the City of Lago Vista that is currently in the TR-1 ("temporary restricted") zoning district. Nonetheless, before forwarding a recommendation to the City Council for their consideration, we will need the surveyor to make the corrections to the legal descriptions to be used in a potential ordinance. The staff has marked those changes in red on the previously submitted documents (located immediately following the application form in this packet).
- As pointed out in the previous staff report, the Comprehensive Plan does not include any parcel lines or consistently define land use designations in accordance with existing parcel lines. The designation of this approximately 15-foot deep strip of land as "estate residential" rather than "regional retail" is an assumption of the former GIS technician, even if the location of that "boundary" between the two designations was erroneously deemed to be significant. As such, there is no reason to assert that this portion of the request is in conflict with the Comprehensive Plan, notwithstanding the fact that this application was submitted prior to the adoption of Ordinance No. 23-01-19-03, requiring a separate amendment as a prerequisite to an inconsistent zoning change request.
- Moreover and as mentioned in the previous staff report, the designation of any of this same "strip" or the adjacent single-family residential property as "estate residential" is difficult to explain. That designation requires lots with average size range of between 1 and 3.33 acres. Only one lot that includes that designation meets that description and it predates the incorporation of the City and includes a barn. The balance typically includes lots that range in area from one-third or an acre to one-half of an acre. All are in the R-1D or R-1A zoning district, which are more consistently described in the Comprehensive Plan as having a "low density" residential designation.
- As such, the staff is of the opinion that the designation of any property in this general area as "estate residential" is an apparent error or based on an unrealistic desired outcome. However, because this error is fairly widespread, the staff is of the opinion that an amendment beyond this small strip of land is warranted. The only negative impact to the applicant's client would be that this relatively small portion of property seeking a change into the R-1D district would be delayed until a more appropriate comprehensive amendment was approved by the City Council, without regard to who might initiate the request. It would not preclude the approval of any desired plat amendment involving either existing lot. Even if the issue was deferred for correction as part of the anticipated update to the Comprehensive Plan, the only delay would involve improvements on that same small portion of the residential lot. For example, a fence could not be permitted on that property until the TR-1 designation was replaced by some "permanent" zoning district.
- The staff is particularly pleased that any potential service area or drive-thru window has been eliminated or relocated to the smaller building that will better protect the existing residential property to the west and south. The current site plan does not include any drive-thru service and instead the smaller building is designated as a potential car wash, a use with more limited operating hours.

- The applicant seems to be aware of the pending recommendation by the Commission to amend the uses permitted or requiring a “special use approval” (SUP) in the C-2 zoning district. However, that potential ordinance approval has not yet been considered by the City Council and both the effective date of any amendment and what it might include remains unknown. Instead, this property owner will vest use rights in accordance with state statutes at the time of the first relevant development application. If a drive-thru service window requires a “special use approval” at that time and is desired instead of the indicated “car wash,” it is far more likely to be approved without onerous conditions if located as part of the smaller building adjacent to the AT&T equipment facility.
  - The elimination of that same service drive within “Tract A” will allow the property owner to leave the existing water main within that area intact and to dedicate a utility easement rather than to bear the expense of relocation. While a relocation of that water main is not absolutely cost prohibitive, the staff would certainly prefer that investment be available for more apparent improvements. At the same time, the Public Works staff will likely pay particularly close attention to the exact location and type of landscaping proposed at or near that existing water main or within the required easement.
  - The indicated monument sign includes a display area that exceeds the maximum permitted by the current ordinance. However, the pending recommended amendments to the sign regulations would allow increases to the display area for this type of multi-tenant sign without a variance approval.
- 

**POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:**

- A. Recommend the C-2 zoning district change within “Tract A” only, along with the required design approval subject to the following conditions (the Commission will consider initiating a change to the R-1D district for the balance of “Tract A” following a Comprehensive Plan amendment:
    - 1. submittal of a revised legal description for the C-2 change prior to forwarding the recommendation for consideration by the City Council;
    - 2. the proposed monument sign shall comply with the regulations applicable at the time when the required permit is sought;
    - 3. absent the relocation of the existing water main from within “Tract A,” all landscaping within or adjacent to the associated utility easement shall be subject to that which is approved during the required site development review application;
    - 4. the required traffic impact analysis (TIA) shall be submitted as part of the required site development plan review and prior to the approval of a subdivision plat amendment involving the commercial property; and
    - 5. all improvements identified in the TIA as being the responsibility of this development, including improvements to Lohman Ford Road and Northland Drive; shall be completed prior to the issuance of a certificate of occupancy for any commercial use of the property, except as otherwise might be provided for in a subsequent development agreement approved by the Lago Vista City Council.
  - B. Recommend approval of the requested commercial zoning change (TR-1 to C-2) and the required design review subject to the same conditions enumerated above, along with a recommendation to amend the Comprehensive Plan for the balance of “Tract A” to “low density residential” as part of the requested zoning change from TR-1 to R-1D.
  - C. Recommend approval of all requests with no additional conditions related to the required design review.
  - D. Recommend denial of all requests.
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**LAGO VISTA PLANNING AND ZONING COMMISSION  
STAFF LAND USE REPORT – JANUARY 12, 2023**



<b>P&amp;Z CASE NO:</b>	<b>22-2282-R-REZ:</b> 20700 Northland Drive
<b>APPLICANT:</b>	Vista Planning & Design (Mitch Wright)
<b>LANDOWNER:</b>	Sikotar, LLC (Shyam Patel)
<b>LOCATION:</b>	Northwest corner of Lohman Ford Road and Northland Drive
<b>ZONING:</b>	R-1D / TR-1 to C-2 (w/ design review) and TR-1 to R-1D
<b>PROPOSED USE:</b>	General Commercial / Retail and Single-Family Residence

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**GENERAL INFORMATION / LOCATION:**

- The properties that are the subject of the current zoning change requests consists of a relatively small portion of an existing single-family residential lot (20700 Northland Drive) and a “strip” of vacant land that was previously owned by the City of Lago Vista. They are located to the west of the property addressed as 7600 Lohman Ford Road and opposite the existing Phoenix Automotive facility on Northland Drive. They are also located to the south of an existing building owned by AT&T that is used to enclose switching equipment.
- The “strip” of vacant land is a portion of the property that was conveyed to the City in the 2009 settlement judgment that resolved ownership of property originally owned by NRC, Inc. Both the “strip” of vacant land and the single-family residential lot were acquired by the previous property owner (Temple Ventures LLC) in 2019 to accommodate their desired use of the adjacent commercial lot (7600 Lohman Ford Road) for a convenience store. Consideration of an application seeking that approval was deferred by the Planning and Zoning Commission at several public hearings in late 2020 and early 2021, but ultimately withdrawn by the former property owner in the face of vocal opposition. That opposition seemed focused on an objection to fuel sales.
- Aware of that opposition, the current owners purchased the property with the intent to abandon the pursuit of a convenience store and to instead develop the property for retail use only. They also seek to complete the required design review for the commercial component of this application. Although there is no design review required for the zoning change from TR-1 to R-1D for the single-family residential lot, the property owner has confirmed the intent to design and construct a residence similar to the one depicted in this application in association with the retail establishment.

**SITE PLAN / CONTEXT CONSIDERATIONS:**

- It is arguable that the residential zoning change is not required given that no improvements seem necessary on that portion of the property. An amended subdivision plat does not preclude multiple zoning districts within one legally described lot. In fact, it is a common tool to create desired buffers or transitions to strengthen a zoning change application. However, in this case it seems warranted as a potential future fence permit could not be approved on property in the TR-1 zoning district.
- A similar argument could be made that the commercial zoning change would not be required, absent the improvements that are specifically related to commercial use of the property such as the service drive and dumpster enclosure. While the TR-1 district precludes the approval of any permit, a different zoning designation would still allow for its use as a setback and for the desired screening wall or fence. Nonetheless, in the absence of a specific need for this property to serve as a buffer, the staff is not aware of any independent basis to preclude the change. The design review issues and Future Land Use Map will be addressed separately.
- The staff normally recommends that site development plan review required by Chapter 10.5 of the Lago Vista Code of Ordinances achieves a reasonable amount of progress toward completion before an applicant seeks design review approval. This tends to minimize the need for a subsequent revised design review application. However, this applicant chose to seek the desired zoning change and design review approval in the absence of a current site development review application as there is no ordinance provision that precludes it.

- There is also the very reasonable assumption that their current design review application could be informed by the previous site development plan review for a convenience store that was nearing completion when withdrawn. Although that proposed use required more paving and presumably generates much more traffic, a concerted effort to analyze those greater requirements could yield reasonable results. However, it not clear that the current application is sufficient in that regard.
- Perhaps the most glaring questions relate to the ability of the proposed driveways to accommodate the necessary traffic movements. The designated fire lane does not appear to be compliant with the International Fire Code as it exceeds the permitted maximum slope of ten percent and the locally permitted slope of twelve percent. As the access to the one-way drive behind the larger building does not include sufficient width or the minimum turning radius, an emergency vehicle would be required to travel in reverse against an excessive slope approximately 125 feet in order to exit the property. A solid waste contractor would have similar problems accessing the required dumpster enclosure at the proposed location.
- In multiple pre-application meetings, this one-way drive was identified as potentially accommodating some form of drive-thru service. The current application does not include anything that would suggest that such an operation is being proposed, but it also does not specifically exclude it. The failure to include a similar drive behind the smaller building would suggest that both buildings will be serviced from the front parking area and that the purpose of the drive behind one building only is to preserve or accommodate this option. As the location of both the amplified menu board and pick-up window is relevant to the design review (lighting and noise), information about a potential drive-thru service seems essential.
- This drive-thru service might also prove more efficient as an option at the smaller building, requiring only minor modifications to the dimensions and location of that structure. It would also seemingly serve to eliminate the traffic movement problems referenced above with careful grading of the drives that will accommodate emergency services or solid waste collection vehicles. In addition, the noise and lighting associated with the amplified menu-board and pick-up window will have no appreciable negative impact to the Lohman Ford Road frontage or to the adjacent AT&T facility.
- Although typically not part of this review, the applicant submitted what is described as a utility plan. However, it seems to omit an existing public water main that is installed in the portion of “strip” of vacant land (‘Tract A’) that was previously owned by the City of Lago Vista. While this main might be allowed to remain in place pursuant the dedication of a public utility easement, the Public Works Department would not allow a driveway to completely cover that main like the one currently shown behind the larger of the two buildings. It would instead have to be rerouted or abandoned in place at the cost of the property owner, as shown on the previous site development plan submittal.
- There is also a lack of specific or detailed information about some of the primary elements such as the building elevations, the proposed screening wall, and the dumpster enclosure. In lieu of elevations of either of the proposed buildings, we have photographic images of a presumably similar building. While it might be argued that the notes commit to a similar treatment for all eight building elevations, the staff would prefer more explicit. We are similarly concerned about the durability and ability of a fence to effectively block both light and sound without any information about the proposed materials or construction details. Although less critical, the durability of the material proposed for the required dumpster enclosure is also a concern.
- There is also no explicit information about the height and size of the proposed monument sign noted to be located at the Lohman Ford Road entry on the landscape plan. The design review ordinance provisions make it clear that the purpose is to identify potential safety hazards, yet the information required for that evaluation is not provided. In addition, while serval different plans indicate the location of protected trees, the landscape does not include information about the proposed landscaping material or a calculation of the tree preservation requirements.

- Nonetheless, there are solutions to these concerns. Given the failure to adequately address them in this application, it is still possible to alleviate the staff concerns through a deferral that accommodates a revised submittal or an explicit list of approval conditions. The latter only prejudices the applicant by precluding an opportunity for consideration of other alternative solutions that could occur during the preferred site development plan review opportunity that was rejected.

#### **RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:**

- Although the GIS-based depiction of a portion of the Future Land Use Map prepared by the IT Department staff that is part of this packet includes existing parcel data (i.e. property lines), the official version adopted by the City Council in Ordinance No. 17-04-20-01 (and the only one that counts) does not. It is found on pages 32 and 33 of the Comprehensive Plan or page 38 of 197 of the file available on the City website. As such, there is no reason to conclude that the zoning change request involving the commercial zoning change is inconsistent with the Comprehensive Plan as it preserves the same relationship between commercial and residential uses and it remains speculative that the line between the two requires adjustment.
- Land use reports from highly respected municipal planning staffs in Texas are available that conclude that a proposed shift in the boundary between commercial and residential designations for an entire parcel or lot remains consistent with the Comprehensive Plan because the request does not disturb any recommended land use relationships. That conclusion is consistent with the statutory mandate that a Comprehensive Plan serves as a guideline for zoning decisions and is not intended to include the level of detail associated with a boundary survey or design plans.
- Ironically, the component of the zoning change request that is questionable in that regard is the proposed change from the TR-1 zoning district to the R-1D zoning district. The resulting lot size, as well as the size of all existing platted lots in this area is significantly smaller than the minimum mandated by their designation on the Future Land Use Map as “estate residential” (an area of between 1 acre and 3.33 acres). That appears to be the type of “demonstrable error, oversight, or omission” that is addressed in the recently amendment to Section 13.20(d) of Chapter 14 recommended by the Planning and Zoning Commission. Moreover, as the staff has repeatedly pointed out, there is no existing zoning district that is consistent with that “estate residential” designation, or most of the land use designations within the Comprehensive Plan. Because the existing zoning district prohibits any permit until a zoning district change is approved, a denial of any change would result in a constitutionally prohibited “regulatory taking.”
- However, that does not preclude this “demonstrable error, oversight, or omission” from being addressed comprehensively rather than limiting the correction to this extremely small tract (0.031 acres of 1,369 square feet). The City should consider initiating an amendment to the Comprehensive Plan that addresses all the contiguous property in this area that is currently designated as “estate residential.” Some of those existing platted lots at or near the intersection of Dodge Trail and Peacemaker Trail include less than one-quarter acre of land. Pending amendments to the current zoning districts and the associated minimum development standards, lots that small would require a future land use designation as “medium-density residential.”

---

#### **POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:**

- A. Defer the application without continuing the public hearing in order to give the applicant to opportunity to address the deficient design review related elements and ordinance requirements prior to forwarding a recommendation to the City Council.
- B. Recommend approval of the requested zoning changes and the required design review subject to the following conditions (reviewed by staff prior to forwarding the recommendation to the City Council):



1. submittal of a revised site plan that is compliant with the International Fire Code, local access management requirements, and relocates any proposed drive-thru lane adjacent to the north property line;
  2. submittal of a revised landscape plan that calculates the tree preservation obligations and shows the size and location of the proposed monument sign at the Lohman Ford Road entry;
  3. exterior building materials visible from any residentially zoned property shall be limited to plaster and stone as indicated on the submitted “architectural examples;”
  4. both the screening wall and dumpster enclosure shall be constructed of materials that resist decay, preclude the penetration of light, reflect or absorb sound, and includes a finish that is commonly included for residential development; and
  5. an amendment of the Future Land Use Map for the property seeking a change from the TR-1 zoning district to the R-1D zoning district from the “estate residential” designation to the “low-density residential” designation.
- C. Recommend approval of the requested commercial zoning change and the required design review subject to the same conditions enumerated above (reviewed by staff prior to forwarding the recommendation to the City Council), but defer or recommend a denial of the residential zoning change pending approval of an amendment to the Future Land Use Map from the “estate residential” designation to a designation consistent with the size of the existing platted lots.
- D. Recommend approval of all requests with no additional conditions related to the required design review.
- E. Recommend denial of all requests.
-

Approval Standards and Criteria. Issues to be adequately addressed and resolved by the applicant in order to receive design review approval include, but are not limited to the following:

- (1) Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies.
- (2) The location, arrangement, size, design and general site compatibility of structures and other improvements such as parking, landscaping, fences, lighting, signs and driveway locations to mitigate and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:
  - (A) Reduced privacy;
  - (B) Reduced use, utility or property rights;
  - (C) Avoidable light and sound trespass; or
  - (D) Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.
- (3) Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:
  - (A) Minimize the visual and environmental impact of large expanses of uninterrupted paving;
  - (B) Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and
  - (C) Provide buffers and attractive screening to minimize the functional or visual impact of certain uniquely non-residential or multifamily site elements to help create a more logical and natural transition to dissimilar developments.
- (4) Circulation systems, transportation components and off-street parking shall integrate to:
  - (A) Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and any potential public transit users;
  - (B) Eliminate or reduce dangerous traffic movements;
  - (C) Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;
  - (D) Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and
  - (E) Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.
- (5) Building facades visible from a public right-of-way shall avoid large expanses or massive amounts of unarticulated exterior finish surfaces or that are otherwise lacking in elements that relate to pedestrian or human scale.

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 1

Applications



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

**APPLICATION FOR ZONING DISTRICT CHANGE**

**Contact Person:** Mitch Wright **Fee:** See Ordinance Appendix A (non-refundable)  
**Contact Phone:** 512 673-8274 **Contact Email:** vistaplanning@sbcglobal.net  
**Property Owner(s):\*** Sikotar, LLC  
**Owner's mailing address:** 3565 Route 9W; Highland, New York 12528

**COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY**

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

Lago Vista Estates Section Six Vol. 49, pg. 5; Lots 1874 and 1873

**Municipal Address(es)\* if applicable:** 7600 Lohman Ford Road

**NATURE OF REQUEST**

**Current Zoning District(s):** R-1D, TR-1 **Requested District:** C-2, R-1D

**Purpose or Basis of Request\* (if PDD, include whether concept and/or detail plan approval is sought):**

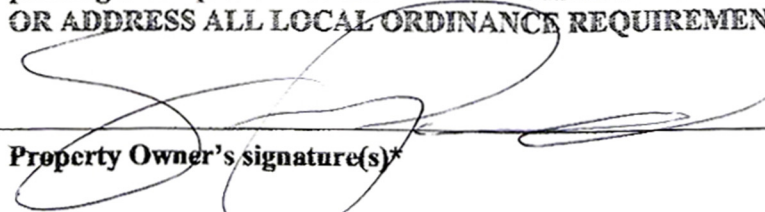
Please see attached cover letter and exhibits

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

**Name of Agent:** Shyam Patel **Email:** syp247@gmail.com

**Mailing Address:** 3565 Route 9W; Highland, New York 12528 **Phone:** 845 389-8641

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

  
**Property Owner's signature(s)\***

10/11/22  
**Date**

**\*Attach additional sheets as required**

0.111 ACRE  
LAGO VISTA ESTATES SEC. 6  
TRAVIS COUNTY, TX

PROJECT: 617.012001  
DATE: 12/13/2022

### DESCRIPTION

0.111 ACRE BEING A PORTION OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.111 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, for reference, at a 1/2-inch iron rod found at a point of curvature in the north right-of-way line of Northland Drive (50' r.o.w.), being the south line of Lot 1873, of said Lago Vista Estates Section Six;

**THENCE**, along said north right-of-way line, being the south line of said Lot 1783, along a curve to the right, having a radius of 342.39 feet, a central angle of 21°20'34", an arc length of 127.54 feet, and a chord which bears N77°26'16"W, a distance of 126.80 feet to a calculated point at the common south corner of said Lot 1873 and said Tract A, for the **POINT OF BEGINNING** and southeasterly corner hereof;

**THENCE**, continuing along said north right-of-way line, being the south line of said Tract A, along a curve to the right, having a radius of 342.39 feet, a central angle of 2°30'50", an arc length of 15.02 feet, and a chord which bears N65°30'34"W, with a distance of 15.02 feet to a calculated point at the common south corner of said Tract A and Lot 1874, of said Lago Vista Estates Section Six, for the southwesterly corner hereof;

**THENCE**, leaving said north right-of-way line, along the line common to said Lot 1874 and said Tract A, the following two (2) courses and distances:

1. N24°59'51"E, a distance of 277.74 feet to a calculated point at the northeast corner of said Lot 1874, for an angle point;
2. N61°09'34"W, a distance of 20.05 feet to a calculated point, for an angle point, from which a 1/2-inch iron rod found at the northwest corner of said Lot 1874 bears N61°09'34"W, a distance of 94.93 feet;

**THENCE**, N24°59'51"E, leaving the north line of said Lot 1874, over and across said Tract A, a distance of 14.92 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwestern Bell Telephone Company, by Deed of record in Volume 2754, Page 607, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof;


**THENCE**, S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 36.00 feet to a calculated point at the common north corner of said Tract A and said Lot 1873, for the northeasterly corner hereof;



**THENCE**, S25°10'29"W, along the line common to said Lot 1873 and said Tract A, a distance of 291.49 feet to the **POINT OF BEGINNING**, containing 0.111 acre (4,819 square feet) of land.

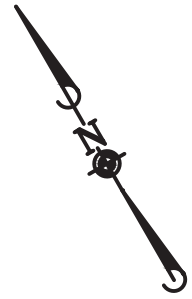
BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

  
\_\_\_\_\_  
ABRAM C. DASHNER  
TEXAS RPLS 5901  
MANHARD CONSULTING  
TBPLS FIRM NO. 10194420

SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 2574, PG. 607

Appears intended to  
be removed from the  
C-2 zoning district  
change request



N61°09'34"W 94.93'

TRACT A

LOT 1874

LAGO VISTA ESTATES  
SECTION SIX  
VOL. 49, PG. 5

LOT 1873

LOHMANS FORD RD.  
(R.O.W. VARIES)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N61°09'34"W	20.05'
L2	N24°59'51"E	14.92'
L3	S61°12'02"E	36.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°30'50"	342.39'	15.02'	N65°30'34"W	15.02'
C2	21°20'34"	342.39'	127.54'	N77°26'16"W	126.80'

0.111 ACRE  
(4,819 SQ. FT.)

P.O.C.

P.O.B.

NORTHLAND DR.  
(50' R.O.W.)



## LEGEND

- = FOUND 1/2-INCH IRON ROD
- △ = CALCULATED POINT
- = PROPERTY LINE
- - - = ADJOINING PROPERTY LINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

## BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (NAD 83), AS ESTABLISHED BY A REAL-TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

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6448 E Highway 290, Ste. B-105, Austin, TX 78723 ph: 512.244.3395 manhard.com  
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers  
Construction Managers | Environmental Scientists | Landscape Architects | Planners  
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng)

Khodiyar LLC

7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

DATE:

12/13/22

DRAWN BY:

PWP

SCALE:

1"=50'

CODE:

617.012001

123

0.128 ACRE  
LAGO VISTA ESTATES SEC. 6  
TRAVIS COUNTY, TX

PROJECT: 617.012001  
DATE: 12/13/2022

### DESCRIPTION

0.128 ACRE BEING A PORTION OF LOT 1874, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.128 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, for reference, at a 1/2-inch iron rod found at a point of curvature in the north right-of-way line of Northland Drive (50' r.o.w.), being the south line of Lot 1873, of said Lago Vista Estates Section Six;

**THENCE**, along said north right-of-way line, being the south line of said Lot 1873 and Tract A, of said Lago Vista Estates Section Six, along a curve to the right, having a radius of 324.39 feet, a central angle of 23°51'24", an arc length of 142.56 feet, and a chord which bears N76°10'51"W, a distance of 141.54 feet to a calculated point at the common south corner of said Tract A and said Lot 1874, for the **POINT OF BEGINNING** and southeasterly corner hereof;

**THENCE**, continuing along said north right-of-way line, being the south line of said Lot 1874, along a curve to the right, having a radius of 342.39 feet, a central angle of 3°21'01", an arc length of 20.02 feet, and having a chord which bears N62°34'38"W, with a distance of 20.02 feet to a calculated point at the end of said curve, for the southwesterly corner hereof;

**THENCE**, N24°59'51"E, leaving said north right-of-way line, over and across said Lot 1874, a distance of 278.24 feet to a calculated point in the north line of said Lot 1874, being a west line of said Tract A, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northwest corner of said Lot 1874 bears N61°09'34"W, a distance of 94.93 feet;

**THENCE**, along the line common to said Tract A and said Lot 1874, the following two (2) courses and distances;

1. S61°09'34"E, a distance of 20.05 feet to a calculated point at the northeast corner of said Lot 1874, for the northeasterly corner hereof;

2. S24°59'51"W, a distance of 277.74 feet to the **POINT OF BEGINNING**, containing 0.128 acre (5,562 square feet) of land.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



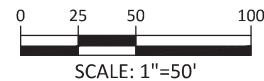
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ABRAM C. DASHNER  
TEXAS RPLS 5901  
MANHARD CONSULTING  
TBPLS FIRM NO. 10194420



SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 2574, PG. 607

Appears to no longer require  
a zoning district change



N61°09'34"W 94.93'

L1

TRACT A

LOT 1874

LOT 1873

LOHMANS FORD RD.  
(R.O.W. VARIES)

LAGO VISTA ESTATES  
SECTION SIX  
VOL. 49, PG. 5

LINE TABLE		
LINE	BEARING	LENGTH
L1	S61°09'34"E	20.05'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	3°21'01"	342.39'	20.02'	N62°34'38"W	20.02'
C2	23°51'24"	342.39'	142.56'	N76°10'51"W	141.54'

0.128 ACRE  
(5,562 SQ. FT.)

N24°59'51"E 278.24'

S24°59'51"W 277.74'

P.O.C.



NORTHLAND DR.  
(50' R.O.W.)

## LEGEND

- = FOUND 1/2-INCH IRON ROD
- △ = CALCULATED POINT
- = PROPERTY LINE
- - - = ADJOINING PROPERTY LINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

## BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (NAD 83), AS ESTABLISHED BY A REAL-TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

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Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers  
Construction Managers | Environmental Scientists | Landscape Architects | Planners  
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng)

Khodiyar LLC

7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

DATE:

12/13/22

DRAWN BY:

PWP

SCALE:

1"=50'

CODE:

617.012001

126



ABRAM DASHNER RPLS, LLC

TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901

TBPLS FIRM NO. 10194420

abe@rpls5901.com 512-244-3395

1,369 SQUARE FEET  
LAGO VISTA ESTATES SEC. 6  
TRAVIS COUNTY, TEXAS

FILE NO. 2022.128  
PROJECT: 295-019(EX2)  
DATE: 07/19/2022

**DESCRIPTION**

1,369 SQUARE FEET OUT OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,369 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2-inch iron rod found in the south line of said Tract A, being the north common corner of Lot 1874 and 1875, of said Lago Vista Estates Section Six, for the southwesterly corner hereof;

**THENCE**, N46°05'47"E, over and across said Tract A, a distance of 15.52 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwest Bell Telephone Company, by Deed of record in Volume 2754, Page 607, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof;

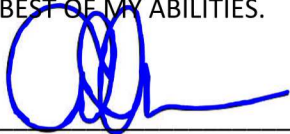
**THENCE**, S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 89.32 feet to a calculated point, for the northeasterly corner hereof;

**THENCE**, S24°59'51"W, leaving the south line of said Southwestern Bell Telephone Company tract, over and across said Tract A, a distance of 14.92 feet to a calculated point in a common line of said Lot 1874 and said Tract A, for the southeasterly corner hereof;

**THENCE**, N61°09'34"W, along the line common to said Lot 1874 and said Tract A, a distance of 94.93 feet to the **POINT OF BEGINNING**, and containing 1,369 square feet (0.031 acre) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED BY CRICHTON AND ASSOCIATES, INC., DURING THE MONTH OF MAY, 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

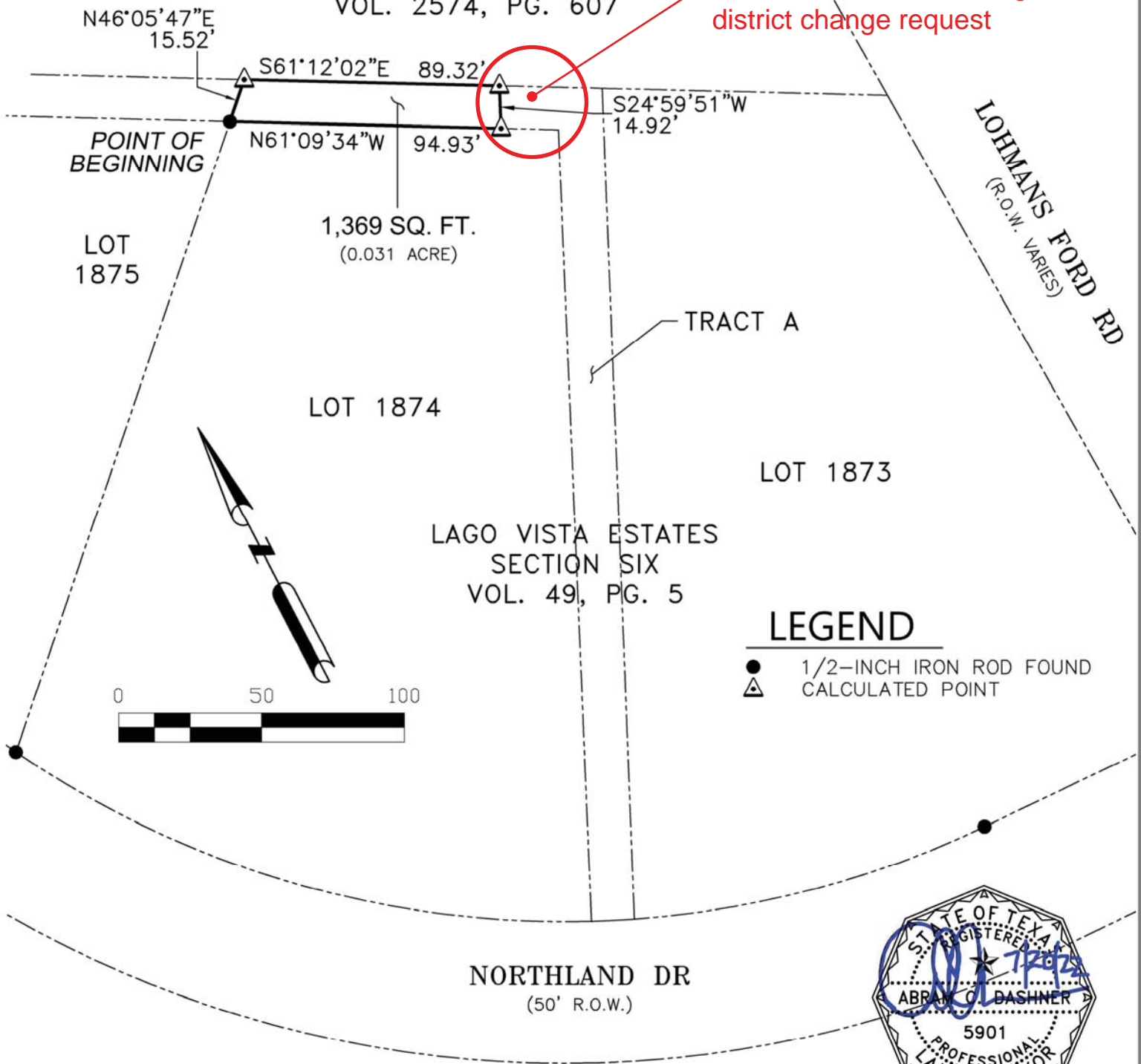


ABRAM C. DASHNER  
TEXAS RPLS 5901  
TBPLS FIRM NO. 10194420



SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 2574, PG. 607

Appears intended to be  
added to the R-1D zoning  
district change request



**BEARING BASIS:**

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD83(2011), CENTRAL ZONE

CHECKED BY: AD		1,369 SQUARE FEET BEING A PORTION OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.	ABRAM DASHNER RPLS, LLC  abe@rpls5901.com 512-244-3395 TBPLS FIRM NO. 10194420	CLIENT INFORMATION
JOB NUMBER: 295-01(EX2)	ISSUE DATE: 07/19/22			DARREN WEBBER
SHEET: 1 OF 1		BOUNDARY EXHIBIT		128

22-2282-R-REZ

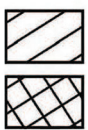
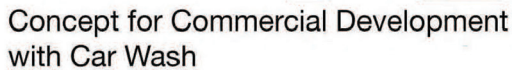
20700 Northland Drive / 7600 Lohman Ford Road

Attachment 2

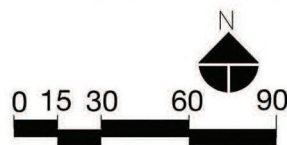
Amended Site and Landscaping Plans



Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



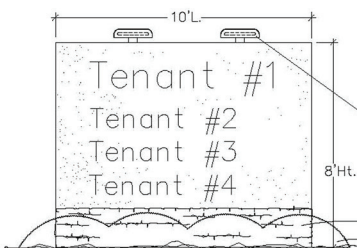
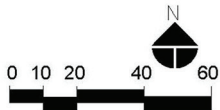
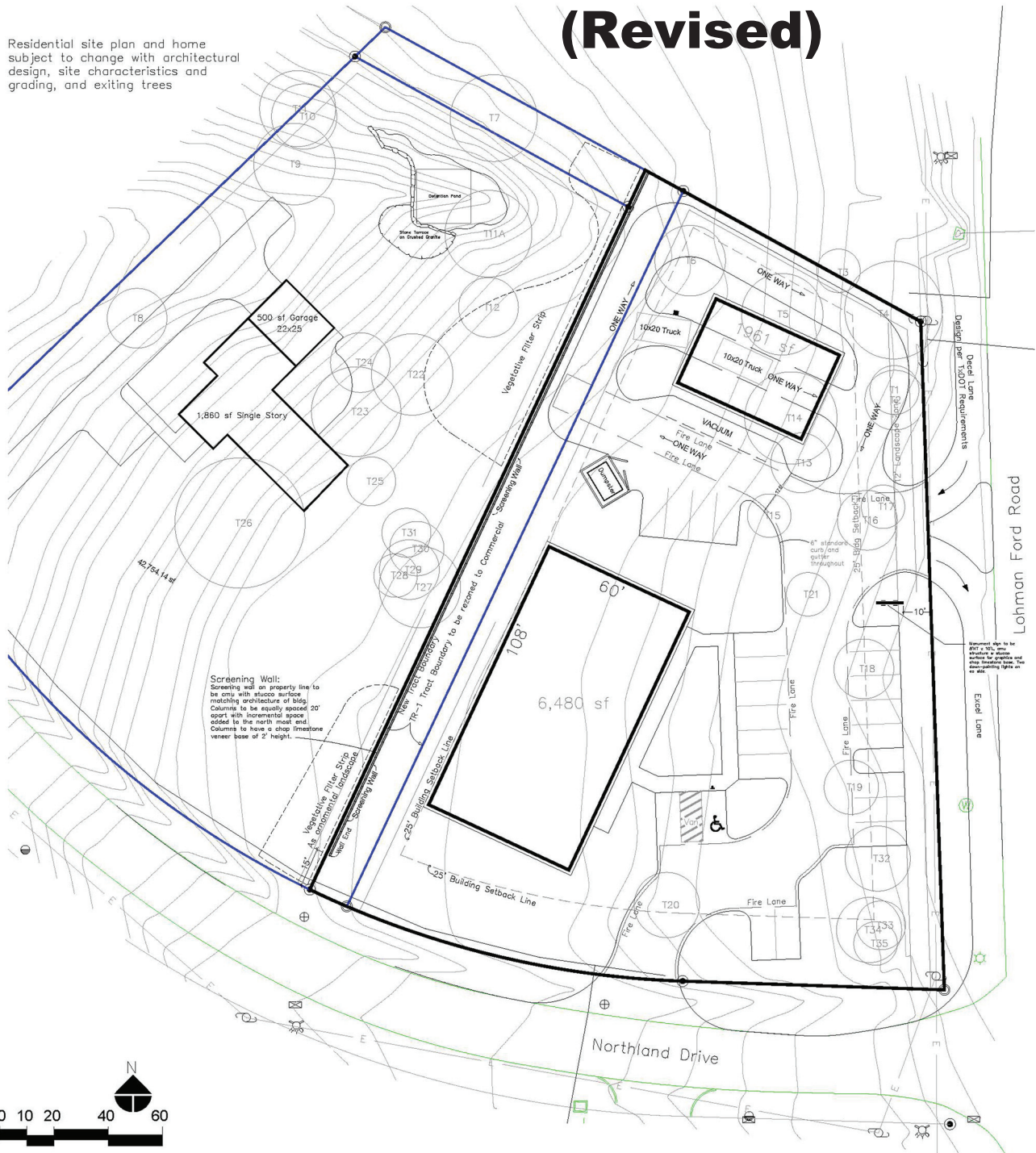
Rezone to Commercial C-2





# Conceptual Site Plan (Revised)

Residential site plan and home subject to change with architectural design, site characteristics and grading, and exiting trees



Monument Sign Envelope

Sign concept is conceptual only in size and shape. Actual design will represent architectural style. Final design will not exceed overall sq ft.

Tenant #1 letters at 12" ht. Tenants #2-#4 letters at 9" ht.

Two down-pointing lights on each side. Compliant with Dark Skies and Lago Vista Ordinances, not to exceed 117 lumens per square foot.

10' x 6' x 1' CMU block wall with stucco and chop limestone veneer.

Chop Limestone veneer landscape.

## Impervious Cover-Residential Lot

Total Lot	44,421.40 sf
50% IC Max	22,210.70 sf
Actual IC	5,956.10 sf 13.4%
Home	
Living Space	1,860 sf One Story
Garage (2 cars)	500 sf 22'x25'
Total Home Construction	2,360 sf

Note: •Commercial Lot and residential lot are the same owner

•Commercial buildings subject to change with architectural design, site characteristics and grading, and exiting trees. Calculations shown will not be exceeded.

## Impervious Cover

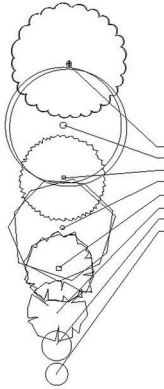
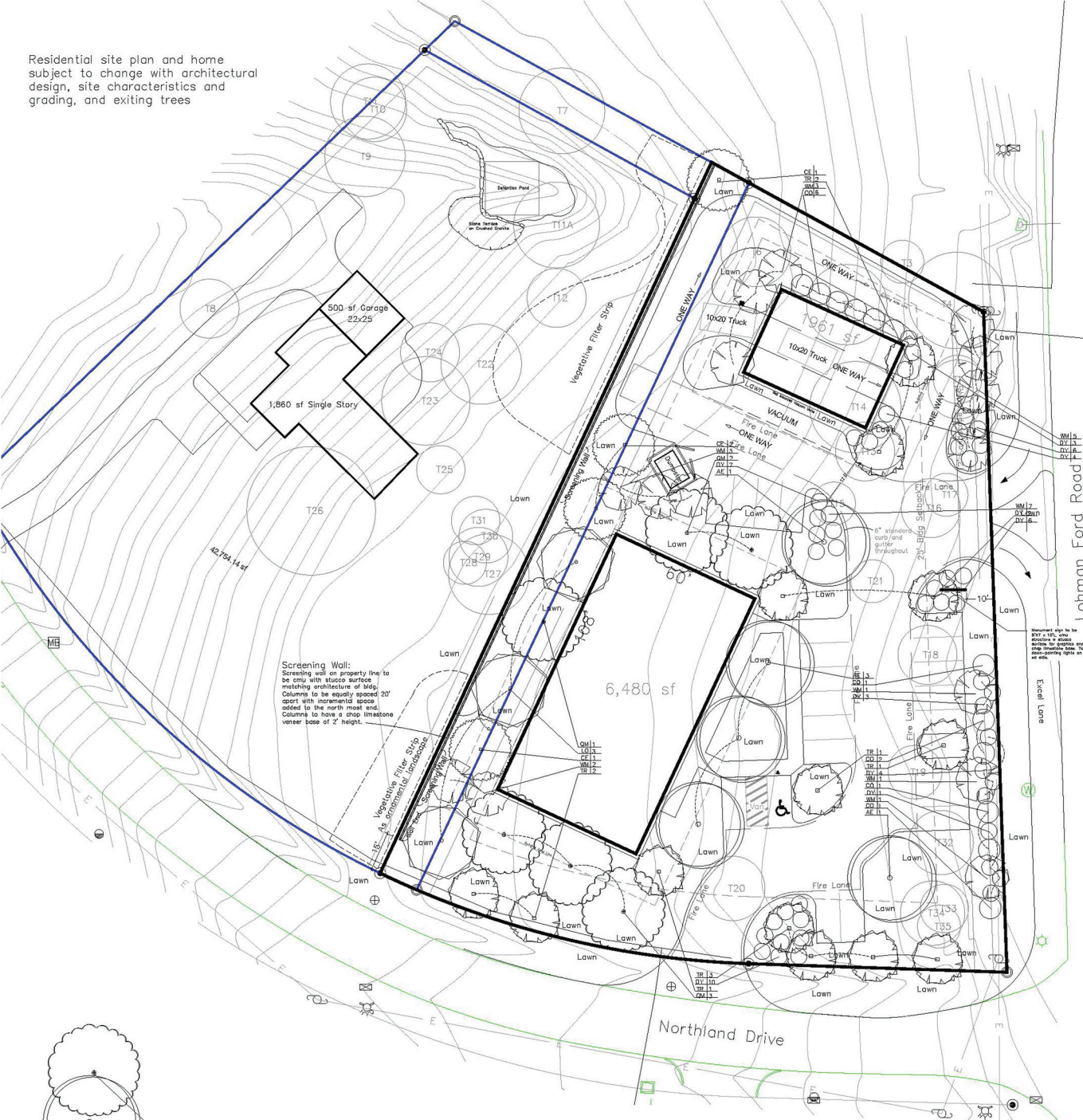
Total Lot	47,696.35 sf
60% IC Max	28,617.81 sf
Actual IC	26,480.99 sf (55.5% IC)
Parking: 1sp/300sf	
Building 1	6,480 sf 22 Spaces
Car Wash	1,961 sf 0 Spaces
Total Spaces Required	22 Spaces
Total Spaces Proposed	22 Spaces

Land Use Summary 01 20 23

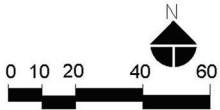


# Landscape Plan (Revised)

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



Common Name	Common Name	Common Name	Quan
QM Chinquapin Oak	Quercus muhlenbergii	3' cal. 6'-7'-27" min B&B	6
AE American Elm	Ulmus americana	3' cal. 6'-7'-12" min B&B	5
CE Cedar Elm	Ulmus crassifolia	3' cal. 6'-7'-12" min B&B	4
LO Live Oak	Quercus virginiana	3' cal. 6'-7'-27" min B&B	3
TR Texas Redbud	Cercia canadensis var. texensis	3' cal. 6'-7'-12" min B&B	11
WM Wax Myrtle	Morrellia cerifera	3'-4', 13' min B&B	23
CO Cenizo	Leucophyllum frutescens	3'-4', 13' min B&B	11
DY Dwarf Yaupon	Ilex vomitoria 'Nana'	18"-24", 5 gal	46
Lawn Buffalo Grass	Buchloe dactyloides		



Tree Preservation & Replacement Calculations												
Tree Survey							total Caliper Inc	Total Protected Inches	Protected Saved Inches	Protected Removed-Site	Bldg Site	Caliper Inches Replaced
R	T1	CO	CEDAR									
R	T2	CO	LIVE OAK	8	6		14					
R	T4	CO	LIVE OAK	10	9	7	26	10		10		10
R	T5	CO	LIVE OAK	15			15	15		15	BA	15
R	T6	CO	LIVE OAK	9	8		17					
	T7	RE	SPANISH OAK	11	10		21	21	21			
	T8	RE	ASH	11			11	11	11			
	T9	RE	SPANISH OAK	15			15	15	15			
	T10	RE	SPANISH OAK	12			12	12	12			
	T11	RE	SPANISH OAK	14			14	14	14			
	T11A	RE	SPANISH OAK	11	10		21	21	21			
	T12	RE	LIVE OAK	11			11	11	11			
O	T13	CO	LIVE OAK	11			11	11	11		BA	
R	T14	CO	LIVE OAK	17			17	17		17	BA	17
R	T15	CO	CEDAR									
R	T16	CO	LIVE OAK	11			11	11		11		11
R	T17	CO	CEDAR									
R	T18	CO	LIVE OAK	11			11	11		11		11
R	T19	CO	LIVE OAK	10			10	10		10		10
R	T20	CO	LIVE OAK	12			12	12		12		12
R	T21	CO	CEDAR									
	T22	RE	SPANISH OAK	10	10		20	20	20			
	T23	RE	SPANISH OAK	11	11		22	22	22			
	T24	RE	LIVE OAK	11			11	11	11			
	T26	RE	SPANISH OAK	16	16	13	45	45	45			
	T27	RE	LIVE OAK	11	8		19	11	11			
	T29	RE	LIVE OAK	11			11	11	11			
	T30	RE	CEDAR									
	T31	RE	CEDAR									
O	T32	CO	LIVE OAK	12			12	12	12			
	T34	CO	LIVE OAK	12			12	12	12			
	T35	CO	CEDAR									
							401	346	260	86		86
									65%	21%	% Removed/saved from total caliper inches	
C	Cluster of Trees						Note: The tree calculation assumes 3" trees so that all tree replacement inches are at a 1:1 ratio					
R	Removed Trees											
O	Option to Explore with architecture											
RE	Residential Lot											
CO	Commercial Lot						28.67 3" trees to be planted 7,166.67 Fee in Lieu of planing trees					

PROTECTED TREES

**P  
R  
O  
T  
E  
C  
T  
E  
D  
T  
R  
E  
E**

Note: When measuring caliper inch of 3" trees selected, be sure to measure at 40" HT according to Lago Vista Ordinance; Chp 14, Exh. A, Part IV, Sec. 20 (e)(3)

Mulch: Stone mulch to be 4"-6" crushed limestone

Woody mulch to be Texas Hardwood, twice grind minimum, 3" depth after settling

All tree rings are woody mulch unless indicated otherwise.

Mulch edges to have trench-cut edge, no steel or plastic edging

## TREE LIST

TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
R T2)	(M)8",6" LIVE OAK	R T16)	11" LIVE OAK
R T4)	(M)10",9",7" LIVE OAK	R T18)	11" LIVE OAK
R T5)	15" LIVE OAK	R T19)	10" LIVE OAK
R T6)	(M)9",8" LIVE OAK	R T20)	12" LIVE OAK
T7)	(M)11",10" SPANISH OAK	T22)	(C)10",10" SPANISH OAK
T8)	11" ASH	T23)	(M)11",11" SPANISH OAK
T9)	15" SPANISH OAK	T24)	11" LIVE OAK
T10)	12" SPANISH OAK	T26)	(M)16",16",13" SPANISH OAK
T11)	14" SPANISH OAK	T27)	(M)11",8" LIVE OAK
T11A)	(C)11",10" SPANISH OAK	T29)	11" LIVE OAK
T12)	11" LIVE OAK	O T32)	12" LIVE OAK
O T13)	11" LIVE OAK	T34)	12" LIVE OAK
R T14)	17" LIVE OAK		

R Remove

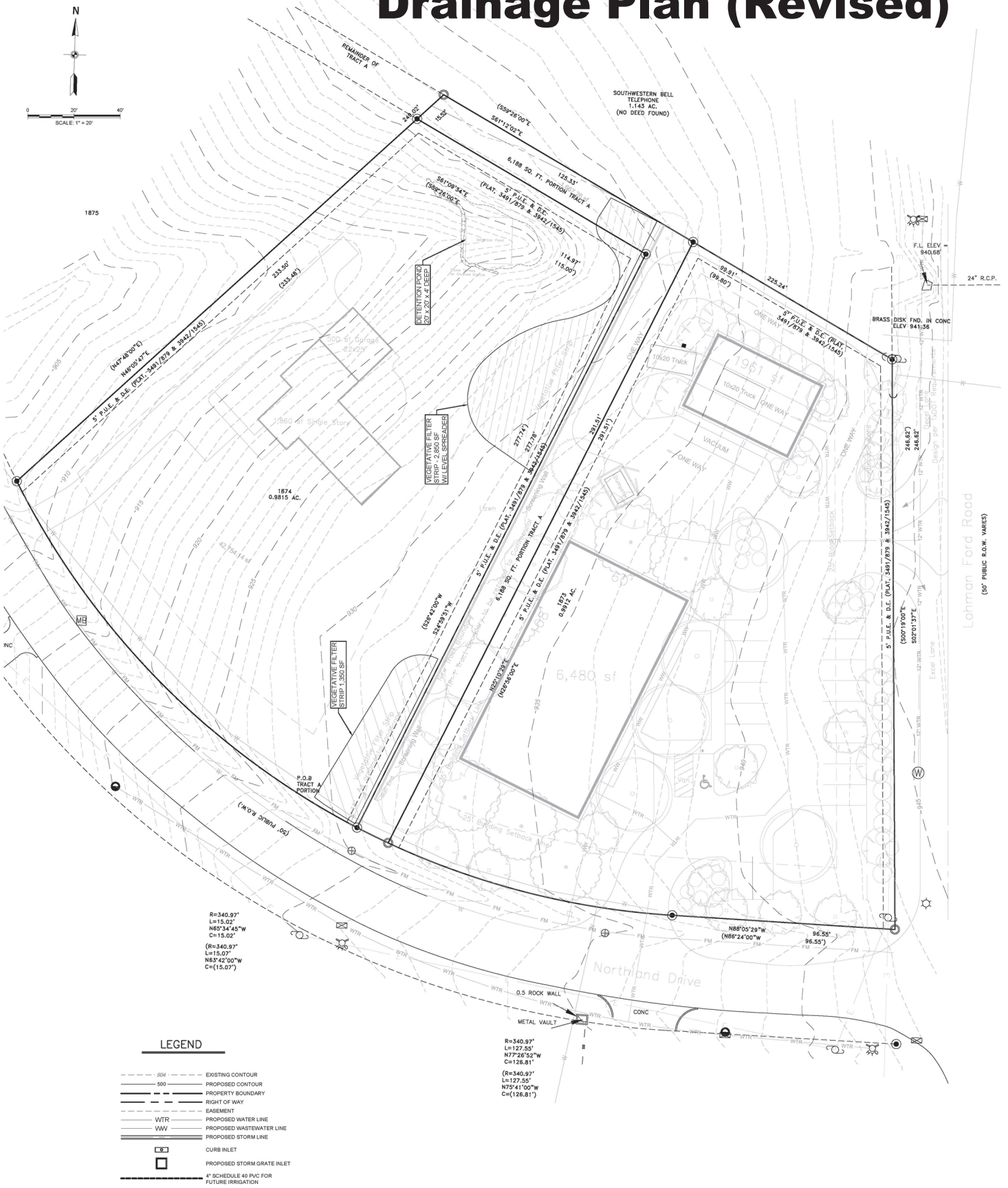
O Options for saving

(C) = CLUSTER OF TREES

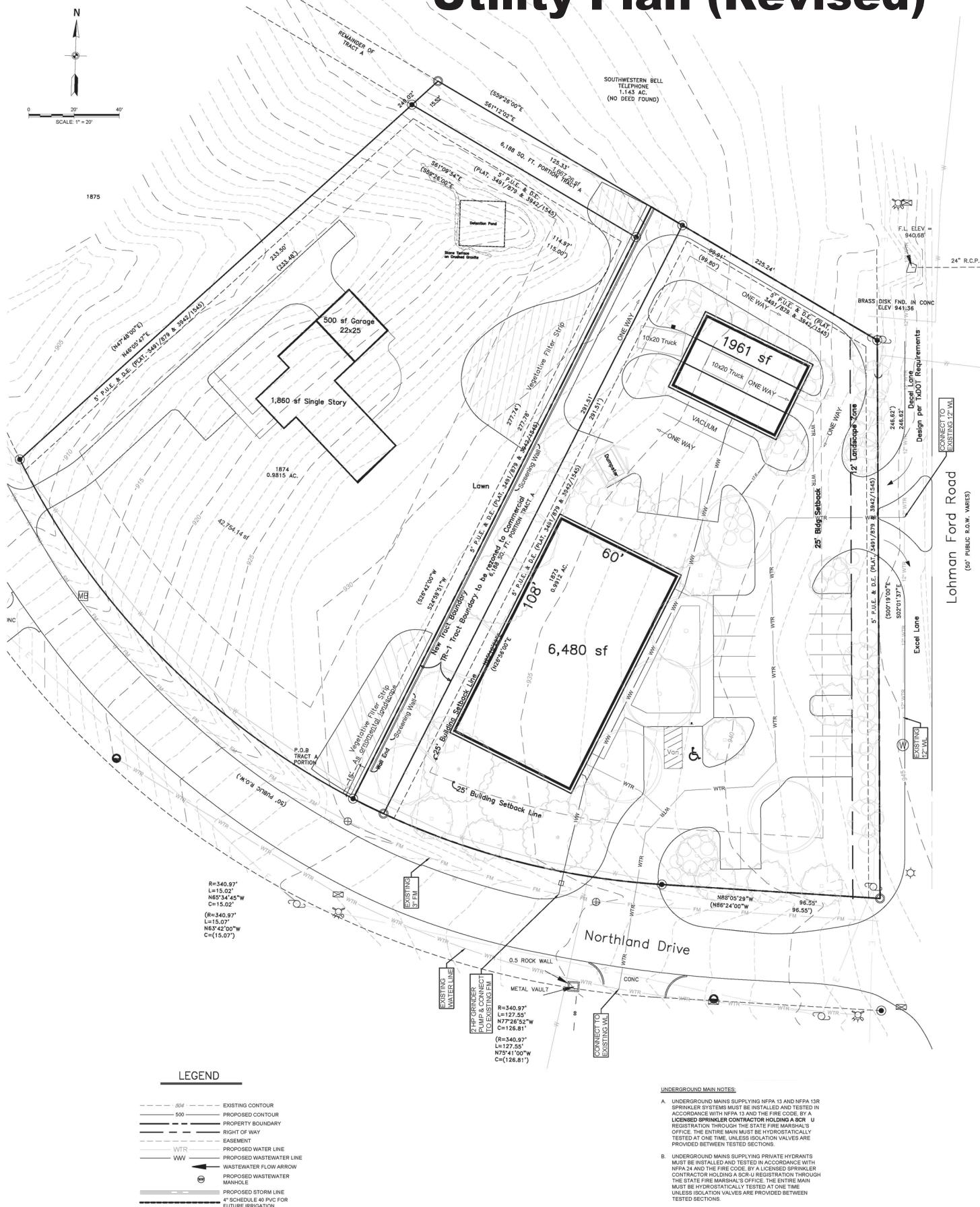
(M) = MULTI TRUNK TREE



# Drainage Plan (Revised)



# Utility Plan (Revised)



22-2282-R-REZ

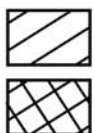
20700 Northland Drive / 7600 Lohman Ford Road

Attachment 3

Previous Site and Landscaping Plans



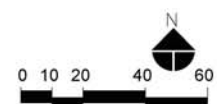
# Proposed Zoning Changes



Rezone to Residential R-1D



Rezone to Commercial C-2



# Site Plan

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees

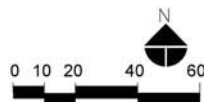
Stormwater pond as ornamental feature



## TREE LIST

TAG NO.	DESCRIPTION
T2)	(M)8",6" LIVE OAK
T4)	(M)10",9",7" LIVE OAK
R T5)	15" LIVE OAK
R T6)	(M)9",8" LIVE OAK
T7)	(M)11",10" SPANISH OAK
T8)	11" ASH
T9)	15" SPANISH OAK
T10)	12" SPANISH OAK
T11)	14" SPANISH OAK
T11A)	(C)11",10" SPANISH OAK
T12)	11" LIVE OAK
O T13)	11" LIVE OAK
O T14)	17" LIVE OAK
R T16)	11" LIVE OAK
R T18)	11" LIVE OAK
R T19)	10" LIVE OAK
R T20)	12" LIVE OAK
T22)	(C)10",10" SPANISH OAK
T23)	(M)11",11" SPANISH OAK
T24)	11" LIVE OAK
T26)	(M)16",16",13" SPANISH OAK
T27)	(M)11",8" LIVE OAK
T29)	11" LIVE OAK
R T32)	12" LIVE OAK
T34)	12" LIVE OAK
(C)	= CLUSTER OF TREES
(M)	= MULTI TRUNK TREE

R Remove  
O Options for saving



Impervious Cover-Residential Lot			
Total Lot	38,262.54 sf		
50% IC Max	19,131.27 sf		
Actual IC	5,956.10 sf	15.6% IC	
Home			
Living Space	1,860 sf One Story		
Garage (2 cars)	500 sf 22'x25'		
Total Home Construction	2,360 sf		

Note: Commercial Lot and residential lot are the same owner

Land Use Summary 11 30 22

Impervious Cover			
Total Lot	53,555.09 sf		
60% IC Max	32,133.05 sf		
Actual IC	31,576.93 sf (58.96% IC)		
Parking: 1sp/300sf			
Building 1	7,080 sf	24 Spaces	
Building 2	2,600 sf	9 Spaces	
Total Spaces Required		33 Spaces	
Total Spaces Proposed		35 Spaces	



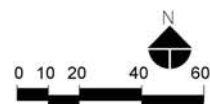
# Landscape Plan



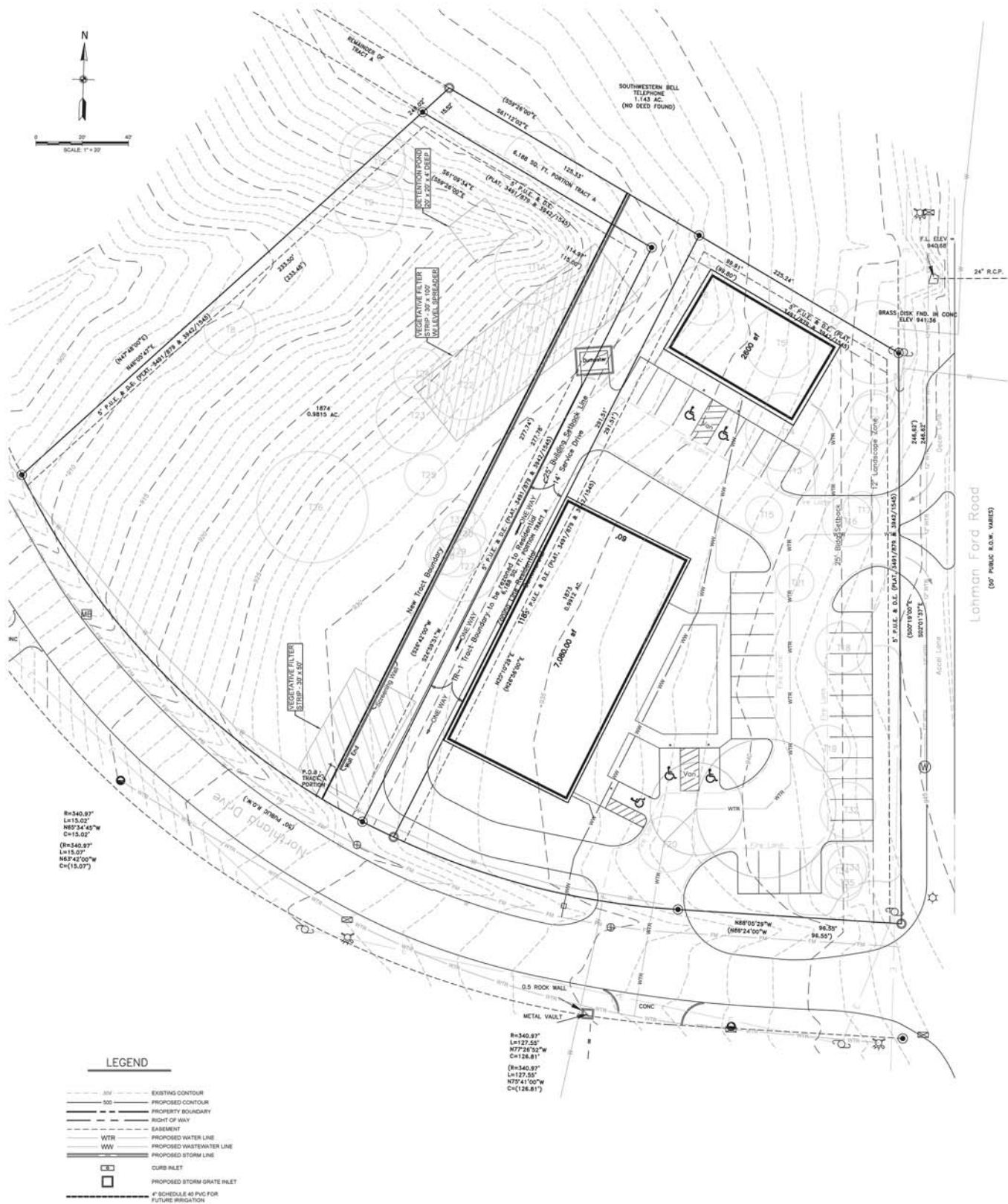
- Shade Tree (Diverse Species)
- Ornamental Tree (Crape Myrtle, Red Bud)
- Large Shrub/Small Tree (Yucca, Wax Myrtle)
- Large Shrub 4' spacing
- Small Shrub 3' spacing
- Ground Cover
- Existing Trees to be preserved as much as possible and treated with organic compost
- All lawn areas to be Palisades Zoysia
- All tree wells and shrub beds to have 3" organic hardwood mulch
- Irrigation to be automatic with rain sensors
- Shrub beds to have drip irrigation
- Lawns to have spray, head to head coverage

Upon detailed grading and site plan review, ornamental fence on west side will jog at intervals for trees and landscape on both sides.

Signage to be low monument signs at entry point on Lohman Ford Road

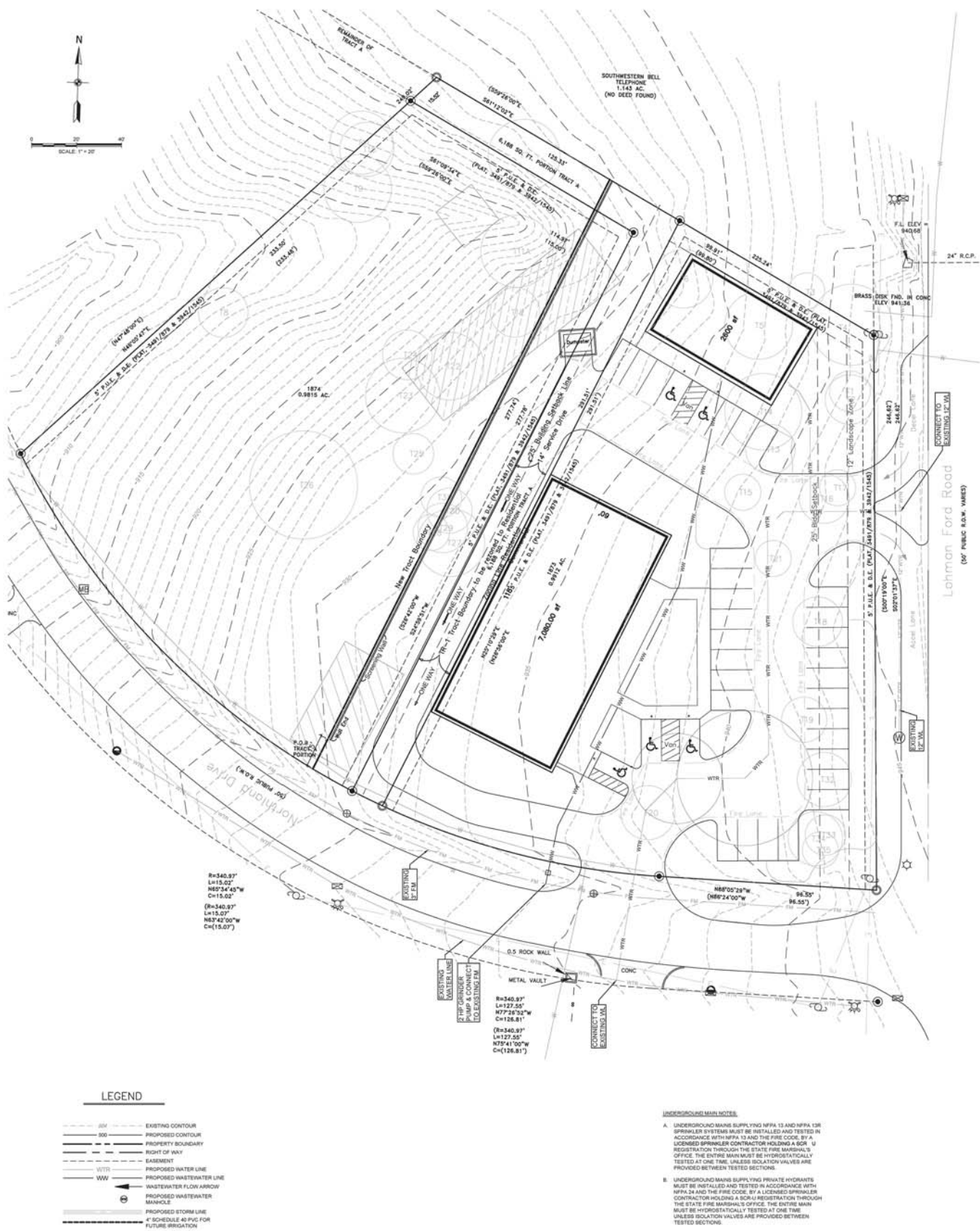


# Drainage Plan





# Utility Plan





22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 4

Building Design (Revised Notes)



## Architectural Points of Commitment:

Compliance with all building code and style requirements

Modern lines and styling

Substantial glazing on front of buildings

Stone and stucco veneer

Rear property screening with solid wall and landscape

All exterior lighting to be compliant with Dark Skies and

Lago Vista ordinances

### Building Exteriors:

The architectural materials and style to reflect the image examples above.

The buildings will be a combination of stucco and limestone veneers with limestone being more accents and wainscoting of the two buildings.

The proposed south building is a single story building that will be divided for commercial uses in conformance to the proposed allowable land use chart provided. The north building is an automated car wash.

### Accessory Structures:

Monument sign, screening wall, and dumpster enclosure will all be of similar style of exterior building materials. In general this refers to stucco wall surfacing with accents of split faced limestone veneer bases and column base accents.



ARCHITECTURAL  
EXAMPLES



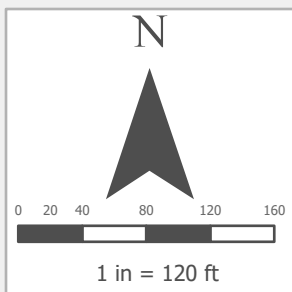
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 5

Maps





## 20700 Northland Dr

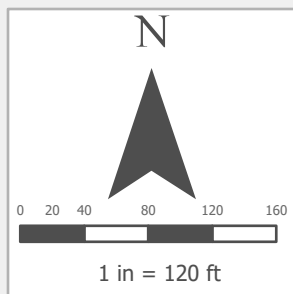
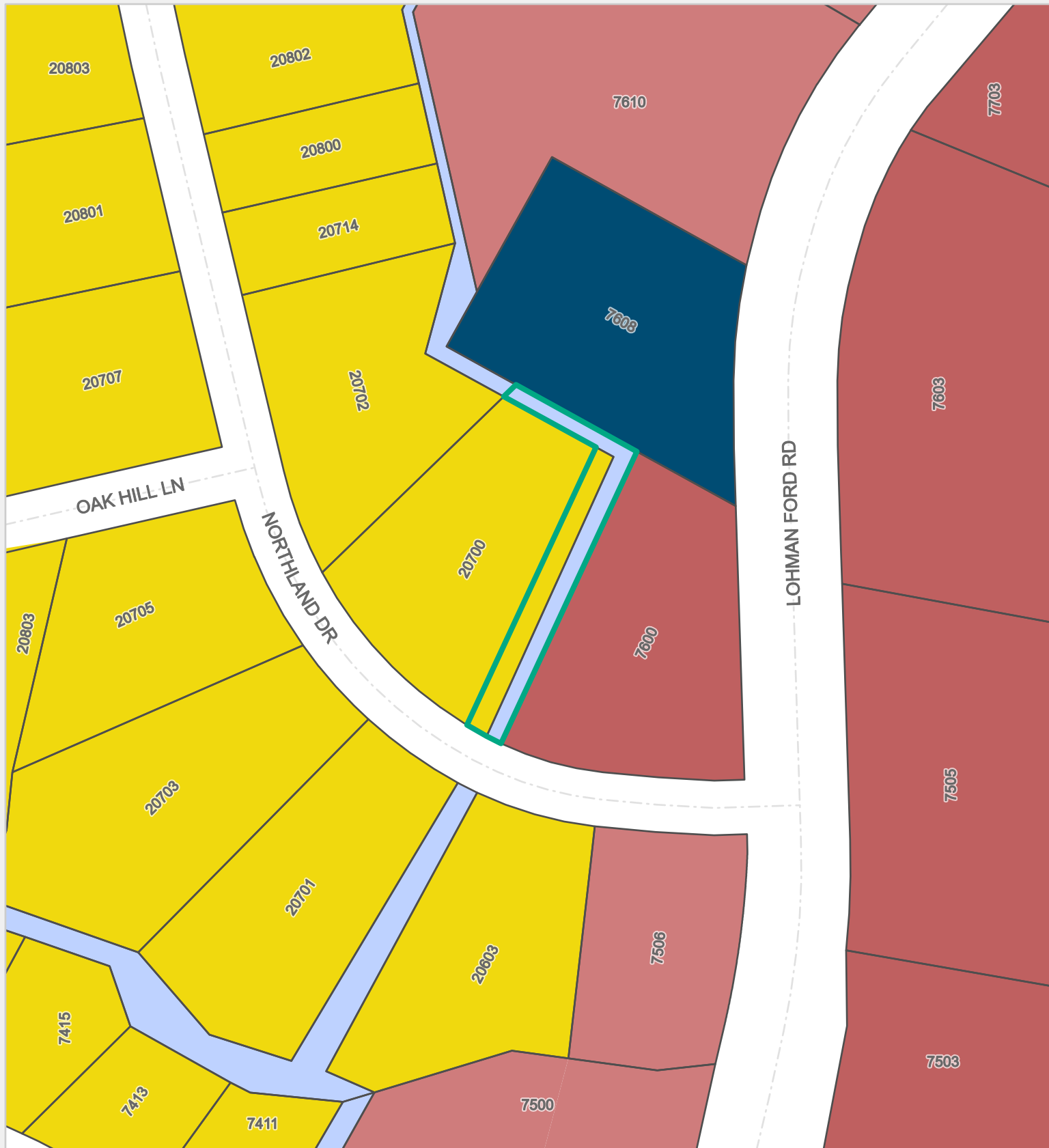
Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

### Contours

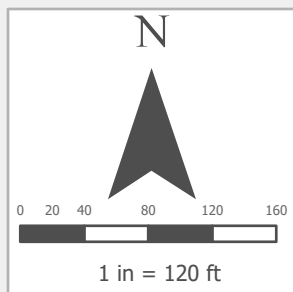
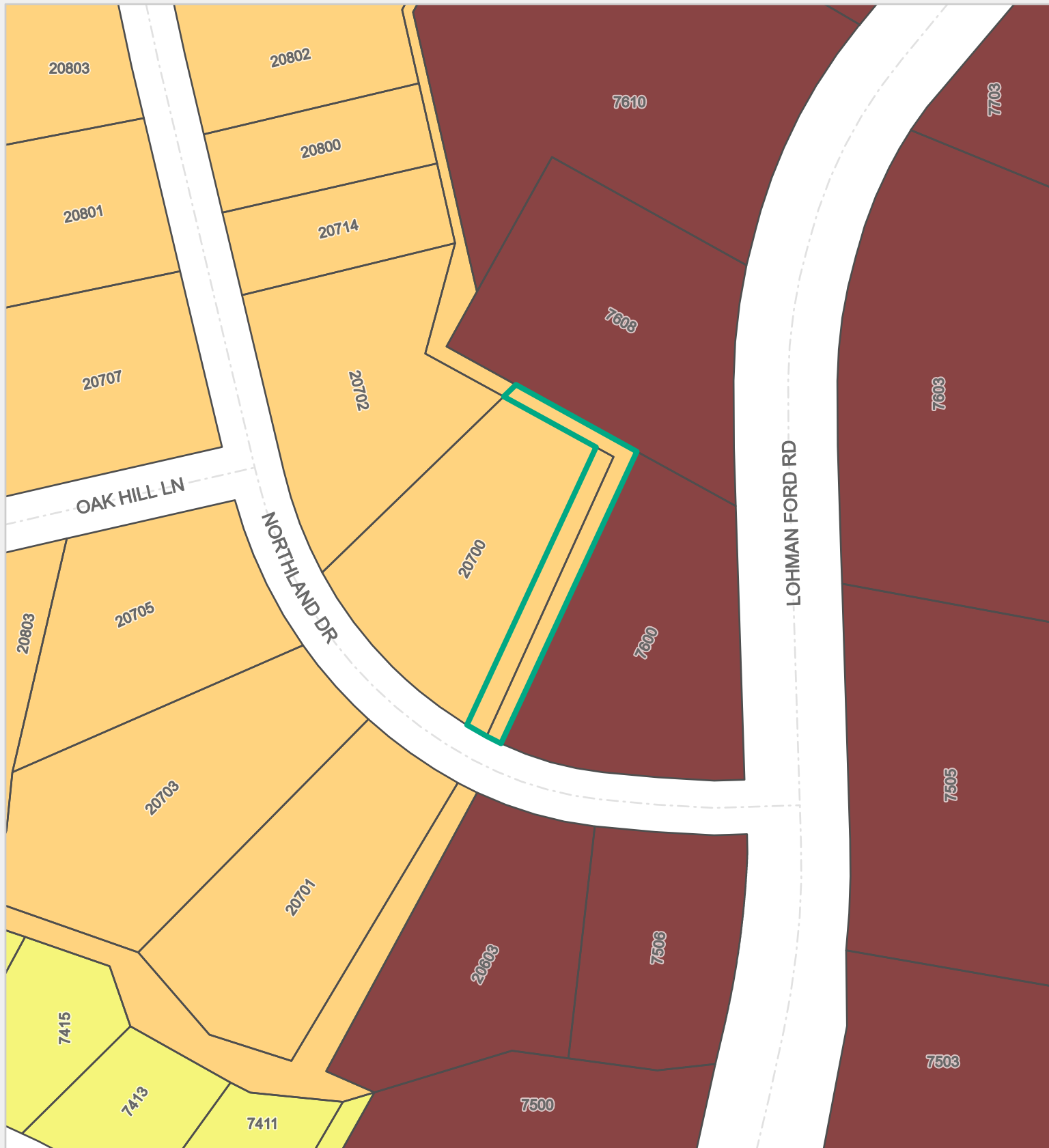
- 10 ft
- 50 ft
- Street
- Project Area
- TaxParcel **145**





20700 Northland Dr			
Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.			

---	Street
<span style="border: 2px solid green; padding: 2px;"> </span>	Project Area
<span style="border: 1px solid black; padding: 2px;"> </span>	TaxParcel
Zoning Districts	
<span style="display: inline-block; width: 15px; height: 15px; background-color: #c0392b; border: 1px solid black;"></span>	C-1C
<span style="display: inline-block; width: 15px; height: 15px; background-color: #a52a2a; border: 1px solid black;"></span>	C-2
<span style="display: inline-block; width: 15px; height: 15px; background-color: #f1c40f; border: 1px solid black;"></span>	R-1D
<span style="display: inline-block; width: 15px; height: 15px; background-color: #add8e6; border: 1px solid black;"></span>	TR-1
<span style="display: inline-block; width: 15px; height: 15px; background-color: #003366; border: 1px solid black;"></span>	U-1



## 20700 Northland Dr

Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

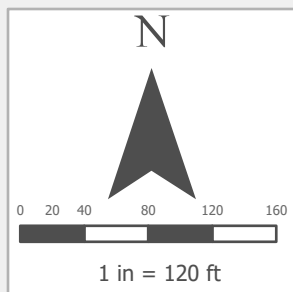
---	Street
<span style="border: 2px solid green; display: inline-block; width: 10px; height: 10px;"></span>	Project Area
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	TaxParcel
<span style="background-color: #fde9d9; display: inline-block; width: 10px; height: 10px;"></span>	Estate Residential
<span style="background-color: #d9fde9; display: inline-block; width: 10px; height: 10px;"></span>	Low Density Residential
<span style="background-color: #d9d9fde9; display: inline-block; width: 10px; height: 10px;"></span>	Regional Retail/Office/Commercial

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 6

Notice Comments



20700 Northland Dr			
Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.			

---	Street
	Project Area
	200ft Notice Boundary
	TaxParcel





## Notice of Public Hearing

**Project #:** 22-2282-R-REZ

**Hearing Date and Time:** Thursday, January 12, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

**Project Property Location:** 7600 Lohman Ford Road (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A, with that legal description available on request)

**200' Notification Mailing ID:** 4

December 20, 2022

PEREZ LENNIS & SCOTT SULLIVAN  
2022 LAKELINE OAKS DR  
CEDAR PARK, TX 78613

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning district change request from TR-1 ("Temporary Restricted") to R-1D ("Single-Family Residential") adjacent to 20700 Northland Drive and from R-1D ("Single-Family Residential") and TR-1 ("Temporary Restricted") to C-2 ("Commercial: Large Scale") with design approval for that property and the existing lot located at 7600 Lohman Ford Road (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A, with that legal description available on request).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Phone Number:** 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

we own 20701 Northland Dr. & are very  
AGAINST A COMMERCIAL PROPERTY BEING DEVELOPED  
ACROSS THE STREET. WILL BRING A LOT OF TRAFFIC & NOISE TO  
OUR PEACEFUL RETIREMENT PLACE

Signed:

Lennis Perez

This whole page may be returned as follows:

**E-mail:** [development@lagovistatexas.gov](mailto:development@lagovistatexas.gov)  
**Postal Address:** City of Lago Vista, Development Services Dept., P.O. Box  
4727, Lago Vista, TX, (U.S.A.) 78645  
**In Person at Front Counter:** Development Services Dept., Lago Vista City Hall  
5803 Thunderbird St.

# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** The Lago Vista City Council will hold a public hearing and consider Ordinance 23-03-02-03; an Ordinance amending Sections 6.10, 11.60, and 17.05 of Chapter 14 of the Lago Vista Code of Ordinances to create a special exception approval for relief from the setback and size limit requirements related to accessory buildings, eliminating the current conditional use approval required for that same relief; and providing for related matters.

- Open public hearing
- Staff's presentation
- Close public hearing
- Council discussion and possible decision (continue public hearing if no decision results)

**BACKGROUND:** On January 19, 2023, the Lago Vista City Council adopted Ordinance Number 23-01-19-02. In addition to correcting a deficiency related to applications involving some property located within the 100-year floodplain, it shifted consideration of special exceptions seeking approval for additional height from the Planning and Zoning Commission to the Board of Adjustment. Despite the unique approval standards, the relief requested involves development standards within the zoning ordinance rather than use approvals. The City Council, staff, and the Planning and Zoning Commission therefore determined that having these requests considered by the Board of Adjustment was more consistent with the intent of the Texas Local Government Code.

However, that ordinance was drafted with the intent to accommodate the ordinance amendment currently under consideration. The existing provisions of Section 6.10 of Chapter 14, the Lago Vista Zoning Ordinance, require that relief from the setback and size limitations otherwise applicable to accessory buildings take the form of a conditional use approval from the City Council following a recommendation from the Planning and Zoning Commission. The procedures

for that approval are contained within Section 17.05 of Chapter 14.

While the desired approval standards (privacy and aesthetic considerations) distinguish it from a zoning variance request, it nonetheless relates to development standards rather than any type of use approval. As before, this type of relief request would seem to be more consistent with the intent of the Texas Local Government Code if processed as a special exception application considered by the Board of Adjustment.

**FINDINGS:**

This draft ordinance amendment was considered by the Planning and Zoning Commission following a public hearing at their special call meeting on January 26, 2023. Approval was unanimously recommended. Five of the seven members were present at that meeting and participated in the recommendation.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

Enact the ordinance recommended by the Planning and Zoning Commission

**ATTACHMENTS:**

[Ordinance](#)

[Special Exceptions Accessory Buildings - Redline Version](#)

## **ORDINANCE NO. 23-03-02-03**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTIONS 6.10, 11.60, AND 17.05 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO CREATE A SPECIAL EXCEPTION APPROVAL FOR RELIEF FROM THE SETBACK AND SIZE LIMIT REQUIREMENTS RELATED TO ACCESSORY BUILDINGS, ELIMINATING THE CURRENT CONDITIONAL USE APPROVAL REQUIRED FOR THAT SAME RELIEF; AND PROVIDING FOR RELATED MATTERS.**

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

**WHEREAS**, the City Council of the City of Lago Vista has previously established requirements within Chapter 14, the Zoning Ordinance, regarding limits on the size and the minimum setbacks for accessory buildings within the municipality; and

**WHEREAS**, the City Council of the City of Lago Vista has also previously established that the relief from those requirements regarding limits on the size and the minimum setbacks for accessory buildings would take the form of a conditional use approval in accordance with Section 17.05 of Chapter 14; and

**WHEREAS**, the staff, the Planning and Zoning Commission and the Lago Vista City Council have recently determined that having all special exception requests considered by the Board of Adjustment rather than the Planning and Zoning Commission would be more efficient and consistent with the intent of the *Texas Local Government Code*; and

**WHEREAS**, the Planning and Zoning Commission has undertaken an extensive review of those existing regulations and determined that relief from the requirements regarding limits on the size and the minimum setbacks for accessory building should be considered by the Board of Adjustment as a special exception instead of a conditional use approval; and

**WHEREAS**, following a public hearing held during a special call meeting on January 26, 2023, the Planning and Zoning Commission has forwarded a recommendation to the City Council to amend the provisions of Section 6.10, Section 11.60, and Section 17.05 of Chapter 14 of the Lago Vista Code of Ordinances to establish procedures and approval standards for special exception applications and to eliminate the current conditional use approval available regarding limits on the size and the minimum setbacks for accessory buildings; and

**WHEREAS**, the City Council at its public hearing to consider this ordinance amendment held on March 2, 2023, reviewed the recommendation, and found the changes to be warranted.

**WHEREAS**, the City Council desires to amend the Lago Vista Code of Ordinances as described below.



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

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

**Section 2. Amendment.** The City Council of the City of Lago Vista, Texas, does hereby amend Section 6.10, Section 11.60, and Section 17.05 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A.”**

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

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

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

**Section 6. Publication and Codification.** The City Secretary is hereby directed to publish the caption of this ordinance, including the penalty, in accordance with City Charter Section 3.17 and record the attached regulation in the City’s Code of Ordinances as authorized in Section 52.001 of the *Texas Local Government Code*.

**Section 7. 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 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

**AND, IT IS SO ORDERED.**

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

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

ATTEST:

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

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

**EXHIBIT “A”**

**CHAPTER 14**

**ZONING**

\*\*\*\*\*

**6.10 Accessory Buildings and Uses**

\*\*\*\*\*

(d) All Districts.

(1) Boat docks and boathouses.

(A) Boat docks and boathouses anchored in the lake below the 681 elevation are exempt from number, location, setback, material, and screening standards.

(B) Boat docks and boathouses are not eligible for conditional use approval except as specified in Section 17.05 below.

(2) Aircraft parking. Improved parking pads or lots for aircraft on property that has direct aircraft ground access to an airport may be constructed without a principal building on the property.

(3) Special Exceptions. A property owner may apply for a special exception in accordance with the procedures specified in Section 11.60 of this chapter for relief from any requirement of this section, such as number, height, setbacks, screening, architecture, and material colors. However, approval for a carport in any single-family or two-family residential zoning district in which they are not otherwise permitted shall require a conditional use approval as specified above and in accordance with Section 17.

(4) Accessory buildings for which a city permit was issued before September 1, 2011, that does not conform to the above standards shall be considered legally non-conforming.

\*\*\*\*\*

**11.60 Special Exception Approvals**

\*\*\*\*\*

(d) Special Exception to Accessory Building Development Standards.

(1) Approval Standards. Provided the applicant has fully complied with all requirements, the Board of Adjustment may approve relief from strict compliance with any of the development standards for accessory buildings required by Section 6.10 that does not:

(A) materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right-of-way; and

- (B) result in any change in the level of privacy otherwise afforded to adjacent property.

(2) Process.

- (A) Narrative. Applicants shall provide a complete and thorough written description of the reasons or basis for the requested relief. The application form may be used to meet the requirement, but an attachment is mandatory if adequate space is not available.
- (B) Site Plan. Accurately scaled drawings that indicate the size and location of the proposed accessory building and all required setbacks shall be submitted. The site plan shall also identify all existing utility and drainage easements. The edge of adjacent residences within twenty-five (25) feet of the proposed accessory building shall be included on the site plan. Limited topographic information regarding the highest existing grade elevation on the lot and the elevation of the highest peak or ridge of the principal structure is required to verify that a special exception for additional height is not also required. Landscaping required by Section 6.10 above or any relief from those requirements shall be included on the site plan or a separate landscaping plan.
- (C) Floor Plans. Accurately scaled drawings are required that describe the size and use of all space within or below the roof of the proposed accessory building. The plans shall include all door and window openings as well as any equipment associated with the accessory use.
- (D) Building Elevations. Accurately scaled drawings that indicate the size, maximum height, roof pitch, exterior finish materials are required. The proposed colors of the roof and exterior finish materials of the accessory building can be included on the building elevations or submitted separately.
- (E) Existing Principal Structure Information. Accurate drawings or photographs of the existing principal structure shall be included with the application for the purpose of evaluating requirements. The Development Services Department may be able to provide documents related to permits issued in December of 2011 or later.

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### **17.05 Uses Eligible For a Conditional Use Approval**

The following uses may be considered for a Conditional Use approval.

- (a) A carport in any single-family or two-family residential zoning district in which they are not otherwise permitted, if the approval does not materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right-of-way.
- (b) A boat dock or docks, including associated driveways on a lot separate from the principal use that is directly across a public right-of-way that prevents the lots from being joined by an amended plat approval, provided that the two lots remain under common ownership. A conditional use that has been approved becomes null and void and the boat docks and driveways removed if both lots do not remain under common ownership.

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# CHAPTER 14

## ZONING

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### 6.10 Accessory Buildings and Uses

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(d) All Districts.

~~(1) Temporary buildings erected during the term of construction, including tents, shacks, shanties or other structures, or trailers or mobile homes, shall not be placed on any lot except for uses incidental to construction work on commercial projects. All temporary buildings shall be removed upon the completion or abandonment of construction work. Trailers or mobile homes shall not be permitted on lots during construction of residential buildings, unless authorized in writing by the city manager or his designee and may be permitted if a residential building that was significantly damaged or destroyed and is being rebuilt, replaced by another residential building or repaired.~~

(1) Boat docks and boathouses.

(A) Boat docks and boathouses anchored in the lake below the 681 elevation are exempt from number, location, setback, material, and screening standards.

(B) Boat docks and boathouses are not eligible for conditional use ~~application without a principal building on the same or nearby lot that is owned by the boat dock owner~~ approval except as specified in Section 17.05 below.

(2) Aircraft parking. Improved parking pads or lots for aircraft on property that has direct aircraft ground access to an airport may be constructed without a principal building on the property.

(3) Exceptions, Conditional Use Permit Special Exceptions. A property owner may apply for a ~~conditional use permit~~ special exception in accordance with the procedures specified in Section ~~17~~ 11.60 of this chapter for relief from any requirement of this section, such as number, height ~~(when special exception approval is not otherwise specified by this section)~~, setbacks, screening, architecture, and material colors. However, approval for a carport in any single-family or two-family residential zoning district in which they are not otherwise permitted shall require a conditional use approval as specified above and in accordance with Section 17. ~~The basis for a recommendation from the Planning and Zoning Commission and approval by the City Council for a conditional use approval is that the requested deviations from strict compliance with any requirement above will not:~~

~~(A) materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right of way; and~~

~~(B) result in any change in the level of privacy otherwise afforded to adjacent property.~~

- (4) Accessory buildings for which a city permit was issued before September 1, 2011, that does not conform to the above standards shall be considered legally non-conforming.

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## **11.60 Special Exception Approvals**

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(d) Special Exception to Accessory Building Development Standards.

- (1) Approval Standards. Provided the applicant has fully complied with all requirements, the Board of Adjustment may approve relief from strict compliance with any of the development standards for accessory buildings required by Section 6.10 that does not:
- (A) materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right-of-way; and
  - (B) result in any change in the level of privacy otherwise afforded to adjacent property.
- (2) Process.
- (A) Narrative. Applicants shall provide a complete and thorough written description of the reasons or basis for the requested relief. The application form may be used to meet the requirement, but an attachment is mandatory if adequate space is not available.
  - (B) Site Plan. Accurately scaled drawings that indicate the size and location of the proposed accessory building and all required setbacks shall be submitted. The site plan shall also identify all existing utility and drainage easements. The edge of adjacent residences within twenty-five (25) feet of the proposed accessory building shall be included on the site plan. Limited topographic information regarding the highest existing grade elevation on the lot and the elevation of the highest peak or ridge of the principal structure is required to verify that a special exception for additional height is not also required. Landscaping required by Section 6.10 above or any relief from those requirements shall be included on the site plan or a separate landscaping plan.
  - (C) Floor Plans. Accurately scaled drawings are required that describe the size and use of all space within or below the roof of the proposed accessory building. The plans shall include all door and window openings as well as any equipment associated with the accessory use.
  - (D) Building Elevations. Accurately scaled drawings that indicate the size, maximum height, roof pitch, exterior finish materials are required. The proposed colors of the roof and exterior finish materials of the accessory building can be included on the building elevations or submitted separately.
  - (E) Existing Principal Structure Information. Accurate drawings or photographs of the existing principal structure shall be included with the application for the purpose of evaluating requirements. The Development Services Department may be able to provide documents related to permits issued in December of 2011 or later.

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## **17.05 Uses Eligible For A Conditional Use Permit Approval**

The following uses may be considered for a Conditional Use ~~Permit~~ approval.

- (a) ~~Fences surrounding a garden on a lot where no principal use has been established on the lot, but the subject lot is adjacent to the principal use lot.~~ A carport in any single-family or two-family residential zoning district in which they are not otherwise permitted, if the approval does not materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right-of-way.
- (b) ~~A Boat boat dock or docks, with including associated driveways to dock. In cases where replatting is impossible to join two adjacent lots on a lot separate from the principal use that is directly across a public right-of-way that prevents the lots from being joined by an amended plat approval, from the principal use that when an amended plat cannot join, for example where a road exists between the two lots, and both lots are under the same ownership of the same person a conditional use permit may be issued to allow for a boat dock in Lake Travis and a driveway to the boat dock, on one lot provided that a principal use is established on the other lot and the two lots remain under common ownership. A conditional use permit that has been issued approved becomes null and void and any accessory use on the nonprincipal use lot must be the boat docks and driveways removed if the accessory lot is sold or both lots do not remain under common ownership.~~
- (c) ~~The owner of a residentially zoned lot, after establishing a primary use residence on said lot may be eligible for a conditional use permit to allow for the storage of aircraft within the residence or within an approved accessory structure on the same lot as the residence. Each conditional use permit issued for storage of aircraft on residential property shall not be considered as cumulative, or as setting a precedent, but shall be issued only on a case-by-case basis.~~
- (d) ~~In cases in which there is a primary use and the property line extends to the flood pool elevation of Lake Travis at or below the 681 msl elevation an accessory use for a residential boat dock shall be permitted provided that sufficient property below the 681 msl elevation has been leased or rented as evidenced by a formal agreement signed by the property owners and notarized in accordance with State law which allows the placement of the boat dock and/or its moorings and anchors on or over the property adjacent to the property in which the primary lease is located.~~
- (e) ~~Property owners may apply for exceptions to the accessory building standards such as number, screening, height, setback, and architecture and material through a conditional use process rather than the variance process.~~
- (f) ~~Carports.~~

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# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

**SUBMITTED BY:** Amanda Harkins, Golf Course

**SUBJECT:** Discussion, consideration, and possible action regarding a contract with Local Oaks Tree Services to provide the budgeted maintenance and tree care services needed at the Golf Course, with consideration of an annual contract for annual maintenance services.

**BACKGROUND:** During the FY 2022-2023 Budget discussions on September 1, 2022, City Council approved for the issuance of funding towards a Tree Trimming Service Provider for maintenance and services that are needed at the Golf Course for both safety measures, precautions and the health of the trees around the property. This service provider is needed desperately due to the hazards that are currently presenting with years of neglect and lack of upkeep on the trees throughout the Golf Course property. In an effort to rectify these dangers, staff sent out an RFP on January 26, 2023.

Bids for RFP No. 23-04 were due by 1:30pm on February 13, 2023. The City received one (1) qualifying bid from Local Oaks Tree Services for a total of \$78,500.00.

Included in this packet is the bid submission, executive summary, company profile, and scope of work associated with the proposal that discuss the estimated work for each section of the Golf Course property and verifies the respective bidder's qualifications.

**FINDINGS:** There will be approximately \$1,500 left of the \$80,000 budgeted line item for this project, which could be used towards other grounds maintenance needs.

**FINANCIAL IMPACT:** Budget line item:  
LVGC Grounds Maintenance  
Account # 15-530-6135  
Contract Services - Tree Trimming \$80,000



Half of the payment will be paid on the project start date totaling \$39,250, and the remaining \$39,250 will be paid upon completion of the job.

**RECOMMENDATION:** Staff recommends approval of Local Oaks Tree Services bid.

**ATTACHMENTS:**

[RFP #23-04 Golf Course Tree Trimming Services](#)



CITY OF LAGO VISTA, TEXAS  
5803 Thunderbird St  
Lago Vista, Texas 78645

**BID SUMMARY**  
RFP #23-04 Golf Course Tree Trimming Services  
Monday, Feb. 13th, 2023 @ 1:00 PM.

#	Name of Bidder / Company	Bid Bond Enclosed	Acknowledge Addenda No. 1	Base Bid Amount	Alt. 1 Amount	Total Bid (Alt Incl.)
1	Lago Oaks Tree Services	N/A	N/A	\$78,500.00	N/A	\$78,500.00
2		N/A	N/A		N/A	
3		N/A	N/A		N/A	
4		N/A	N/A		N/A	
5		N/A	N/A		N/A	
6		N/A	N/A		N/A	
7		N/A	N/A		N/A	



**REQUEST FOR PROPOSALS (RFP)**  
**For**

**Project Title: GOLF COURSE TREE TRIMMING SERVICES**

**RFP No. 23-04**

**Issued: January 26, 2023**

**Proposal Submission Deadline: February 13, 2023, 1:30pm CST  
Local Time**

***NO LATE PROPOSALS SHALL BE ACCEPTED***

**RESPONSES SHALL BE DELIVERED TO:**

THE CITY OF LAGO VISTA in one of the following ways:

**by hand:**

City of Lago Vista  
City Hall  
5803. Thunderbird  
Lago Vista, Texas 78645; or,

**by email:**

[procurement@lagovistatexas.gov](mailto:procurement@lagovistatexas.gov); or,

**by mail:**

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

**FOR ADDITIONAL INFORMATION  
REGARDING THIS RFP PLEASE  
CONTACT:**

**Amanda Harkins, LVGC General  
Manager/Director of Operations**  
[amanda.harkins@lagovistatexas.gov](mailto:amanda.harkins@lagovistatexas.gov)

**NAME AND ADDRESS OF COMPANY  
SUBMITTING PROPOSAL:**

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Acknowledgment of Addenda:

#1 \_\_\_\_\_

#2 \_\_\_\_\_

#3 \_\_\_\_\_

#4 \_\_\_\_\_

#5 \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Phone:** (    ) \_\_\_\_\_ **Fax:** (    ) \_\_\_\_\_

**Email:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_



## REQUEST FOR PROPOSALS

The City of Lago Vista invites participation in the Request for Proposals (RFP) for experienced, qualified, and certified arborist companies to provide the City Golf Course with tree trimming services to be performed on an annual basis. The proposal will also provide a detailed plan and scope of work that will be necessary to perform for the safety and health of both the public and trees located around the Golf Course property.

Companies are requested to submit full proposals by **February 13, 2023, by 1:30 p.m.** Central Standard Time.

### 1.0 SUBMISSION OF PROPOSALS

Proposals shall be submitted electronically by email to [procurement@lagovistatexas.gov](mailto:procurement@lagovistatexas.gov), mail to City of Lago Vista, P.O. Box 4727, Lago Vista, TX, 78645, or deliver in person at City Hall, 5803 Thunderbird, Lago Vista, TX, 78645. All materials delivered electronically by email shall be PDF file format and formatted to be easily printed on standard 8.5 x11 paper.

- 1.1 Facsimile transmittals or offers communicated by telephone will not be accepted or considered.
- 1.2 If proposer desires not to submit a proposal at this time, but wishes to remain on the commodity notification list, please submit a "**No Quote**" response (same time/location). The City of Lago Vista is always very conscious and extremely appreciative of the time and effort expended to submit a proposal. However, on "No Quote" responses please communicate any proposal requirement(s) which may have influenced your decision to "No Quote."
- 1.3 If response is not received in the form of a "Request for Proposals" or "No Quote" for three (3) consecutive proposals, Proposer shall be removed from said notification list. However, if you choose to "No Quote" at this time but desire to remain on the notification list for other commodities, please state the specific product/service for which your firm wishes to be classified.

### 2.0 DELIVERY OF PROPOSALS

The submitting Proposer is responsible for the means of delivering the proposals to the location listed in paragraph 1 no later than **1:30pm, February 13, 2023**. Delays due to any instrumentality used to transmit the Proposals including delay occasioned by the Proposer or faults in email delivery will be the responsibility of the Proposer. Proposals must be completed and delivered in sufficient time to avoid disqualification for lateness due to difficulties in delivery. The time and date recorded on the envelope of the submittal is the official clock for determining whether submittals are submitted timely, and proposals delivered electronically by email will be recorded by the time and date that the email shows that the proposal was received. Proposals will not be opened until after the submittal deadline. City Golf Course Management staff may confirm receipt of submissions upon request but will not open or otherwise confirm completeness of submissions until after the

passage of the submittal deadline. **Late Proposal documents will not be accepted under any circumstances.**

### **3.0 PROPRIETARY INFORMATION**

- 3.1 If a Proposer does not desire proprietary information in the Proposal to be disclosed, it is required to identify all proprietary information in the Proposal. This identification will be done by individually marking each page with the words "Proprietary Information" on which such proprietary information is found. If the Proposer fails to identify proprietary information, it agrees that by submission of its Proposal that those sections shall be deemed non-proprietary and made available upon public request.
- 3.2 Proposers are advised that the City, to the extent permitted by law, will protect the confidentiality of their Proposals. Proposer shall consider the implications of the Texas Public Information Act, particularly after the RFP process has ceased and the Contract has been awarded. While there are provisions in the Texas Public Information Act to protect proprietary information, where the Proposer can meet certain evidentiary standards, please be advised that a determination on whether those standards have been met will not be decided by the City of Lago Vista, but by the Office of the Attorney General of the State of Texas. In the event a request for public information is made, the City will notify the Proposer, who may then request an opinion from the Attorney General pursuant to 552.305, Texas Government Code. The city will not make a request of the Attorney General.

### **4.0 COMPLETION OF RESPONSES**

- 4.1 Information presented in the Proposals will be used to evaluate the professional qualifications of the Proposer(s) and to determine the Proposer(s) which will be selected to provide services to the City.
- 4.2 Responses shall be completed in accordance with the requirements of this RFP. Statements made by a Proposer shall be without ambiguity, and with adequate elaboration, where necessary, for clear understanding.

### **5.0 CLARIFICATIONS AND ISSUANCE OF ADDENDA**

- 5.1 Any explanation, clarification, or interpretation desired by a Proposer regarding any part of this RFP must be requested from the City of Lago Vista at least eight (8) business days prior to the published submission deadline, as referenced in Section 2.0 of this RFP.
- 5.2 If the City, in its sole discretion, determines that a clarification is required, such clarification shall be issued in writing. Interpretations, corrections, or changes to the RFP made in any other manner other than writing are not binding upon the City, and Proposers shall not rely upon such interpretations, corrections or changes. Oral explanations or instructions given before the award of the Contract are not binding.



- 5.3 Requests for explanations or clarifications should be submitted via email to [amanda.harkins@lagovistatexas.gov](mailto:amanda.harkins@lagovistatexas.gov). Emails must clearly identify the RFP Number and Title.
- 5.4 Any interpretations, corrections or changes to this RFP will be made by addendum. Sole issuing authority of addenda shall be vested in the City of Lago Vista. Proposers shall acknowledge receipt of all addenda within the responses.

## **6.0 WITHDRAWAL OF PROPOSALS**

A representative of the company may withdraw a Proposal at any time **prior to** the RFP submission deadline, upon presentation of acceptable identification as a representative of such company.

## **7.0 AWARD OF CONTRACT**

- 7.1 It is understood that the City reserves the right to request additional information, waive immaterial errors or omissions, to accept or reject any and all Proposals, or to re-solicit for Proposals, as it shall deem to be in the best interests of the City of Lago Vista. Receipt and consideration of any Proposals shall under no circumstances obligate the City of Lago Vista to accept any Proposals. If an award of contract is made, it shall be made to the proposer offering the most comprehensive, creative, qualified, and responsive proposal at the best value to the City. In determining the best value for the City, the City may consider:
- 7.1.1 the purchase price;
  - 7.1.2 the reputation of the bidder and of the bidder's goods or services;
  - 7.1.3 the quality of the bidder's goods or services;
  - 7.1.4 the extent to which the goods or services meet the municipality's needs;
  - 7.1.5 the bidder's past relationship with the municipality;
  - 7.1.6 the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
  - 7.1.7 the total long-term cost to the municipality to acquire the bidder's goods or services; and
  - 7.1.8 any relevant criteria specifically listed in the request for bids or proposals.
- 7.2 The City reserves the right to award a single contract or multiple contracts by section listed in the Scope of Work.

### 7.3 **Tentative Schedule of Events**

<b>RFP Release Date</b>	1/26/2023		
<b>Questions Submittal</b>	02/06/2023	at 5:00 PM CST	Emailed to Amanda.harkins@lagovistatexas.gov
<b>Proposal Due Date</b>	02/13/2023	at 1:30 PM CST	Email to <a href="mailto:procurement@LagoVistatexas.gov">procurement@LagoVistatexas.gov</a> Mail or hand deliver to City of Lago Vista 5803 Thunderbird Lago Vista, Texas 78645
<b>Proposals Read Aloud</b>	02/13/2023	at 2:00 PM CST	Publicly read aloud in Council Chambers

### 8.0 **PERIOD OF ACCEPTANCE**

Proposer acknowledges that by submitting the Proposal, Proposer makes an offer that, if accepted in whole or part by the City, constitutes a valid and binding contract as to any and all items accepted in writing by the City. The period of acceptance of proposals is one hundred and eighty (180) calendar days from the date of opening unless the Proposer notes a different period.

### 9.0 **TAX EXEMPTION**

The City of Lago Vista is exempt from Federal Excise and State Sale Tax; therefore, tax must not be included in any contract that may be awarded from this RFP.

### 10.0 **COST INCURRED IN RESPONDING**

All costs directly or indirectly related to preparation of a response to the RFP or any oral presentation required to supplement and/or clarify a Proposal which may be required by the City shall be the sole responsibility of and shall be borne by the participating Proposers.

### 11.0 **NEGOTIATIONS**

The City reserves the right to negotiate all elements that comprise the successful Contractor's response to ensure that the best possible consideration be afforded to all concerned.

### 12.0 **FORM OF AGREEMENT**

The successful responder will be expected to enter into the City's standard form service agreement attached hereto as Attachment "H." Proposals should be based on the terms included therein.

### 13.0 **NON-ENDORSEMENT**



If a Proposal is accepted, the successful Proposer, hereinafter “Contractor,” shall not issue any news releases or other statements pertaining to the award or servicing of the Contract that state or imply the City of Lago Vista’s endorsement of the successful Proposer’s services.

#### **14.0 UNAUTHORIZED COMMUNICATIONS**

After release of this solicitation, Proposers’ contact regarding this RFP with members of the RFP evaluation, interview or selection panels, employees of the City or officials of the City other than the City Manager, Buyer, or as otherwise indicated is prohibited and may result in disqualification from this procurement process. No officer, employee, agent or representative of the Proposers shall have any contact or discussion, verbal or written, with any members of the City Council, members of the RFP evaluation, interview, or selection panels, City staff or City’s Contractors, or directly or indirectly through others, seek to influence any City Council member, City staff, or City’s Contractors regarding any matters pertaining to this solicitation, except as herein provided. If a representative of any Proposers violates the foregoing prohibition by contacting any of the above listed parties with whom contact is not authorized, such contact may result in the Proposers being disqualified from the procurement process. Any oral communications are considered unofficial and non-binding with regard to this RFP.

#### **15.0 PROJECT BACKGROUND**

The City of Lago Vista, TX, is located in northwest Travis County, on the north shore of Lake Travis and has a population of over 8,000. The current trees on the 130 plus acres of Golf Course property have not been maintained or serviced in several years and are in dire need of attention. During the FY 2022-2023 Budget discussions on September 1, 2022, City Council approved for the issuance of funding towards a Tree Trimming Service Provider for the maintenance and services that are needed for both safety measures, precautions and hazards that are presenting with the years of neglect and lack of upkeep on the trees throughout the golf course property.

#### **16.0 SCOPE OF WORK**

The City is seeking to obtain a Tree Service Provider to contract the extensive scope of work needed for their Golf Course property. The City’s emphasis is on the rectification of the hazards present, that are causing safety issues for both the public and environment of the trees themselves. The City would like the selected company to provide all services needed that would satisfy the above concerns as well as improve the overall aesthetic appearance and appeal to the property landscape.

The City’s golf course property consists of over 130 acres to include the course, clubhouse area, parking lot, driving range area, and maintenance barn area. These areas consist of approximately 400 trees in which are a combination of Live Oak, Red Oak, Ashe Juniper, Hackberry, Cedar Elm, Arizona Ash, Ground Level brush and other trees native to the Central Texas Hill Country Region. The City is expecting practice measures to include proper pruning for weight elimination and health, reduction of crowns and density, removal of dead limbs and ball moss to prevent the spread of infestation, elimination of overgrowth

that impedes on private properties, removal of all dead trees, as well as improving the overall health of the trees by encouraging new growth stimulation.

The City of Lago Vista will require that the tree service provider have extensive experience and knowledge as a professional arborist and take all safety precautions with the disinfection and sterilization of the horticultural tools and instruments in between groves that are necessary to prevent spread of disease-causing pathogens such as oak wilt.

The City will require the Company to furnish all labor, tools, equipment, materials, and supervision necessary to perform the safety, pruning, removal, and chipping of all debris accumulated. Chipping may be used in designated areas around the golf course property in which the staff sees the need for.

All contractors submitting a proposal shall maintain and comply with the appropriate ISA knowledge and pruning standards and have extensive experience as an arborist. Contractor will need to obtain all necessary permits or permissions with the city prior to starting the project. It is anticipated that the initial project will take 2-3 weeks to complete during the appropriate time of year allotted for Oak pruning season.

## **17.0 SUBMITTALS**

In order for your proposals to be considered responsive, the following information should be submitted with your proposal, with sections labeled accordingly and in the following order:

**A. Executive Summary – Two Page Maximum**

1. Overview of how your company will approach the project for City

**B. Company Profile**

1. Company overview and history:
  - a. How long has the company been in business?
  - b. Number of current employees?
  - c. Experience or Certification?

**C. Proposals**

1. Should be kept to the minimum necessary length to explain the proposer's attributes and pricing. Responses must be clear and be subject to disqualification if illegible.
  - a. Cover sheet reflecting RFP number, project name, and proposers name, address, telephone number, and email address.
  - b. Completed description of scope of work to include the full quote for the project.

**D. References**

Provide a minimum of five (5) references similar in size and scope to this project and include the following information for each reference:



1. Client name
2. Website URL
3. Client contact
  - a. Name
  - b. Title
  - c. Phone
  - d. Email address

**E. Project Development Approach**

1. Typical timeline/schedule
2. Project phase if necessary
3. What will be expected of the City
4. What the City can expect from the company

**F. Proof of Insurance**

Submit a certificate of insurance evidencing coverages, as outlined in Article VI of Attachment H.

**G. Cost**

Costs for developing and assembling submissions in response to this solicitation are entirely to responsibility and obligation of the proposer and shall not be reimbursed in any manner by the City.

**18.0 PROPOSAL EVALUATION PROCESS**

- 18.1 An evaluation committee will evaluate the responses to this Request for Proposals, may interview one or more companies, and may recommend one or more companies to the City Manager. Selection of a company may be made without discussion with Proposers after proposals are received. Proposals should, therefore, be submitted on the most favorable terms.
- 18.2 The City's evaluation committee will review all responsive submittals and may identify one or more companies for follow-up interview or for additional information.
- 18.3 The City anticipates selecting Proposer(s) that will be recommended to the City Council for award of a contract to provide the requested services to the City of Lago Vista.
- 18.4 The City reserves the right to reject any or all proposals.

**19.0 PROPOSAL EVALUATION FACTORS**

The evaluation committee will evaluate responses based on the evaluation criteria:  
Evaluation Criteria

1. The proposed pricing .....**25 points available**
2. Reputation of the proposer and their services.....**25 points available**
3. The extent to which the services meet the City's needs .....**25 points available**

4. The experience and Certification required

**25 points available**

TOTAL AVAILABLE POINTS.....100

**20.0. INTERVIEWS AND PRESENTATIONS**

In fairness to all proposers, requests for interviews prior to the closing time and date will not be permitted. Interviews with selected companies may or may not be requested by the City after the closing date. Selection may be made strictly from the information provided in the RFP. However, the City of Lago Vista reserves the right to conduct interviews with and request presentations / demos from any respondents.

**21.0 BEST AND FINAL OFFER**

The City reserves the right to request a best and final offer from any or all companies. Discussions in accordance with the terms of a request for proposals and with regulations adopted by the governing body of the municipality may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, revisions may be permitted after submissions and before the award of the contract. The City also reserves the right to reject any or all proposals, with or without cause, re-issue the RFP, or proceed in any manner determined to be in the best interest of the City.



**ATTACHMENT "A"**

**OFFICIAL PROPOSAL FORM and CERTIFICATION  
FOR THE CITY OF LAGO VISTA, TEXAS**

**This certification must be submitted with the proposal.**

Honorable Mayor and City Council Members:

The undersigned hereby proposes to furnish and deliver FOB destination point as listed on individual Purchase Orders:

*The line items* listed in accordance with the Net Prices and other conditions shown herein, and in accordance with the City's Specifications and General Terms and Condition Specifications. When issued, Letters of Clarification shall automatically become part of this Proposal document and shall supersede any previous specifications or provisions in conflict with the Letters of Clarification. It is the responsibility of the Proposer to ensure that it has obtained such letters. By submitting a Proposal on this project, Proposer shall be deemed to have received all Letters of Clarification and to have incorporated them into its Proposal. THE MANUFACTURER'S NAME, PRODUCT NAME AND PRODUCT NUMBER SHOULD BE DESIGNATED IN OFFEROR'S NOTES.

The City may accept this Proposal offer by issuance of a Notice of Award Letter and/or a Purchase Order covering award of said Proposal to this Proposer at any time on or before the 120th day following the day this Official Proposal Form is opened by the City. This offer shall be irrevocable for 120 days after Proposal opening, or for 90 days after City Council awards the Proposal, whichever comes last, but this period may be extended by written agreement of the parties.

THIS PROPOSER IS AND REPRESENTS THAT IT IS AN EQUAL OPPORTUNITY EMPLOYER

The undersigned hereby offers to furnish and deliver the goods and/or services as specified at the prices and terms herein stated and in accordance with the Invitation to Proposal, Clarification Letters, and General Terms and Condition Specifications, all of which are made a part of this offer.

All pages of The City of Lago Vista's form, including but not limited to the General Terms and Conditions, Specifications and page one of this Proposal invitation are incorporated by reference into this Proposal for all purposes.

**NOTICE TO ALL NEW CONTRACTORS WHO HAVE NOT  
CONDUCTED BUSINESS WITH THE CITY OF LAGO VISTA  
FEDERAL FORM W9 REQUIREMENT:**

The "Request for Taxpayer Identification Number and Certification" Federal Form W-9 should be filled out and returned with your proposal. This form is available from any Federal Office or from The City of Lago Vista Finance Office and has not been included as part of this Proposal package. The form should be mailed to The City of Lago Vista, 5803 Thunderbird, Lago Vista, TX 78645.

This form is **REQUIRED** to be on file **BEFORE** we can conduct any business with any Contractor. Submitting this form will assist us in setting your company up as a certified Contractor of The City of Lago Vista.

### **PROPOSERS CERTIFICATION:**

I, the undersigned, by signing the following statement agree that I have read and understand all of the terms and conditions, specifications, and requirements contained on each page of this Invitation to Proposal. I also understand that if this proposal is accepted by The City of Lago Vista that all of the terms and conditions, specifications, and requirements submitted in my proposal and any additions, changes, or deletions made during negotiations will be made a part of this proposal under a binding contract between my company and The City of Lago Vista, Texas. I also certify that this proposal is made without previous understanding, agreement, or connection with any person, firm, or corporation making a proposal for the same materials, and is in all fair and without collusion or fraud:

#### **OUR company is a (Check One):**

Corporation \_\_\_\_\_ (The Proposal MUST be signed by an Officer of the company)  
Partnership \_\_\_\_\_ (The Proposal MUST be signed by a General Partner)  
Joint Venture \_\_\_\_\_ (The Proposal MUST be signed by an Officer of the company)  
Sole Proprietor ☒ (The Proposal MUST be signed by the Owner)

Is the company a small, minority, or woman-owned business enterprise?

MBE \_\_\_\_\_ WBE \_\_\_\_\_ SBE \_\_\_\_\_

Has the company been certified as a SMWBE by any governmental agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, specify the governmental agency: \_\_\_\_\_

Date of certification: \_\_\_\_\_

#### **ADDENDUM:**

The Proposer acknowledges receipt of the following Addenda: (If you have not received any Addenda then write NONE across the blanks). If you have received Addenda then write beside the appropriate Addenda number the date received. ALL ADDENDA RECEIVED SHOULD BE ATTACHED TO THE PROPOSAL.

ADDENDUM # 1 NONE  
ADDENDUM # 2 NONE  
ADDENDUM # 3 NONE

COMPANY NAME: Local Oaks Tree Services

COMPANY ADDRESS: 17501 Whippoorwill Trail

CITY/STATE/ZIP: Lago Vista, TX 78645

COMPANY REPRESENTATIVE

NAME: Christian Ross

TELEPHONE #: 512-618-2750 FAX#: \_\_\_\_\_

EMAIL: Localoaks@gmail.com

SIGNATURE: [Signature]

DATE: 2/6/2023



**ATTACHMENT "B"**

**HB 89 Form**

Effective September 1, 2017, House Bill 89 Prohibition on Contracts with Companies Boycotting Israel states that a state agency and a political subdivision (which includes a city) may not enter a contract with a company for goods or services unless the contract contains a **written verification** from the company that; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract.

"Boycott Israel" is defined to mean refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

"Company" is defined to mean a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

**To Be Completed By Contractor:**

"I, Christian Ross (Name of certifying official), the Owner (title or position of certifying official) of Local Oaks (name of company), does hereby verify on behalf of said company to the City that said company does not Boycott Israel and will not Boycott Israel (as that term is defined in Texas Government Code Section 808.001) during the term of this contract.

  
Signature of Certifying Official

Title: Owner, Local Oaks Tree Services

Date: 2/6/2023

## **ATTACHMENT "C"**

### **CONFLICT OF INTEREST DISCLOSURE REQUIREMENT**

Pursuant to Chapter 176 of the Local Government Code, any person or agent of a person who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity (i.e. The City of Lago Vista) must disclose in the Questionnaire Form CIQ ("Questionnaire") the person's affiliation or business relationship that might cause a conflict of interest with the local governmental entity. Bylaw, the Questionnaire must be filed with the Lago Vista City Secretary no later than seven days after the date the person begins contract discussions or negotiations with the City or submits an application or response to a Request for Proposals or bids, correspondence, or another writing related to a potential Contract with the City. Updated Questionnaires must be filed in conformance with Chapter 176.

A copy of the Questionnaire Form CIQ is enclosed with the submittal documents. The form is also available at **<http://www.ethics.state.tx.us/forms/CIQ.pdf>**.

Questions about compliance shall be directed to the bidder's or proposer's own legal counsel. Compliance is the individual responsibility of each person or agent of a person who is subject to the filing requirement. An offense under Chapter 176 is a Class C misdemeanor.



**CONFLICT OF INTEREST QUESTIONNAIRE**  
For vendor doing business with local governmental entity

**FORM CIQ**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**OFFICE USE ONLY**

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Local Oaks Tree Services

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information in this section is being disclosed.

\_\_\_\_\_  
Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes ☐ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

Adopted 8/7/2015

**ATTACHMENT "D"**  
**BUSINESS INFORMATION FORM**

**Complete Legal Name of Business**

Local Oaks Tree Services

(Address) 17501 Whippoorwill Trail

(City/State/ZIP) Lago Vista, TX 78645

**Form of Business Entity (check one)**

☐ Texas corporation      ☐ Texas non-profit corporation

☐ Out-of-State corporation      ☐ Texas professional corporation

\_\_\_\_\_ state of incorporation

(check one) \_\_\_\_\_ profit \_\_\_\_\_ non-profit

☐ Texas general partnership      ☐ Texas limited partnership

☐ Out-of-State partnership

\_\_\_\_\_ state where partnership is legally registered

☒ Individual doing business as Local Oaks Tree Services

☐ Texas limited liability company      EIN # 82-5288824

☐ Other (describe) \_\_\_\_\_

**List the full name of each Officer of the Company:**

PRESIDENT: Christian Ross

VICE PRESIDENT: Jessica Ross

SECRETARY: \_\_\_\_\_

TREASURER: \_\_\_\_\_

Who is legally authorized to sign and execute contracts? Christian Ross

Who, if anyone, is required to witness contract signatures? n/a

**ATTACHMENT "E"**  
**CITY OF LAGO VISTA**  
**INSURANCE REQUIREMENT AFFIDAVIT**

**To Be Completed By Insurance Agent/Broker and Responder**

I, the undersigned Agent/Broker, reviewed the insurance requirement contained in this proposal document. If the Proposer shown below is awarded this contract by the City of Lago Vista, I will be able to, within fifteen (15) days of notification of such award, furnish a valid insurance certificate to the City of Lago Vista meeting all of the insurance requirements in this proposal.

Insurance Coverage Reviewed: \_\_\_\_\_

Agent's Name: \_\_\_\_\_

Agency Name: \_\_\_\_\_

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

City/State/ZIP: \_\_\_\_\_

Telephone No: (    ) \_\_\_\_\_ Fax No: (    ) \_\_\_\_\_

Proposer's Name and Company: \_\_\_\_\_

Proposal No. and Title: \_\_\_\_\_

Insurance Agent/Broker Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By submitting a proposal and signing below I affirm the following: I am aware of all costs to provide the required insurance, will do so pending contract award, and will provide a valid insurance certificate meeting all requirements within fifteen days of notification of award.

If the above fifteen-day requirement is not met, the City of Lago Vista has the right to reject this proposal and award the contract to the next lowest proposer meeting specifications. If you have any questions concerning these requirements, please contact the City Manager (512) 267-1155.

Proposer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Please see  
attached.  
(next 2 pages)*





# EVANSTON INSURANCE COMPANY

## COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

POLICY NUMBER: 3AA624500

☐ "X" If Supplemental Declarations Is Attached

### RETROACTIVE DATE

THIS INSURANCE DOES NOT APPLY TO "BODILY INJURY", "PROPERTY DAMAGE" OR "PERSONAL AND ADVERTISING INJURY" WHICH OCCURS BEFORE THE RETROACTIVE DATE, IF ANY, SHOWN BELOW.

RETROACTIVE DATE: None

(ENTER DATE OR "NONE" IF NO RETROACTIVE DATE APPLIES)

### LIMITS OF INSURANCE

General Aggregate Limit (other than Products/Completed Operations)	\$ 2,000,000	
Products/Completed Operations Aggregate Limit	\$ 2,000,000	
Personal and Advertising Injury Limit	\$ 1,000,000	Any One Person or Organization
Each Occurrence Limit	\$ 1,000,000	
Damage to Premises Rented to You Limit	\$ 100,000	Any One Premises
Medical Expense Limit	\$ 5,000	Any One Person

### ALL PREMISES YOU OWN, RENT OR OCCUPY

Loc. No. ADDRESS OF ALL PREMISES YOU OWN, RENT OR OCCUPY

1 17501 Whippoorwill Trl, Leander, TX, 78645

### CLASSIFICATION AND PREMIUM

Loc. No	Code No. Classification	Rating Basis	Premium Basis	Other Basis	Rate		Advance Premium	
					Pr/Co	All Other	Pr/Co	All Other
1	99777 Tree Pruning, Dusting, Spraying, Repairing, Trimming or Fumigating	Per \$1,000 of Gross Sales	175,000			\$8.95		\$1,566
	Markel contractors bundle - CG 20 01 MEGL 0241-01 MEGL 0313 MEGL 0009-01	Percent of rate	Incl.			Incl.		Incl.
*(a) Area *(c) Total Cost *(m) Admissions *(p) Payroll *(s) Gross Sales (u) Units *(r) Gross Receipts (e) Each (o) Other: Premium Basis identified with a "*" is per 1000 of selected basis.						Total Advance Premium	\$1,566	

These declarations, together with the Common Policy Conditions and Coverage Form(s) and any Endorsement(s), complete the above numbered policy.

### FORMS AND ENDORSEMENTS



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## GL Policy

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**Blake Sieck** <blake@stbusinessinsurance.com>  
To: Jessica Ross <jessross.rdh@gmail.com>

Fri, Feb 10, 2023 at 11:12 AM

Hi Jessica,

Thanks for sending this info over.

As it stands now the only coverage in place is the General Liability coverage. The GL limits would suffice based on the insurance requirements provided.

You will have to discuss the other coverages with the city to see if they would be willing to waive any of them for your business. A lot of my contractors get several of these coverages waived based on their operations or not having any employees, etc.

Worker's comp is normally simple to waive when it's an owner operated company with no employees.

Business Auto they may be willing to waive if you can provide personal auto instead, but if they needed a commercial auto policy we could quote that for whatever vehicle(s) is being used for the business including any trailers.

Cyber and E&O are rarely required for contractors, so I bet they will waive those, however we can offer quotes for the Cyber if needed.

Once you discuss with the city please let me know and then we can work on any quotes that may be needed, or I can get them a COI that satisfies their requirements.

Please let me know if you have any questions.

[Quoted text hidden]

**ATTACHMENT "F"**  
**DRUG-FREE WORKPLACE CERTIFICATION**

The Local Oaks Tree Services (company name) will provide a Drug Free Work Place in compliance with the Drug Free Work Place Act of 1988. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on the premise of the Local Oaks (company name) or any of its facilities. Any employee who violates this prohibition will be subject to disciplinary action up to and including termination. All employees, as a condition of employment, will comply with this policy.

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE**

The undersigned Subcontractor certifies it will provide a drug-free workplace by:

Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;

Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Subcontractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug violations in the workplace;

Providing each employee with a copy of the Subcontractor's policy statement;

Notifying the employees in the Subcontractor's policy statement that as a condition of employment under this subcontract, employees shall abide by the terms of the policy statement and notifying the Subcontractor in writing within five days after any conviction for a violation by the employee of a criminal drug abuse statute in the workplace;

Notifying the City within ten (10) days of the Subcontractor's receipt of a notice of a conviction of any employee; and,

Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

Name of Organization/Contractor(s):

Local Oaks Tree Services

Signature of Authorized Representative:



Date: 2/6/2023

**ATTACHMENT "G"**  
**QUALIFICATIONS & REFERENCE SHEET**

**Please Complete and Return This Form with the response**

The Contractor shall furnish, with the RFP, the following information: a minimum of five (5) public sector/municipal references similar in size and scope to this project and include the following information for each reference:

- Please see Section D.  
References-attached in Proposal.
1. Client's Name \_\_\_\_\_  
Name of Contact \_\_\_\_\_  
Title of Contact \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Website URL \_\_\_\_\_
  
  2. Client's Name \_\_\_\_\_  
Name of Contact \_\_\_\_\_  
Title of Contact \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Website URL ( ) \_\_\_\_\_
  
  3. Client's Name \_\_\_\_\_  
Name of Contact \_\_\_\_\_  
Title of Contact \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Website URL ( ) \_\_\_\_\_
  
  4. Client's Name \_\_\_\_\_  
Name of Contact \_\_\_\_\_  
Title of Contact \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Website URL ( ) \_\_\_\_\_
  
  5. Client's Name \_\_\_\_\_  
Name of Contact \_\_\_\_\_  
Title of Contact \_\_\_\_\_  
Email address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Website URL ( ) \_\_\_\_\_



# **RFP No. 23-04**

## **Golf Course Tree Trimming Services**

### **D. References**

#### **1. City of Jonestown Parks & Recreation**

[www.jonestown.org/parksrec](http://www.jonestown.org/parksrec)

**James McCrory, Public Works Director**

**737-236-9924**

[jmccrory@jonestowntx.gov](mailto:jmccrory@jonestowntx.gov)

#### **2. Casey Building Company**

[www.caseybuildingcompany.com](http://www.caseybuildingcompany.com)

**Chris Worlow; Director; 512-645-8559**

**Amanda Casey Worlow, Project Development**

[amanda@caseybuildingcompany.com](mailto:amanda@caseybuildingcompany.com)

#### **3. Lush Resorts**

[www.possumkingdomlushresort.com](http://www.possumkingdomlushresort.com)

**Bo Bennet, Owner**

**972-743-2761**

[pklushresort@gmail.com](mailto:pklushresort@gmail.com)

#### **4. Lakeway Tree Experts**

[www.lakewaytreeexperts.com](http://www.lakewaytreeexperts.com)

**Arlen Fisher, Owner & Arborist**

**432-967-1741**

[ashleytatumfisher@gmail.com](mailto:ashleytatumfisher@gmail.com)

#### **5. Frugivore Farms LLC**

**Unlisted**

**Andy & Melissa Meyer, Owners**

**512-944-4387**

[greenengineer3@gmail.com](mailto:greenengineer3@gmail.com)

[frugivorefarms@gmail.com](mailto:frugivorefarms@gmail.com)



# **RFP No. 23-04**

## **Golf Course Tree Trimming Services**

### **E. Project Development Approach**

#### **1. Timeline/ Schedule:**

- 4 week project, maximum.
- Mon-Thrs; hours of operation: 8:00a.m. - 5:00p.m.
- LVGC is closed on Mondays. The Clubhouse and parking areas will be addressed outside of business hours to not obstruct business.

#### **2. Project Phase:**

- Complete project will be done in order of Hole # or as advised by the Golf Course Manager if preferred order of importance is dictated.

#### **3. Expected of City:**

- Understanding of weather delays for safety and to allow proper care to the grounds.

#### **4. Expected by City:**

- The City can expect complete satisfaction; To have a Golf Course Lago Vista can be proud of.
- The City can expect Local Oaks Tree Services to provide the work as detailed in this outline, unobjectionably, within the aforementioned timeframe.
- The City can expect Local Oaks and it's certified contractors to be respectful, knowledgeable, safe, and in good communication with all staff and it's members at all times.

**ATTACHMENT "H"**  
**LAGO VISTA SERVICE AGREEMENT**  
(TO BE COMPLETED BY THE SELECTED FIRM(S) AT THE CONCLUSION OF  
THE RFP SELECTION PROCESS)

STATE OF TEXAS           §  
                                      §                                   **AGREEMENT FOR SERVICES**  
COUNTY OF TRAVIS     §

This Agreement for Services ("Agreement") is made by and between the City of Lago Vista, Texas ("City") and [Name of Entity]\_\_\_\_\_, a [Type of Entity]\_\_\_\_\_, ("Service Provider"), (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

**RECITALS:**

**WHEREAS**, City desires to engage the services of Service Provider as an independent contractor, and not as an employee, to provide the services described in Exhibit "A" (the "Scope of Services") to assist the City in Providing Tree Trimming Services to the Lago Vista Golf Course Property (the "Project"); and

**WHEREAS**, Service Provider desires to render services for the City on the terms and conditions set forth in this Agreement;

**NOW THEREFORE**, in exchange for the mutual covenants set forth herein, and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

**Article I**  
**Term**

1.1 This Agreement shall commence on the last date of execution hereof ("Effective Date") and continue until completion of the services, unless sooner terminated as provided herein.

1.2 Either Party may terminate this Agreement by giving thirty (30) days prior written notice to the other Party. In the event of such termination the Service Provider shall deliver to City all finished and unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items or work prepared by the Service Provider in connection with this Agreement. Service Provider shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.

**Article II**  
**Scope of Service**

2.1 Service Provider shall perform the services in connection with the Project as set forth in the Scope of Services, Exhibit "A." Service Provider shall perform the services: (i) with

the professional skill and care ordinarily provided by competent professionals in the same field, as the case may be, practicing in the same or similar locality and under the same or similar circumstances.

2.2 City shall, prior to commencement of services, provide Service Provider with the information set forth in the Scope of Services, if any.

2.3 The Parties acknowledge and agree that any and all opinions provided by Service Provider in connection with the Scope of Services represent the professional judgment of the Service Provider in accordance with the standard of care applicable by law to the services performed hereunder.

2.4 Upon execution of this Agreement the City has the right to use Service Provider's instruments of service, including but not limited to reports, maps, cost estimates, recommendations, or other deliverables for the Project, provided that the City substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The City's employees, agents, contractors, and subcontractors may reproduce applicable portions of the instruments of service for use in performing services or construction for the Project. Upon payment of all amounts due Service Provider hereunder, all deliverables, materials and reports prepared by the Professional in connection with this Agreement shall become the property of the City. The City shall have the right to publish, disclose, distribute, and otherwise use such deliverables, materials and reports only for those purposes for which they were intended. Subject to the foregoing, Service Provider shall, upon completion of the services, or earlier termination, provide the City with the deliverables, drawings, reports, maps, and materials prepared by Service Provider as set forth in the Scope of Services. Record drawings created by the Service Provider which reflect information from the contractor/inspector shall include all plan sheets on a compact disc in a ".dwg" format and scanned 24" x 36" black & white "Tiff" images at 400 dpi resolution.

### **Article III Schedule of Work**

Service Provider agrees to complete the required services in accordance with the Project Schedule outlined in the Scope of Services.

### **Article IV Compensation and Method of Payment**

4.1 Service Provider will be compensated in accordance with the payment schedule and amounts set forth in the Scope of Services. Unless otherwise provided herein, payment to the Service Provider shall be given one payment/deposit upon the start date of the project, and then paid the remaining amount once the project has been completed. The City shall pay such payments within thirty (30) days after receipt and City verification of the services and expenses unless otherwise provided herein.



4.2 Unless otherwise provided in the Scope of Services the Service Provider shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, telephone, internet and email charges.

4.3 The project rates set forth in the Scope of Services, if any, shall remain in effect during the term of this Agreement. Any changes to established project rates shall require the prior written consent of the City.

## **Article V**

### **Devotion of Time; Personnel; and Equipment**

5.1 The Service Provider shall devote such time as reasonably necessary for the satisfactory performance of the services under this Agreement. Should the City require additional services not included under this Agreement, the Service Provider shall make reasonable effort to provide such additional services within the time schedule without decreasing the effectiveness of the performance of services required under this Agreement and shall be compensated for such additional services on a time and materials basis, in accordance with Service Provider's standard project rate schedule, or as otherwise agreed between the Parties.

5.2 To the extent reasonably necessary for the Service Provider to perform the services under this Agreement, the Service Provider shall be authorized to engage the services of any agents, assistants, persons, or corporations that the Service Provider may deem proper to aid or assist in the performance of the services under this Agreement. The Service Provider shall provide written notice to and approval from the City prior to engaging services not referenced in the Scope of Services. The cost of such personnel and assistance shall be included as part of the total compensation to be paid Service Provider hereunder and shall not otherwise be reimbursed by the City unless provided differently herein.

5.3 The Service Provider shall furnish the facilities, equipment, and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

## **Article VI**

### **Miscellaneous**

6.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the Parties and supersedes any prior understandings written or oral agreements between the Parties with respect to this subject matter.

6.2 Assignment. Service Provider may not assign this Agreement without the prior written consent of City. In the event of an assignment by the Service Provider to which the City has consented, the assignee shall agree in writing with the City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

6.3 Subcontracting. If subcontracting with another company or individual is proposed, that fact, along with providing the same information for the subcontractor that is required to be provided by the Vendor under this solicitation, must be provided and clearly identified. Following



the award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City.

6.4 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns.

6.5 Governing Law. The laws of the State of Texas shall govern this Agreement without regard to any conflict of law rules; and venue for any action concerning this Agreement shall be in the State District Court of Travis County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

6.6 Amendments. This Agreement may be amended by the mutual written agreement of the Parties.

6.7 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

6.8 Independent Contractor. It is understood and agreed by and between the Parties that the Service Provider, in satisfying the conditions of this Agreement, is acting independently, and that the City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Service Provider pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of the City. Service Provider shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement.

6.9 Right-of-Access. Service Provider shall not enter onto private property without lawful right-of-access to perform the required surveys, or other necessary investigations. The Service Provider will take reasonable precautions to minimize damage to the private and public property in the performance of such surveys and investigations. Any right-of-access to public or private property shall be obtained in accordance with the Scope of Services.

6.10 Notice. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If intended for City:

If Intended for Service Provider:

Attn: Tracie Hlavinka  
City Manager  
Lago Vista, TX 78645  
Phone: (512) 267-1155

6.11 Insurance.

- (a) Service Provider shall during the term hereof maintain in full force and effect the following insurance:

Type	Amount
Workers' Compensation	Statutory
Employer's Liability	\$1,000,000/\$1,000,000/\$1,000,000
Comprehensive General Liability Including: <ul style="list-style-type: none"><li>- Premises/Operations</li><li>- Products Liability/ Completed Operations</li><li>- Personal &amp; Advertising Injury</li><li>- Broad form property damage, to include fire legal liability</li></ul>	\$1,000,000 per occurrence; \$2,000,000 General Aggregate or its equivalent in Umbrella or Excess Liability Coverage
Business Automotive Liability <ul style="list-style-type: none"><li>a. Owned/leased vehicles</li><li>b. Non-owned vehicles</li><li>c. Hired vehicles</li></ul>	\$1,000,000 per occurrence or its equivalent on a combined single limit (CSL basis)
Cyber Liability <ul style="list-style-type: none"><li>a. Business Interruption</li><li>b. Data loss/destruction</li><li>c. Computer fraud</li><li>d. Cyber Extortion</li><li>e. Incident Response and Privacy Notification</li></ul>	\$1,000,000
Tech E&O Liability	\$1,000,000

- (b) All policies of insurance shall be endorsed and contain the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; and (2) provide for at least thirty (30) days prior written notice to the City for cancellation of the insurance; (3) provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for



Professional Liability Insurance. The Service Provider shall provide written notice to the City of any material change of or to the insurance required herein.

- (c) All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.
- (d) A certificate of insurance and copies of the policy endorsements evidencing the required insurance shall be submitted prior to commencement of services and upon request by the City.

**6.12 Indemnification. SERVICE PROVIDER DOES HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS CITY COUNCIL, OFFICERS, EMPLOYEES, AND AGENTS, FROM AND AGAINST ALL LIABILITY, CAUSES OF ACTION, CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LOSSES, PENALTIES OR SUITS, CAUSED BY OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE SERVICE PROVIDER, ITS AGENT, ITS CONSULTANT UNDER CONTRACT, OR ANY OTHER ENTITY OVER WHICH THE SERVICE PROVIDER EXERCISES CONTROL SUBJECT TO THE LIMITATIONS IN TEXAS LOCAL GOVERNMENT CODE § 271.904 AND TEXAS CIVIL PRACTICE AND REMEDIES CODE, § 130.002 (B).**

**INDEMNIFIED ITEMS SHALL INCLUDE REASONABLE ATTORNEYS' FEES AND COSTS, COURT COSTS, AND SETTLEMENT COSTS IN PROPORTION TO THE SERVICE PROVIDER'S LIABILITY.**

**THE SERVICE PROVIDER'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY SERVICE PROVIDER UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.**

**6.13 Counterparts.** This Agreement may be executed by the Parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the Parties hereto.

**6.14 Exhibits.** The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

**6.15 HB 89 and SB 252 Certifications.** If this Agreement provides for payment to Service Provider of over \$100,000, Service Provider hereby certifies that Service Provider does not and will not boycott Israel during the term of this Agreement in accordance with Chapter 2270,

Texas Government Code. Additionally, Service Provider hereby certifies that the Service Provider is not included on the website of the Texas Comptroller for entities doing business with foreign terrorist organizations pursuant to Chapter 2252, Texas Government Code.

6.16 Conflicts of Interest. By signature of this Agreement, Service Provider warrants to City that it has made full disclosure in writing of any existing conflicts of interest or potential conflicts of interest, including business or personal financial interests, direct or indirect, in property abutting the proposed project and business relations with abutting property owners, or with elected officials or employees of City. Service Provider further warrants that it will make disclosure in writing of any conflicts of interest that develop subsequent to the signing of this Agreement and prior to final payment under the Agreement. Service Provider warrants that it has submitted to City a completed Conflicts of Interest Questionnaire as required by Chapter 176 of the Texas Local Government Code.

6.17. Government Code Chapter 2274 Certification. If this Agreement provides for payment to Service Provider of over \$100,000 and if Service Provider employs ten or more people full-time, then Service Provider, by signing below, certifies that: 1. Service Provider does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, and 2. Service Provider will not discriminate during the term of this Agreement against a firearm entity or firearm trade association as those terms are defined in Texas Government Code, Chapter 2274.

6.18 Authority to Sign. The parties hereby warrant and represent that the undersigned persons have full authority and are duly authorized to sign on behalf of their respective principals and that such principals have duly authorized the transaction contemplated by this Agreement.

*[signature page to follow]*



**By City:**

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Lago Vista, Texas

By: \_\_\_\_\_

Tracie Hlavinka, City Manager

ATTEST:

By: \_\_\_\_\_

Lucy Aldrich, City Secretary

**By Service Provider:**

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Service Provider

By: \_\_\_\_\_

Name: \_\_\_\_\_

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

## Exhibit A Tree Removal Service Specifications

### Scope of Services:

The project scope of work consists of providing tree trimming services for various areas around the 130 acres of golf course property to include the clubhouse area, the parking lot area, the driving range area, the maintenance barn area, and all other property associated with the golf course in which contain approximately 400 trees. The selected Contractor will assume full responsibility for proper pruning, weight elimination and health, reduction of crowns and density, removal of dead limbs and ball moss to prevent the spread of infestation, elimination of overgrowth that impedes on private properties, removal of all dead trees and limbs, as well as improving the overall health of the trees by encouraging new growth stimulation.

Services will include cutting all stumps flush with the ground for trees that need to be removed, debris removal and disposal, and clean up associated with these arborist activities. Contractor has authorization to distribute chipping in designated areas around the golf course property in which the Golf Course Superintendent will provide direction. The Contractor will be expected to work cooperatively with the Golf Course General Manager and Superintendent. The contractor will be required to have extensive experience and knowledge as a professional arborist and take all safety standard measures.

### The Contractor will be responsible for:

1. Providing a thorough workplan that will detail each location on the golf course, how many trees are located there, what species they are, and the projected plan of action or thought process.
2. Assessing the feasibility of removing identified trees, limbs, brush or other plant material and providing a cost proposal and proposed work schedule and timeline.
3. Working as a member of the support team and interfacing with the Golf Course General Manager and Superintendent.
4. Completing the project within the agreed upon timeframe (weather/season permitting) and within budget.
5. Assuming any consequences resulting from any and all aspects of the removal of trees, branches or brush, unless authorized to distribute chipping on property by Golf Course Superintendent.

Equipment: The Contractor must demonstrate to the satisfaction of the Golf Course General Manager and Superintendent that the maintenance equipment to be used in the project is in good working condition and suitable for performing the work required. Operate all work equipment in a safe manner so as not to create a hazard to the public, and to be accommodating to the golf course customers and surrounding private property owners.

#### Quality Assurance:

The services are to be performed by tree workers and arborists, who through related training and on the job experience are familiar with the techniques and hazards of this work including trimming, maintenance, repairing, removal, and equipment in such operations.

#### Safety Standards:

Contractor is to follow all ANSI Z133 Safety Standards and indicate what general safety protocols are followed by the Contractor. All equipment to be used and all work to be performed shall be in full compliance with the most current revision of American National Standards Institute (ANSI), standard Z133. These standards are made part of the Agreement by this reference. The Contractor shall be responsible for ensuring that all work is performed in good standing with the International Society of Arboriculture (ISA) and in compliance with ANSI A300 standards for tree care operations. The Contractor is responsible for ensuring that all work is done in a safe and responsible manner. Any damage done to either the City's property or private property shall be the responsibility of the Contractor to repair or to make arrangements to repair with the City's approval. This shall be done prior to final payment of Agreement.

#### Clean-Up:

Contractor is to remove all dead wood and trees, including limbs, logs, lumber, brush, and similar materials at the end of their project. It shall be the responsibility of the Contractor to remove and dispose of all logs, brush, limbs, and debris resulting from the tree removal operations at no additional cost to the City. Contractor is to cut all stumps flush with the ground as specified in the City's tree ordinance.

#### Tree Removal:

Contractor shall be experienced in the removal of trees, limbs, shrubs, and other plant material in accordance with standards set forth by the arboriculture industry as specified in ANSI Z133 and ANSI A300 standards for tree care operations. Contractor must be aware of the City's tree ordinance and permit requirements and adhere to them.



# **RFP No. 23-04**

## **Golf Course Tree Trimming Services**

### **A. Executive Summary**

**Local Oaks Tree Services** is presenting its official bid submission for the proposed care of the Lago Vista Golf Course. Enclosed is a complete and detailed outline of the scope of work for each hole and fairway. Communication and clarity is something I pride myself in with all clients and intend to represent my company with this job as respectfully and strategically as I do with all.

I am experienced with large aesthetic trimming projects, as I have been contracted with, and successfully care for the City of Jonestown and their parks and trails, for reference. (Other references attached in Section D.). It is my hope that after the completion of the LVGC, the City of Lago Vista will also feel confident in me and my crew to reach out for additional projects in the future, as well.

I am confident that Local Oaks Tree Services, Veteran Owned and Operated, will be your best choice for care, efficiency, safety, and overall appearance of your desired project outcome. As an arborist and a former Marine, I run my crew as a detailed operation and I guarantee your satisfaction within the designated time frame.

My family also has a vested interest in the beautification of the golf course. My wife, Jessica Ross, volunteers and runs the Lago Vista Elementary School PTO's Annual Golf Tournament at the Lago Vista Golf Course, and Local Oaks Tree Services sponsors the event each year.

On the following pages are the proposed estimate for the initial and detailed project proposal. I have personally visited the LVGC several times in preparation for this submission of RFP.

This estimate was prepared prior to the cold snap that just came through and I understand that additional work will be necessary based on storm clean up. Local Oaks is ready to address the needs of LVGC and will prioritize the immediate scheduling for this job.

If my company is awarded the contract, it would also be my honor to submit a similar outline for continued care and maintenance for the Course annually, based on future need and budget, to be discussed with the LVGC GM/Director of Operations and City of Lago Vista.

Please contact me if you have any questions.

Semper Fi  
Christian Ross  
512-618-2750  
localoaks@gmail.com  
www.localoaks.com



**RFP No. 23-04**

**Golf Course Tree Trimming Services**

**B. Company Profile**



# LOCAL OAKS

## Tree Services



Veteran Owned and Operated  
Christian Ross: 512.618.2750  
[www.localoaks.com](http://www.localoaks.com)

Lago Land Clearing, LLC



Local Oaks Tree Services, Established 2017  
17501 Whippoorwill Trail. Lago Vista, TX 78645  
Owner: Christian Ross. Arborist since 2010.  
ISA Member no. 261676  
[www.localoaks.com](http://www.localoaks.com)  
[www.lagolandclearing.com](http://www.lagolandclearing.com)  
No. of current employees/ contractors: 12  
Voted 2021 “Nextdoor” Neighborhood Favorite.

# RFP No. 23-04

## Golf Course Tree Trimming Services

### C. Proposal



Local Oaks  
Tree Services



Local Oaks  
Christian Ross  
17501 Whippoorwill Trail. Lago Vista, TX 78645  
512-618-2750  
[localoaks@gmail.com](mailto:localoaks@gmail.com)

INVOICE # 103540

DATE: JANUARY 27, 2023

TO: Lago Vista Golf Course  
512.267.1170  
4616 Rimrock Dr.  
Lago Vista, Tx. 78645  
[Amanda.harkins@lagovistatexas.gov](mailto:Amanda.harkins@lagovistatexas.gov)

City of Lago Vista  
RFP No. 23-04  
Golf Course Tree Trimming Services

QTY	DESCRIPTION	LINE TOTAL	
Note:	LO=Live Oak, RO=Red Oak, GL=Ground Level AJ= Ashe Juniper (Cedar Trees)	QTY	Cost
Note:	% estimate based on professional assessment of arborist		
Clubhouse	LO, Hackberry, Cedar Elm, Arizona Ash Etc... located around perimeter of Club House/Parking lot. Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation. Ball moss and Deadwood removal 85%. (Climbing Required)	49 Trees	
Fairway 1	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	39 Trees	
Fairway 2	Ashe Juniper Removal/ Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	40 Trees	



Fairway 3	Aesthetic cleanup left perimeter of fairway. Removal GL located left perimeter. Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	8++ Trees	
Fairway 4	1 GL removal.	1 Tree	
Fairway 5	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	26 Trees	
Fairway 6	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	13 Trees	
Fairway 7	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	21 Trees	
Fairway 8	GL removal and speak with home owner about pruning large LO extending out over course.	2++ Trees	
Fairway 9	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	9 Trees	
Fairway 10	Perimeter cleanup and remove GL 60' dead Cotton wood located right perimeter. Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	23++ Trees	
Fairway 11	Removal GL 1 Chinaberry/1 dead trunk and clean upper perimeter growth. Aesthetic raise crown extending over golf cart path. Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	39++ Trees	
Fairway 12	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	2 Trees	
Fairway 13	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	5 Trees	
Fairway 14	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	23 Trees	
Fairway 15	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	36 Trees	

Fairway 16	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	31 Trees	
Fairway 17	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	3 Trees	
Fairway 18	Proper pruning and separation throughout interior and lower exterior of crowns reducing weight, stimulating growth, prevent fracturing to cambium that would open up phloem preventing infection/infestation.	18 Trees	
*	Gas \$4.00/gallon, Diesel \$5.00/gallon	Included	
*	Sterilization of all tools performed in between each oak grove to prevent the spread of disease/Prune paint-all Oak Cuts	Standard	
*	Chip/ Mulch/ Debris Haul-Off & Clean-Up as directed	Standard	
*	<b>TOTAL</b>		<b>\$78,500.00</b>
*	<b>Half payment due on agreed start date on projects over 10K</b>		
*	<b>Remaining payment due upon completion of work.</b>	<b>Thank You</b>	
	<b>Thank you for your business!</b>	<b>– Semper Fi</b>	<b>C.ROSS</b>



## **RFP No. 23-04**

### **Golf Course Tree Trimming Services**

#### **F. Proof of Insurance:**

- Attached.

#### **G. Cost:**

- I understand the costs for developing and assembling this submission in response to this solicitation are entirely my responsibility and are not expected to be reimbursed by the City in any manner.

**Thank you for this opportunity to serve the City of Lago Vista and Lago Vista Golf Course.**

**Semper Fi**

**Christian Ross, Owner  
Local Oaks Tree Services**



# EVANSTON INSURANCE COMPANY

## COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

POLICY NUMBER: 3AA624500

☐ "X" If Supplemental Declarations Is Attached

### RETROACTIVE DATE

THIS INSURANCE DOES NOT APPLY TO "BODILY INJURY", "PROPERTY DAMAGE" OR "PERSONAL AND ADVERTISING INJURY" WHICH OCCURS BEFORE THE RETROACTIVE DATE, IF ANY, SHOWN BELOW.

RETROACTIVE DATE: None

(ENTER DATE OR "NONE" IF NO RETROACTIVE DATE APPLIES)

### LIMITS OF INSURANCE

General Aggregate Limit (other than Products/Completed Operations)	\$ 2,000,000	
Products/Completed Operations Aggregate Limit	\$ 2,000,000	
Personal and Advertising Injury Limit	\$ 1,000,000	Any One Person or Organization
Each Occurrence Limit	\$ 1,000,000	
Damage to Premises Rented to You Limit	\$ 100,000	Any One Premises
Medical Expense Limit	\$ 5,000	Any One Person

### ALL PREMISES YOU OWN, RENT OR OCCUPY

Loc. No. ADDRESS OF ALL PREMISES YOU OWN, RENT OR OCCUPY

1 17501 Whippoorwill Trl, Leander, TX, 78645

### CLASSIFICATION AND PREMIUM

Loc. No	Code No. Classification	Rating Basis	Premium Basis	Other Basis	Rate		Advance Premium	
					Pr/Co	All Other	Pr/Co	All Other
1	99777 Tree Pruning, Dusting, Spraying, Repairing, Trimming or Fumigating	Per \$1,000 of Gross Sales	175,000			\$8.95		\$1,566
	Markel contractors bundle - CG 20 01 MEGL 0241-01 MEGL 0313 MEGL 0009-01	Percent of rate	Incl.			Incl.		Incl.
*(a) Area *(c) Total Cost *(m) Admissions *(p) Payroll *(s) Gross Sales (u) Units *(r) Gross Receipts (e) Each (o) Other: Premium Basis identified with a "*" is per 1000 of selected basis.							Total Advance Premium	\$1,566

These declarations, together with the Common Policy Conditions and Coverage Form(s) and any Endorsement(s), complete the above numbered policy.

### FORMS AND ENDORSEMENTS



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

**SUBMITTED BY:** Amanda Harkins, Golf Course

**SUBJECT:** Discussion, consideration, and possible action on Ordinance 23-03-02-04; An Ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances, Article 10.000 Parks and Recreation Fees, Sec 10.200 Golf Course Fees.

**BACKGROUND:** On November 17, 2022, City Council approved the amendment of Ordinance 22-11-17-02; An Ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances, Article 10.000 Parks and Recreation Fees, Sec 10.200 Golf Course Fees. City Council discussed with staff on several areas where staff recommended that amendments take place such as verbiage, the amount of monthly range balls allotted per golf pass holder, cart rental fees and replacement costs, club rental fees and replacement costs, and handicap fees, as well as the omitting of the golf simulator and storage fees.

**FINDINGS:** On January 31, 2023, during the final review with the City Secretary, prior to posting the updated Ordinance in Municode, staff noticed that all fees associated with Section 5. Daily Rates were incorrect. Since the cart rental fees had increased to \$25.00 for 18 holes and \$13.00 for 9 holes during the November 17, 2023, City Council meeting, the Ordinance fees schedule did not reflect what was currently in practice at the Golf Course. These increases affected the daily rates and fees, which were not taken into consideration at the time of the original amendment on November 17, 2022, unfortunately. To stay consistent and reflect the new rates that are in circulation at the Golf Course, staff recommends the new amendment of Section 5. Daily Rates of Sec 10.200 Golf Course Fees.

**FINANCIAL IMPACT:** N/A

**RECOMMENDATION:** Staff recommends City Council approve the amendment of all fees associated with section 5. Daily Rates of Sec 10.200 Golf Course Fees, to provide consistency and reflect the new rates that were approved in the November 17, 2022, City Council meeting.

**ATTACHMENTS:**  
[Ordinance](#)

**ORDINANCE NO. 23-03-02-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES, ARTICLE 10.000 PARKS AND RECREATION FEES (GOLF COURSE), PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSES.**

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

**WHEREAS**, the City Council of the City of Lago Vista amended the Fee Schedule on November 17, 2022; and

**WHEREAS**; the City Council finds that fees associated with Section 10.200 Golf Course Fees, (e) Daily Rates were incorrect; and

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

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

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

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

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend Article 10.000 Parks And Recreation Fees, as shown in Exhibits "A". Underlined language shall be added and language to be deleted is signified by strike-through. All unedited Sections of the Code of Ordinances remain in effect as currently written.

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

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



**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

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

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

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this \_\_\_\_\_ day of March, 2023 by a vote of the City Council of the City of Lago Vista, Texas.

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

ATTEST:

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

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

Exhibit “A”

Sec 10.200 Golf Course Fees

\*\*\*\*\*

5. Daily rates:

1. Weekday (Monday-Thursday): Regular- 18 holes per person (includes city cart): ~~\$37.00~~ \$48.00.
2. Weekend (Friday- Sunday): Regular- 18 holes per person (includes city cart): ~~\$43.00~~ \$54.00.
3. Senior (age 60+) weekday: Regular- 18 holes per person (includes city cart): ~~\$32.00~~ \$44.00.
4. Senior (age 60+) weekend: Regular- 18 holes per person (includes city cart): ~~\$38.00~~ \$49.00.
5. Juniors (up to age 18 with school ID): Free with paying adult 7 days a week.
  1. Junior Walking (7 days a week): \$10/ per person.
  2. Junior Riding (7 days a week with valid driver's license ): \$18/per person.
6. Twilight weekday (after 2:00 p.m.): ~~\$27.00~~ \$38.00/per person.
7. Twilight weekend (after 2:00 p.m.): ~~\$33.00~~ \$44.00/per person.
8. Super Twilight - 7 days/week (after 4:00 p.m.): ~~\$25.00~~ \$36.00/per person.
9. 9 Hole rate (7 days a week): ~~\$27.00~~ \$31.00/per person.

\*\*\*\*\*



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** Discussion, consideration and possible action on Ordinance 23-03-02-05; An Ordinance of the City of Lago Vista, Texas amending Article 1.1800 of Chapter 1 of the Lago Vista Code of Ordinances amending the Ethics Policy.

**BACKGROUND:** In December of 2022, the City Council held a preliminary hearing pertaining to an ethics complaint. During the hearing, Council noted a desire to review the current ethics policy. During the January 16, 2023, City Council meeting, Council discussed revisions to the current ethics policy. The Council specifically mentioned changes to Section 1.1803, Present Public Servants, (e) Conflict of Interest, item #3, (f) Additional Standards of Conduct, item # 2 Political Activity, and Section 1.1809 Jurisdiction and Hearing of Complaints, (f) Disposition of Alleged Ethics Violations, item #3.

**FINDINGS:** Staff, Councilor Durbin and Councilor Marion made the revisions requested by the Council during the January meeting.

**FINANCIAL IMPACT:** N/A

**ATTACHMENTS:**  
[Ordinance](#)

**ORDINANCE NO. 23-03-02-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ORDINANCE 09-05-21-01 ESTABLISHMENT OF AN ETHICS POLICY, CHAPTER 1 GENERAL PROVISIONS OF THE CODE OF ORDINANCES, ARTICLE 1.1800 ETHICS POLICY, PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSES.**

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

**WHEREAS**, the City Council of the City of Lago Vista adopted the Ethics Policy on May 21, 2009; and

**WHEREAS**; the City Council finds that there are conflicts in the policy that need to addressed and amended; and

**WHEREAS**, the City Council desires to amend Chapter 1, Article 1.1800, Ethics Policy, as set out in the attached Exhibits "A."; and

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

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

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

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend Article 1.1800 Ethics Policy, as shown in Exhibit "A". Underlined language shall be added and language to be deleted is signified by strike-through. All unedited Sections of the Code of Ordinances remain in effect as currently written.

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

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



**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

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

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

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this \_\_\_\_\_ day of March, 2023 by a vote of the City Council of the City of Lago Vista, Texas.

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

ATTEST:

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

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

## ETHICS – ARTICLE 1.1800 ETHICS POLICY

(Ordinance 09-05-21-01 adopted 5/21/09)

## **ARTICLE 1.1800 ETHICS POLICY**

### **Sec 1.1801 Declaration Of Policy**

- (a) It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in government. To promote confidence in the government of the City of Lago Vista (“the city”), and thereby enhance the city’s ability to function effectively, this code of ethics is adopted. Although codes of ethics can provide instruction on what to do in various situations, the situations will always be more varied than the rules can anticipate. Recognizing this, the city manager and the city council will apply this article to not only enforce regulations, but also to enhance and promote virtue in public servants who are its officers, city officials or employees, paid or unpaid, elected or appointed, as well as members of any standing committee or board.
- (b) Furthermore, it is declared to be the policy of the city that proper operation of democratic government requires that public servants be independent, impartial and responsible to the people of the city; that no public servants shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a standard of conduct for all public servants to serve not only as a guide for official conduct, but also as a basis for discipline for those who refuse to abide by its terms. The overriding interest being that public servants of the city shall at all times strive to avoid even the appearance of impropriety.
- (c) The city further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. By prohibiting conduct incompatible with the city’s best interests and minimizing the risk of any appearance of impropriety, this code of ethics will further legitimize the interests of democracy.
- (d) Persons reviewing and considering the requirements of this code of ethics are cautioned to consider that Chapter 171 and Chapter 176, Tex. Loc. Gov’t. Code, are also applicable. In addition, a material volume of state law directly applicable to issues involving public ethics and reporting is applicable to the city and each employee and officer of the city. It is the policy of the city to rely primarily on those laws in lieu of unnecessary duplication and incurring the costs and expense required to administer areas of a program that in fact duplicate state law.

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### **Sec 1.1802 Purpose**

This code of ethics has four purposes:

- (a) To encourage high ethical standards in official conduct by public servants;
- (b) To establish minimum guidelines for ethical standards of conduct for all such public servants by setting forth those acts or actions that are incompatible with the best interests of the city;
- (c) To require disclosure by public servants and candidates of private financial or property interests in matters affecting the city; and
- (d) To provide minimum standards of ethical conduct for the city’s public servants, provide procedures regarding complaints for violations of such standards, and provide a mechanism for disciplining violators of such standards.

(Ordinance 09-05-21-01 adopted 5/21/09)

### **Sec 1.1803 Present Public Servants**

#### **(a) Standards of Conduct.**

- (1) To avoid the appearance and risk of impropriety, public servants shall not solicit or accept any gift, personal favor or benefit from any person doing business with, seeking to do business with, or being regulated by the city; and shall not take any action on behalf of any person or business entity from which he or she has received a prohibited gift, or in which he or she has a substantial interest. Except in the sole interest of the public and the performance of the duties of their position, public servants shall not take any action that he or she knows might reasonably tend to influence any other public servant to not properly perform their official duty, nor shall any public servant grant any improper favor, service or thing of value to any person.
- (2) As used in this article the word gift means a favor, hospitality, economic benefit, product or item having a value of \$50.00, or more. A gift does not include campaign contributions reported as required by state law, money, items, or benefits received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust established by a spouse or ancestor.
- (3) The following factors are considered in evaluating whether a gift is prohibited:
  - (A) The value of the gift, or gifts, does not exceed \$50.00, or \$200.00 during any twelve (12) consecutive calendar months;
  - (B) Any preexisting relationship between the donor and donee;
  - (C) Whether the benefit of the gift is transferred to the city or to the public servant and whether any consideration is given in exchange for the gift; and
  - (D) Whether the person or entity giving the gift, or on whose behalf the gift is made, has done business with or has been regulated by the city within the immediate preceding twenty-four (24) calendar months, or is seeking to do business with the city, or does business with or is regulated by the city during the subsequent twelve (12) months.
- (4) Those items or services that do not constitute prohibited gifts include, but are not limited to, the following:
  - (A) Political contributions made, and reported as required by applicable law.
  - (B) Awards publicly presented in recognition of public service.
  - (C) Entertainment, meals or refreshments furnished in conjunction with public events, appearances, or ceremonies related to official city business, if furnished by the sponsor of such public event, and meals and refreshments having a value of less than \$50.00 when furnished or provided to the public servant during the conduct of public business.
  - (D) Any item received by a public servant and donated to a charitable organization or presented to the city within one (1) business day from the date of receipt; any item(s) other than money the value of which does not exceed \$50.00 or \$200.00 during any twelve (12) consecutive calendar months.
  - (E) Pens, pencils, calendars, T-shirts, caps and similar items containing logos, slogans, company names or other marketing material and commonly given out for advertising purposes.

#### **(b) Personal Financial Interest.**

- (1) Public servants of the city shall not participate in a vote or decision in which they have a direct substantial financial interest. Ownership in an amount in excess of one percent (1%) of an entity or property shall constitute substantial interest. Where members of the city council have a substantial interest in business or in real property which is affected by a proposed city council action and where any conflict of interest may arise, they shall file an affidavit of disclosure provided by the city secretary prior to the vote and abstain from voting on such matters.
- (2) No officer or employee of the city shall have a financial interest direct or indirect, or by reason of ownership of stock in a corporation, in a contract with the city, or be financially interested directly or indirectly in the sale to the city of land, materials, supplies or services except on behalf of the

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(Ordinance 09-05-21-01 adopted 5/21/09)



city as an officer or employee; provided, however, that the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1%) percent of the total capital stock of the corporation, or the city's taking of an interest in land by use of its eminent domain authority. Any violation of this shall render the contract voidable. (Ordinance 09-05-21-01 adopted 5/21/09)

- (3) In keeping with current case law, when a member of the city council has a substantial interest in business or in real property which is affected by a proposed city council action and such member is required to abstain from voting on such matter after filing his or her affidavit of disclosure, such abstention shall count as a ineligibility for that matter only and the number of votes required for passage of such matter shall be reduced by the number of ineligible members. In instances where a supermajority of the members of the governing body is required for passage, such supermajority number or fraction shall be based on the number of eligible voting members of the governing body and shall not count any ineligible members. (Ordinance 13-09-12-02 adopted 9/12/13)
- (c) Confidential Information. Public servants shall not disclose confidential or proprietary information, or any information they have acquired or obtained in the course of any fiduciary capacity or relationship, that could adversely influence the property, government, or affairs of the city, nor directly or indirectly use his or her position to secure official information about any person or entity, for the financial benefit or gain of such public servant or any third party. Public servants shall not release confidential, proprietary, or privileged information for any purpose other than the performance of official responsibilities. It shall be a defense to any complaint under this section that the release of information serves a legitimate public purpose, as opposed to the private financial or political interest of the public servant or any third party or group.
- (d) Use of City Property. Public servants shall not use, request or permit the use of city facilities, personnel, equipment, or supplies for any purpose other than to conduct city business unless otherwise provided by law, ordinance or written city policy; or as specifically authorized by the city manager as a convenience to the city, or by terms of employment, e.g., assigned use of a city vehicle.
- (e) Conflict of Interest.
- (1) Public servants shall not for pay, profit, compensation, financial gain or benefit represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or other city board, commission, or committee, or represent the private interest of others in any action or proceeding involving the city.
- (2) No current members of the city council shall personally appear on their own behalf before the city council or any board, commission or committee but may designate and be represented by a person of their choice in any such personal business matter. This prohibition does not apply where a councilmember appears before the council on their own behalf, with respect to an issue arising under the city charter or this article. A member of any appointed committee or board shall remove himself/herself from deliberation regarding his/her interest.
- (3) No current board or commission member shall personally appear on their own behalf before the board or commission upon which they serve, but may designate and be represented by a person of their choice in any such business matter.
- (4) Board or commission members are prohibited from engaging in private discussions with any applicant or owner regarding issues to be considered by their board or commission or from seeking to influence the outcome of any decision outside of a public meeting.
- (f) Additional Standards of Conduct.
- (1) Conflicting Outside Employment.
- (A) The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.
- (B) This provision does not prevent employees or officials from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employees comply with all applicable city requirements.

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(Ordinance 09-05-21-01 adopted 5/21/09)

- (C) A city official or paid city employee shall not solicit, accept or engage in concurrent outside employment or enter into any contract which could impair independence of judgment in, or the faithful performance of, their official duties, or those results in a conflict of interest with their duties as an official or employee of the city.
- (D) City employees must inform their supervisor before engaging in off-duty employment, and obtain written authorization from the city manager or their department head prior to accepting outside employment. Employees must consider the policy purpose and be aware of this policy and rule.
- (2) Political Activity.
- (A) Limitations on the political activities of city officials and employees are imposed by state law, the city charter, and city personnel rules. In addition, the ethical restrictions listed below shall apply.
- (B) No employee shall solicit or receive contributions to the campaign funds of any candidate for city office or take part in the management, affairs, or political campaign of any city candidate. Current members of the city council who are seeking reelection may engage in any activity on behalf of their own campaign efforts. However, the mayor and councilmembers are prohibited from taking part in the management, affairs, or political campaign of any other city candidate. The following is a list of activities that are, except as specifically provided otherwise, permissible within the sole discretion of the individual employees and City Council:
1. The placement of campaign signs on premises owned by the city employee and City Council.
  2. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.
  3. Off-duty or assigned duty attendance at a political rally or function for a city council candidate, so long as there is no active participation by the city employee; provided that an employee that is off-duty shall not wear any city uniform, item or clothing that identifies the employee as an employee of the city.
  4. The donation of a political contribution that does not exceed the statutory limit for nonreportable contributions; provided that a candidate for, and the occupant of, an elective city office is prohibited from soliciting contributions from city employees.

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This subsection shall be narrowly construed and in no event shall this section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city employees shall not, while in uniform or on duty, make public comments or statements concerning any candidate for elective city office. Private statements or comments made by any officer or employee of the city to any other officer or employee of the city concerning any candidate for elective city office are not subject to subsection (f).

- (C) Nonprofit Board Membership. While membership is encouraged a councilmember who serves on the board of a public or private nonprofit organization shall have a voice but no vote on any funding request or contract with the city by that organization, unless the organization has a board of directors or trustees appointed in whole or in part by the city council, commission or board members.

#### **Sec 1.1804 Former City Officials And Employees (Reserved)**

[Reserved]

#### **Sec 1.1805 Contracts**

(Ordinance 09-05-21-01 adopted 5/21/09)

- (a) No officer or employee of the city shall have a financial interest direct or indirect, or by reason of ownership of stock in any corporation, in a contract with the city, or be financially interested directly or indirectly in the sale to the city of land, materials, supplies or services except on behalf of the city as an officer or employee; provided, however, that if the direct or indirect interest results from the ownership of stock the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation. Any violation of this section shall render the contract voidable. This section shall not apply or be applicable to employment agreements approved by the city manager and/or the city council, or instances in which the city is acquiring property by eminent domain.
- (b) Except on behalf of the city, a former city councilmember, official, or employee may not, within two (2) years of the termination of official duties, perform work for any person or entity other than the city on a compensated basis relating to a discretionary contract, if he or she personally and substantially participated in the negotiation of awarding of the contract. A former city official or employee, within two (2) years of termination of official duties must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary contract.

#### **Sec 1.1806 Persons Doing Business With The City**

##### **a. Persons Seeking Discretionary Contracts.**

1. An individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in Sections 1.1803 and 1.1804 of this code of ethics. The individual or entity must agree to abide by the same ethical standards as set forth for public servants in this code of ethics.
2. Subsection (a) above will become a permanent footnote on documents contained in city bid packets for discretionary contracts.
3. All prospective vendors shall comply with Chapter 176, Tex. Loc. Gov't. Code.

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b. Disclosure of Conflicts of Interest by Persons Appearing Before a Board or City Body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

1. An employee or officer of the city that advises or makes presentations to the board or city body; or
2. Any member of the board or city body;

has or may have a conflict of interest pursuant to Chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

#### **Sec 1.1807 Lobbyist (Reserved)**

[Reserved]

#### **Sec 1.1808 Financial Disclosure**

Chapter 176, Tex. Loc. Gov't. Code, requires every person, firm or entity proposing to sell any product to the city, or to contract with the city, to file documents identifying business connections or relationships they or their employees may have with officers and employees of the city. Upon any such document identifying an officer of the city that officer must complete and file a document prescribed by state law. Chapter 171, Tex. Loc. Gov't. Code, requires members of the governing body and boards and commissions to publicly announce if they have a conflict, business or investment interest in the person or subject matter coming before that body. In addition to the public

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announcement, the officer is required to complete an affidavit specifying the conflict and file that document with the city secretary. These requirements obviate any need for the city to incur the expense to establish the required administrative procedures, obtain, store and make available financial statements from the officers of the city. The avoidance of the requirements for financial statements encourages public service because it permits officers from being required to report personal financial information and information that intrudes on the privacy of third parties that have no business dealings with the city.

#### **Sec.1.809 – Duty to Report Ethical Violations**

- (a) ~~Except as permitted in paragraphs (c) or (d), a public servant or other city employee having first hand or documentary knowledge that another public official, City employee or contractor has committed a violation of an applicable rule of ethics under this Chapter that raises a substantial question as to that public servant, city employee or contractor's honesty, trustworthiness or fitness as a public servant, city employee or contractor in other respects, shall have a duty to inform City Council.~~
- (b) ~~Except as permitted in paragraphs (c) or (d), a public servant or other city employee having first hand or documentary knowledge that another city employee has committed a violation of an applicable rule of ethics under this Chapter that raises a substantial question as to that city employee's honesty, trustworthiness or fitness as a city employee in other respects, shall have a duty to inform the City Manager.~~
- (c) ~~This rule does not require disclosure of knowledge or information otherwise protected as confidential information.~~
- (d) ~~This rule does not require disclosure of information that the reporter does not have first-hand knowledge of or that requires conjecture or supposition.~~

#### **Sec 1.1810 Jurisdiction And Hearing Of Complaints**

- (a) City Manager. The city manager shall receive and hear all complaints filed against any city official or employee that is appointed by the city manager. The fact that the city manager has received a complaint, or is hearing a complaint, filed under this code of ethics, shall not deprive or lessen the authority of the city manager to take disciplinary action against such city official or employee without regard to the complaint or hearing. When hearing a complaint, the city manager may adopt such process and procedures as he/she finds suitable to the complaint. The hearing may be conducted informally or as a hearing in which witnesses may be produced.
- (b) City Council. The city council shall receive and hear all complaints filed against any city official, board, committee or commission member that is appointed by the city council. The fact that the city council has received a complaint, or is hearing a complaint, filed under this code of ethics, shall not deprive or lessen the authority of the city council to take any discretionary action it finds appropriate, or to take any disciplinary action against such city official, without regard to the complaint or hearing. When hearing a complaint, the city council may adopt such process and procedures as the council finds suitable to the complaint. The hearing may be conducted informally or as a hearing in which witnesses may be produced.
- (c) Violations of Chapter 171 or Chapter 176. Complaints alleging a violation of Chapter 171 or Chapter 176, Tex. Loc. Gov't. Code, shall be referred to the appropriate court and prosecutor. Such referral shall not deprive the city manager or the city council, as applicable, from exercising their respective discretionary authority, or any authority granted by local or state law.
- (d) Advisory Opinions and Recommendations. The city attorney shall render advisory opinions and make recommendations to the city manager and city council, as applicable, on potential conflicts of interest or potential violations of this code of ethics at the request of a public servant. Such advisory opinions and recommendations shall be rendered thirty (30) days after a request or complaint is received, unless the city attorney requests, and is granted one thirty (30) day extension by the city council or city manager, as applicable. This subsection shall not be applicable to complaints that have been filed with the city council or the city manager.

(Ordinance 09-05-21-01 adopted 5/21/09)

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(e) Defense to Alleged Violations. It shall be a defense to an alleged violation of this code of ethics that the person accused previously requested, and received, a written advisory opinion and recommendation from the city attorney, and acted on such opinion or recommendation in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Absent, omitted or misstated facts, such written advisory opinion and recommendation shall be binding with respect to subsequent charges based on the same issue and facts concerning the person who requested the opinion.

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(f) Disposition of Alleged Ethics Violations.

(1) A sworn complaint based on personal knowledge alleging a violation(s) of this article shall specify the provision(s) of this article alleged to have been violated, and shall name the public servant being charged.

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(2) Upon the aforesaid sworn complaint of any person being filed with the city secretary's office, or on its own initiative, the city manager or city council, as applicable, shall consider possible violations of this article by any public servant. A complaint shall not be deemed to be filed on the initiative of the city council, save and except the complaint be signed and sworn by two (2) members of the city council, one of which is the mayor, after consultation with the city attorney. A complaint filed by an individual member of the city council shall be deemed to have been filed in the councilmember's capacity as a private citizen and, in such event, the member of the city council filing the complaint shall not thereafter participate in a city council meeting, or discuss the same with the city manager if applicable, at which such complaint is considered save and except the councilmember filing the complaint may participate as a complainant at such meeting.

(3) A complaint alleging a violation of this article must be filed with the city secretary within two (2) years from the date of the action alleged as a violation, and not afterward.

(4) Not later than three (3) working days after the city secretary receives a sworn complaint, the city secretary shall acknowledge the receipt of the complaint to the complainant, and provide a copy of the complaint to the city attorney, the city council or city manager as appropriate, and the person against whom the complaint was alleged. Not later than ten (10) working days after receipt of a complaint, the city secretary shall notify in writing the person who made the complaint and the person against whom the complaint was alleged, of a date for a preliminary hearing. If the city manager or city council does not hold a preliminary hearing within twenty (20) days of receipt of the complaint, it shall notify the person who made the complaint of the reasons for the delay and shall subsequently give further appropriate notification.

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(5) The city council or the city manager may consider possible violations of this article on their own initiative. Within seven (7) working days of the decision to consider a possible violation of this article, a draft written complaint specifying the provision(s) of this article alleged to have been violated shall be filed with the city secretary, and provided to the city attorney and the person against whom the complaint was alleged. Not later than fifteen (15) days after the drafting of the complaint, the city secretary shall notify in writing the person against whom the complaint was alleged of the date for the preliminary hearing.

(6) After a complaint has been filed, and during the pending of a complaint before the city council, a member of the city council may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the city council; provided that the mayor may consult and coordinate with the city attorney.

(7) As soon as reasonably possible, but in no event more than sixty (60) days after receiving a complaint, the city manager or city council, as applicable, shall conduct a preliminary hearing:

(A) The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this article has occurred. The person filing a complaint, or the city attorney in cases considered upon the city manager's or city council's, as applicable, own initiative, shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violations stated in the written complaint. Statements at a preliminary hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing.

(Ordinance 09-05-21-01 adopted 5/21/09)

Members of the city council or the city manager, as applicable, may question the complainant, the city attorney or the city manager, as applicable, or the public servant named in the complaint.

- (B) The public servant named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The public servant may describe in narrative form the testimony and other evidence that would be presented to disprove the alleged violation. If the public servant agrees that a violation has occurred, he or she may so state and the city manager or city council, as applicable, may consider the appropriate sanction.
  - (C) The complainant and the public servant named in the complaint shall have the right to representation by counsel.
  - (D) At the conclusion of the preliminary hearing, the city manager or city council, as applicable, shall decide whether a final hearing should be held. If the city manager or city council, as applicable, determines there are reasonable grounds to believe that a violation of this article has occurred, a final hearing will be scheduled. If the city manager or city council, as applicable, does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred.
  - (E) The city manager or city council, as applicable, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of this article. Before a complaint is dismissed for failure to allege a violation, the complainant may be permitted one opportunity, within ten (10) working days of such preliminary hearing, to revise and resubmit the complaint.
  - (F) The complainant, the city attorney or the public servant named in the complaint may ask the city manager or city council, as applicable, at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.
- (8) Final Hearing on Complaints.
- (A) The final hearing shall be held as expeditiously as possible following the determination by the city manager or city council, as applicable, that reasonable grounds exist to believe that a violation of this article has occurred. In no event shall the hearing be held more than thirty (30) days after said determination. The city manager or city council, as applicable, may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the public servant named in the complaint.
  - (B) The issue at a final hearing shall be whether a violation of this article has occurred. The city manager or city council, as applicable, shall make its determination based on clear and convincing evidence in the record. All witnesses shall make their statements under oath.
  - (C) If the city manager or city council, as applicable, determines that a violation has occurred, findings shall be stated in writing identify the particular provision(s) of this article which have been violated, and within five (5) working days a copy of the findings shall be delivered to the complainant, if any, the public servant named in the complaint, and the city secretary.
  - (D) If a complaint proceeds to a final hearing, the city manager or city council, as applicable, may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers records, or other evidence needed for the performance of the city manager's or city council's duties, as applicable, or exercise of its powers, including its duties and powers of investigation.
- (9) Sanctions.
- (A) If the city manager or city council, as applicable, determines that a violation of this article has occurred, they shall proceed directly to determination of the appropriate sanction(s), if any. Save and except for a violation of Section 7.2, Section 8.6 or Section 11.1 a violation of this article shall not be subject to criminal penalties. The city manager or city council, as applicable, may receive additional testimony or statements before considering sanctions,

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but is not required to do so. If the public servant named in the complaint acted in reliance upon a written opinion of the city attorney, the city manager or city council, as applicable, shall consider that fact.

(B) If the city manager or city council, as applicable, determines that a violation of this article has occurred, they may impose one of the following sanctions:

- (i) A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the public servant's violation was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the public servant to whom it is directed of any steps to be taken to avoid future violations.
- (ii) A letter of admonition shall be the appropriate sanction in those cases in which the city manager or city council, as applicable, finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.
- (iii) A reprimand shall be the appropriate sanction when the city manager or city council, as applicable, finds that a violation has been committed intentionally or through disregard of this article. A copy of a reprimand directed to a public servant, city official, councilmember, or board or commission member shall be sent to the city council. A reprimand directed to an employee of the city shall be included in said employee's personnel file. A letter of reprimand directed to an elected city official shall be transmitted to the city secretary and shall be published in the official newspaper of the city.
- (iv) A recommendation of removal from employment or a recommendation of suspension from employment, as well as a recommendation for length of suspension, shall be the appropriate sanction when the city manager or city council, as applicable, finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by city employees.
- (v) A letter of censure shall be the appropriate sanction when the city council finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by an elected city official. A letter of censure directed to an elected city official shall be transmitted to the city secretary and thereafter published in the official newspaper of the city.

#### **Sec 1,1811 Independent Legal Counsel**

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Independent Legal Counsel. If a complaint is filed against the city manager or any member of the city council independent legal counsel shall be utilized to advise the city council and participate in hearings.

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#### **Sec 1,1812 Baseless Complaints**

Deleted: 1811

(a) In the event a complaint is received by the city manager or city council, as applicable, that is subsequently found to be baseless, and the city manager or city council, as applicable, will immediately have a hearing to determine if that the complaint was filed with the intent to:

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- (1) Harass the person named in the complaint;
- (2) Damage the respondent's reputation;
- (3) Benefit the person filing the complaint, personally, professionally or politically; or
- (4) Damage a related third party; the city manager, or the city council, may refer the matter to the appropriate court or prosecutor.

- (b) The city manager or city council, as applicable, may take or recommend disciplinary action(s) against the individual who filed the complaint including but not limited to filing legal charges. The city manager or city council, as applicable, may also make recommendations for what other action(s) should be taken.

**Sec 1.1813 General Provisions**

Deleted: 1812

- (a) Definitions. The words “public servant” when used in this article, shall mean the elected officers of the city, all persons appointed by or by vote of the city council, all department heads of the city, all city employees that have any supervisory authority over other employees, and all employees that have discretionary authority to make recommendations to boards or to the city council. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this article. The word “regulations” means the provisions of any applicable article, rule, regulation or policy.
- (b) Penalties. Any person who shall violate this code of ethics, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (c) Reservations and Exceptions. Notwithstanding any other term or provision of this article, this article: (1) is not applicable to the performance and behavior of officers, employees and public servants that does not violate a standard or provision set forth in this code of ethics; (2) does not waive the authority and discretion of the city council or the city manager, as applicable, to enforce higher standards for, or to supervise, provide oversight, appoint and remove, any officer, employee or public servant that is appointed by the city council or city manager, as applicable; and (3) does not transfer or limit the authority of the city manager to act in his or her discretion to enforce higher standards for, or to supervise, provide oversight, appoint and remove, all officers, employees and public servants of the city that are not appointed and removed by the city council. Further, neither the city manager nor the city council shall be required to file a complaint in order to take action against any employee, public servant or city official under their respective supervision or jurisdiction.
- (d) City Manager Complaint Resolution. If the city council is not satisfied with the actions taken by the city manager with respect to any complaint filed with him/her under this code of ethics, the city council shall consider that matter in the annual evaluation of the city manager.





# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** March 2, 2023

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

**SUBJECT:** Discussion, consideration, and possible action on Resolution 23-1992; a Resolution by the City Council of the City of Lago Vista, Texas authorizing; in addition to City Manager, Tracie Hlavinka and Mayor Ed Tidwell; all City Council members and Mr. Shane Saum to speak on behalf of the City of Lago Vista with House Representatives and Senators as it pertains to the legislative bill concerning Capital Metro Transportation Authority and the Texas Transportation Code and legislation regarding the application process regarding the approval or disapproval deadline for plats and plans.

**BACKGROUND:** On January 19, 2023, City Council anointed the City Manager and Mayor Tidwell as the City's two main contacts with the legislative staff as it pertains to the legislative bill concerning Capital Metro Transportation Authority and the Texas Transportation Code.

**FINDINGS:** A request has been made by Councilmember Roberts to consider authorizing Mr. Shane Saum and all of council members to also be authorized to represent the City of Lago Vista as it pertains to communication with legislative staff concerning the Capital Metro Transportation Authority and Texas Transportation Code bill.

Additionally, recently filed legislative bills regarding the application process regarding the approval or disapproval deadline for plat and plans is a topic that city council finds that speaking on behalf of the topic is of importance to the citizens of the City of Lago Vista.

**FINANCIAL IMPACT:** N/A