



City of Lago Vista, Texas

AGENDA CITY COUNCIL SPECIAL CALLED MEETING THURSDAY, DECEMBER 3, 2015

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a Special Called Meeting on Thursday, December 3, 2015, at 6:30 p.m. in the City Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, as prescribed by V.T.C.A., Government Code Section §551.041, to consider the following agenda items. Items do not have to be taken in the same order as shown in the meeting notice.

CALL TO ORDER, CALL OF ROLL

PUBLIC COMMENTS

PRESENTATION

1. Presentation from Property Owner Larry Levy, 5600 Country Club.

WORK SESSION

2. General New Council Orientation / Overview by City Attorney Barbara Boulware – Wells.
3. Discussion on Appointed Boards, Commissions, Committees/Council Liaison assignments.
4. Discussion concerning the City Council Meeting Schedule.
5. Report on the Structural Condition of The Wastewater Treatment Plant.
6. Discussion Concerning the Need for the Development of a City of Lago Vista Social Media Policy.
7. Discussion on City of Lago Vista Budget.
8. Management of City's property located at 18001 Marshall's Point.

ACTION ITEM

9. Appointment of representative to CAPCOG's General Assembly.

EXECUTIVE SESSION

10. Convene into Executive Session pursuant to Sections 551.071 and 551.072 and/or 551.074, Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

- a. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

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

11. Reconvene from Executive Session into open session to take action as deemed appropriate in City Council's discretion regarding:

- a. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

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 _____ on the 25th day of November, 2015.

Sandra Barton, 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.

MEETING DATE: December 3, 2015

AGENDA ITEM: CALL TO ORDER, CALL OF ROLL

Comments:

ADJOURN:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ ; **Tidwell** _____ ; **R. Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____

MEETING DATE: December 3, 2015

AGENDA ITEM: PUBLIC COMMENTS

Comments:

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ , **Tidwell** _____ ; **R. Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____



AGENDA ITEM

City of Lago Vista

To: **Council Meeting:**

From:

Subject:

Request: **Legal Document:** **Legal Review:**

EXECUTIVE SUMMARY:

Mr. Levy has asked for an opportunity to address the Council concerning property he owns at 5600 Country Club. Mr. Levy has submitted three documents for Council's review. These include:

- 1. Narrative of the issue.**
- 2. Survey of property.**
- 3. Aerial picture of property.**

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

5600 Country Club / 5604 Club House

Lago Vista, TX 78645

Why Did This Separating Strip Become an Issue?

The City of Lago Vista believes they have a right to ownership to this strip due to a 2009 Agreed Judgment regarding an 83 page deed that was transferred to an entity called LVPOA, LLC. (one of the defendants in the lawsuit)

The Lawsuit was about ownership of many different pieces of real property located within the City. The City was adjudged to be the owner of the vast majority of them by the terms of the Agreed Judgment. The crux of the Lawsuit was that one of the defendants in the case, LVPCO, LLC had acquired properties as a result of a Deed without Warranty, dated February 14, 2003. The City's position was that the grantors of the Deed to the entity of LVPCO, never really owned the land and therefore, had no right to convey that land to the LVPOA entity. The Deed was 83 pages long and conveyed about 100 properties, all small tracts of land. The specifically named defendants in this case were LVPCO, LLC, Robert Eckert, Jack Wrobel and John Overzet. They were all represented by the same attorney. Also named in the Judgment as defendants were 'the Unknown Persons' represented through a duly entered order of the Court through attorney James Nobel Johnson (since deceased) of whom I never had any contact whatsoever.

The Lawsuit was one for Trespass to Try Title in which the City sued all of the defendants. To recover in a trespass to try title action, the plaintiff must recover upon the strength of his own title. The plaintiff may recover:

1. By proving a regular chain of conveyances from the sovereign
2. By proving superior title out of a common source
3. By proving title by limitations
4. By proving prior possession and that the possession has not been abandoned

There is literally no evidence found in the records of the Lawsuit which shows that the City could have recovered title to the Separating Strip by any of those four alternative means according to our attorneys.

In light of the fact that the City appeared to have no legally viable claim of any kind to the Separating Strip, how did the City obtain the Agreed Judgment which "ORDERS that title is found to be vested in the City of Lago Vista" and that 'any and all claims of the defendants to title or any interest in the Tracts is hereby DENIED'? The answer, in my attorney's opinion, is that the Agreed Judgment, at least as it relates to me, is a SHAM and is subject to collateral attack to have it set aside so I can have my actual day in court to prove I am the sole owner of the Separating Strip.

Throughout the Agreed Judgment, there are abundant defects that the City and its representation has tried to dispel, however we have responded to each and every one with no further response from the City nor its representation.

The issue is further problematic in that the City and its representatives say this is an easement issue and in 2014 installed at least one 18 inch waste water line between lots 1cb and 18m to facilitate an agreement with the Tessera Development on what we are calling a Separating Strip.

The Cities only claim to ownership of this strip is the Agreed Judgment. No other evidence.

This all came about when Mr. David Harrell indicated to me that if I was not happy with the road size I would need to come down from Lago Vista Way to access my property, that I should check my titles for the two adjoining properties.

The reason for coming down from the top of the hill from Lago Vista Way was to give rear entry to the proposed construction and not have to put up multiple drives around the radius of the properties and also ruin the aesthetic beauty of the bluff. The City's representatives agreed with that thought but Mr. Harrell, in an email 4/14/14 said I would need to come up from the bottom (from Club House and Country Club) as the road needed to be wider than before.

I will be presenting as many facts as possible within my time frame that will dispel the notion that this is an Easement by the Original Plat's own dedicatory language. I will discuss the chains of titles and the research that proved out as fact Reason that there is no sort of adverse possession claim on the part of the City Dispel the City's claim to be a successor in interest to any prior public use Although the attorney ad litem was a respected attorney, Court documents show that he did little to nothing to defend the 'unknown persons' put into this case as he was required to do by the Texas Professional Disciplinary rules of Conduct/ and that he merely gave all of the properties to the City without legal authority The Use of the Doctrine of Strips and Gores where it benefitted the City but not anyone else

Address the City's assessment that the PEC perpetual easement represents 90% of the fee simple value of the separating strip

A summation by my attorney as to the lack of thoroughness and record ownership of the Separating Strip.

Within my time frame you will also find out why I am the owner of the Separating Strip and why I am one of those that was regulated to the 'Unknown Persons' and denied my due process as I'm sure many others were. These rights are guaranteed to us through both the Texas Constitution and the United States Constitution.

I will not present my solutions, as the City already has them.

I will not discuss the Texas Supreme Court Cases, the Texas Appeal Court Cases, nor the number of Rules that were negated in this Agreed Judgment. I will list them here though, so you are aware of what we have researched and will use as needed:

Texas Supreme Court *Chantley v Gulf Production, Co.*

Texas Supreme Court *Cox V Campbell*

Texas Court of Civil Appeals *International v Great Northern Railway* (downtown Austin)

Texas Court of Civil Appeals of San Antonio *Poppelwell and City of Mission*

Texas Court of Civil Appeals *Valdez v Hollenbeck*

Texas Court of Civil Appeals of El Paso *Lepp v Ward City Improvement Dist #2*

Woolaver v Texaco 1980 Ft Worth

Texas Section 2206.001 of the Texas Government Code

Rule 788 Texas Rules of Civil Procedure

Rule 791 Texas Rules of Civil Procedure

Rule 112 Texas Rules of Civil Procedure

Rule 115 Texas Rules of Civil Procedure

Rule 244 Texas Rules of Civil Procedure

I feel it only fair to say that over this two year period the City Representatives have only presented one Case in rebuttal. *Texas Parks and Wildlife Dept v Sawyer Trust* My attorneys have rejected this because the City (govt entity) was the plaintiff and it exposes the City to counterclaim to be brought when the Agreed Judgement is set aside by an appellate court and the lawsuit is remanded to the 250th district court for actual trial.

We have sent 2 Demand Letters with no response

Explanation of terms I will be using in my presentation:

Doctrine of Strips and Gores This Doctrine exists because deeds fail to expressly describe pieces of land, ie. this separating strip, which are deemed an appurtenance to the land that is expressly described in the deeds.

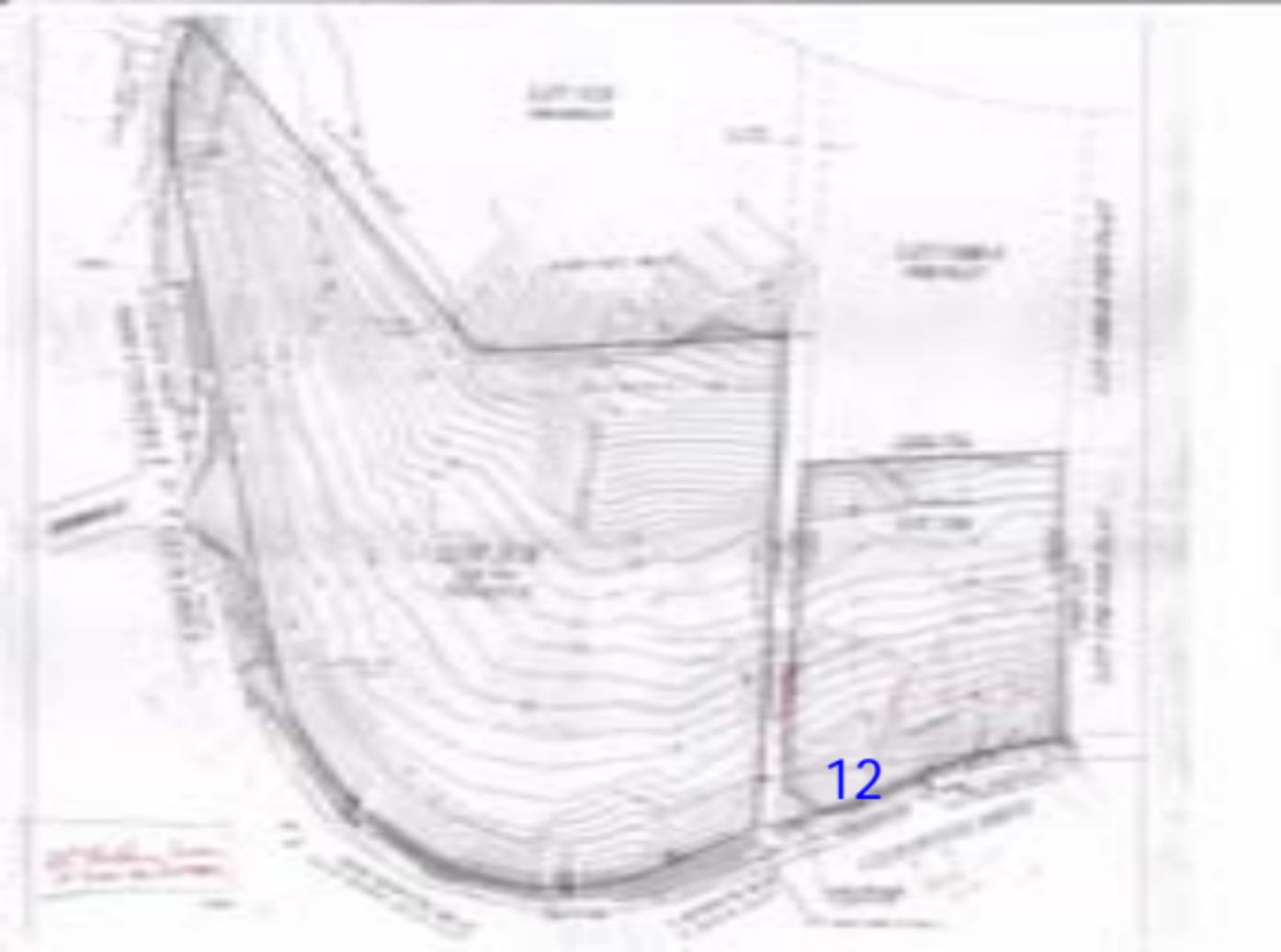
Metes and Bounds-a surveyor's description of a parcel of real property, using carefully measured distances, angles, and directions, which results in what is called a "legal description" of the land, as distinguished from merely a street address or parcel number. Such a metes and bounds description is required to be recorded in official county record on a subdivision map and in the deeds when the boundaries of a parcel or lot are first drawn.



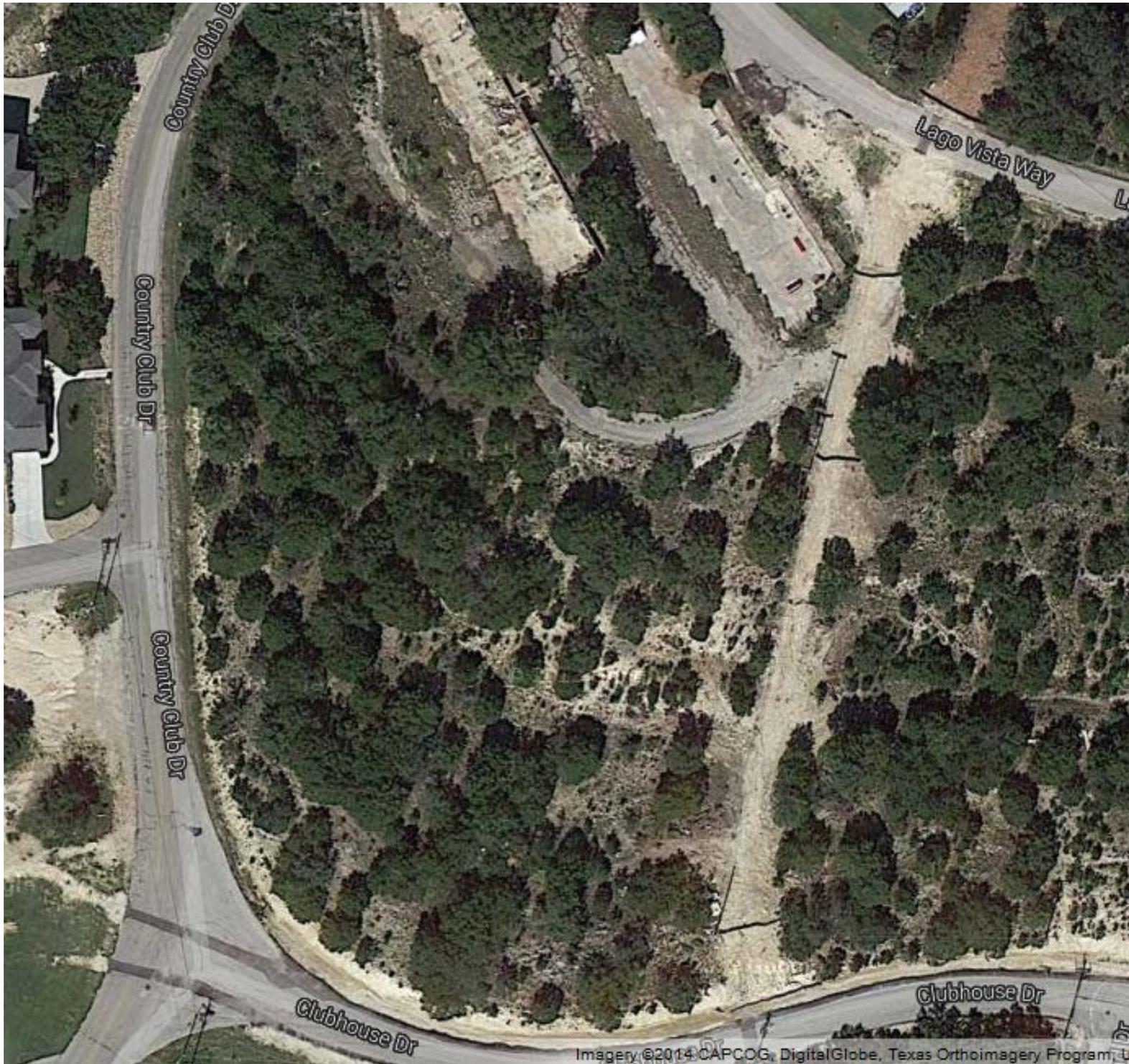
(view from the lakeside and 16th Tee Box up to the property)



(view from the property over the 16th tee box to the lake)



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Imagery ©2014 CAPCOG, DigitalGlobe, Texas Orthoimagery Program, U.S. Geological Survey



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: December 3, 2015

From: Melissa Byrne Vossmer, City Manager

Subject: General New Council Orientation / Overview by City Attorney Barbara Boulware - Wells

Request: Other Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

The purpose of this item on the agenda is to provide an opportunity for the City Attorney to discuss with the City Council legal requirements and restrictions that Councilmembers should be aware of and adhere to as it pertains to open meetings, ethics and standards for conducting meetings.

Attachments:

1. Texas Open Meetings Act - Power Point.
2. Ethics - Article 1.800 Ethics Policy
3. Texas Ethics Commission - Officer Conflicts Disclosure Statement / Conflict of Interest Questionnaire
4. City Council - Article 1.300, Division 3 - Meetings and Rules of Order and Procedure from TML's Handbook for Mayors and Councilmembers

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

Knights & Partners
Attorneys at Law

MEMORANDUM

TO: Mayor and City Council, City of Lago Vista
FROM: Barbara Boulware-Wells
DATE: November 24, 2015
RE: Topics for General Legal Overview

The following topics will have general legal overviews presented at the December 3, 2015 meeting:

1. Open Government - Not to replace full Open Government Training - Power Point presentation attached
2. Ethics - Chapter 1.1800 Ethics Ordinance attached
3. Conflicts of Interest - New Forms attached
4. Conduct Standards for Meetings - Handbook standards and 1.300 attached

OPEN MEETINGS ACT

The Texas Open Meetings Act

**BARBARA BOULWARE-WELLS
KNIGHT & PARTNERS**

Presentation Outline

- Background
- Applicability
 - > Who is subject to the Act?
 - > What is a “quorum”?
 - > What constitutes a “meeting”?
- Notice Requirements
- Recordkeeping
- Procedures and Requirements for Open Meetings
- Procedures and Requirements for Executive Sessions
- Penalties
- Recent Modifications
- Common Dilemmas

General Background

- Sharpstown stock fraud scandal of the 1970s: Following the scandal in the Texas Legislature, the Open Meetings Act was made tougher for local governments
- The Act was passed on the premise that “citizens are entitled . . . not only to know what government decides but to observe how and why every decision is reached.” *Acker v. Tex. Water Comm’n*, 790 S.W.2d 299, 300 (Tex. 1990)
- Senator John Cornyn: “It is only natural that elected officials and government leaders want recognition for their successes, but not for their failures...but we as a healthy democracy need to know the good, the bad, and the ugly.”
- **General rule:** A governmental body’s meetings must be open to the public, unless a statute expressly permits an executive session

Applicability of the Act

What Entities are Subject to the Act?

- A **governmental body** as **expressly defined** in the Act – examples: A **city council** or a department, agency, or subdivision of a city that has authority to promulgate policy-making rules (i.e., rulemaking) or to decide contested cases (i.e., quasi-judicial)
- Entities **required by other law** to comply with the Act – examples: The board of directors of an economic development corporation or a local government corporation
- A **board or committee** of an **entity that is subject to the Act**, depending on the board's or committee's **membership** and/or the board's or commission's **authority** (i.e., final decision making authority or “routinely rubber-stamped”)

What is a quorum?

- ◉ **General rule:** The Act applies to a gathering of a **quorum** of a governmental body's members if **public business is deliberated or discussed**
- ◉ **Cities**
 - > **Home rule:** Charter generally expressly states the quorum requirement
 - > **Type A:**
 - **Regular meeting** – majority of the councilmembers (3)
 - **Special meeting or meeting to impose taxes** – two-thirds of the councilmembers (4)
 - > **Type B:** The mayor and three aldermen or four aldermen
 - > **Type C:** A majority of the board of commissioners (2)
 - > **Boards and commissions:** Look to statute or ordinance/resolution creating
- ◉ **General quorum rule:** a majority of a governmental body
- ◉ **Circumvention:** the Act may apply **even when a quorum is not present**

What Constitutes a Meeting?

- A *meeting* occurs when:
 1. A *quorum* of a governmental body gathers;
 2. the *public business* that the governmental body has authority to supervise or oversee is *discussed*; and
 3. *either*:
 - a. a *member* of the governmental body *participates in the discussion*; or
 - b. the governmental body (a) *called the meeting* and (b) *conducts or is responsible for the meeting*.
- The Act does not apply to *social functions* or *regional, state, or national workshops* if the governmental body's public business is not discussed
- *Examples*: formal meeting, attendance at another entity's meeting, attendance at a city's board or committee meeting, social situations, "staff briefings," using the restroom, "walking quorum," circulating an invoice or letter for signature outside of a meeting, e-mail
- *Attorney general's advice*: develop a habit of asking yourself, "is this a meeting?"

Notice Requirements

- ◉ The Act requires **written notice** of the **date, hour, place, and subject** of each meeting – **both** open meetings **and** executive sessions
- ◉ **Specificity**: The notice must be **sufficient to apprise the general public** of the subject matter to be discussed – legal sufficiency depends on and can vary based on the facts:
 - > Listings like “personnel” or “new business/old business” generally **insufficient**
 - > **More important** the issue is to the public, the **more specific** the notice should be
 - > “Public forum” or “public comment” is sufficient to hear from residents

Notice Requirements

- Individual notice is *not required*
- **Accessibility:** A governmental body must post its notice in a place that is “*readily accessible to the general public for all times for at least 72 hours*” before the meeting is scheduled to start (e.g., bulletin board/kiosk outside of city hall or on the door of city hall)
- **Internet posting:** Cities are now *required* to post notice on the city’s Internet Web site
- When a city *posts notice on its Internet Web site*, the physical notice has to be readily accessible to general public *only during normal business hours* instead of at “all times.”

Notice Requirements

- ⦿ *If City located in less than 4 counties*
 - post notice of each meeting at a place convenient to the public in the administrative office of the district or political subdivision; and
 - provide notice of each meeting to the county clerk of each county in which the district or political subdivision is located.
 - A county clerk shall post the notice provided under Subsection (a)(2) on a bulletin board at a place convenient to the public in the county courthouse.

Notice Requirements

- ◉ **Emergency meeting or supplemental posting:** When there is an *imminent threat to public health and safety* or a *reasonably unforeseeable situation*, a meeting on an emergency matter may be held after only *two hours notice*
 - › The notice must *CLEARLY describe the emergency*
 - › What if we “forgot to post” an item? Not an emergency
 - › Must give copy of notice to news media if previously asked for
- ◉ **Recess:** May recess to *following business day* if the action is taken in *good faith* and not to circumvent the Act’s requirements

Notice Requirements

- ⦿ ***Amendments – Agendas***

Agendas may not be amended once posted unless still outside 72 hour notice period, *unless emergency.*

Recordkeeping

- ⦿ A governmental body must *prepare and keep minutes* of a meeting *or a tape recording* of each open meeting.
- ⦿ The *minutes must*:
 - > State the subject of each deliberation
 - > Indicate each vote, order, decision, or other action taken
- ⦿ A brief summary is all that is required - A verbatim transcript is not necessary

Recordkeeping

- The *minutes or tape recording* of the meeting are *public records*, and must be made available pursuant to a request
- Under the *Records Retention Act*, a governmental body must have a Texas State Library-approved *retention schedule* for its records (for more information, please visit www.tsl.state.tx.us)
- Generally, if minutes are *transcribed from a tape*, the tape must be kept for *90 days* after the written minutes are approved

Procedures and Requirements

Open Meetings

- A meeting ***may not be convened*** unless a ***quorum is present*** in the meeting room
- The ***Americans with Disabilities Act*** requires a meeting to be held in a room that is ***physically accessible*** to those with disabilities
- Members of the public (including the media) ***have a right to record*** the meeting by audio or video tape or other comparable means
- A governmental body may adopt ***reasonable rules*** to maintain order in a meeting, including those relating to the location of recording equipment

Procedures and Requirements

Open Meetings

- The Act **does not entitle members of the public to speak at open meetings**
- If a governmental body allows public comment, it may set **reasonable rules** regarding the number, frequency, and length of presentations, but it should not discriminate against speakers
- If a member of the public asks a question about an item that is **not on the agenda**, the members of the governmental body **may not deliberate the item**, and are limited to:
 - > A statement of **fact** regarding the issue
 - > A statement of **policy** regarding the issue
 - > A **proposal** to place the item on a future agenda for deliberation

Procedures and Requirements *Executive Sessions*

- A governmental body may hold a **closed meeting** only when a statute **expressly authorizes** it to do so
- To conduct an executive session, a governmental body must:
 1. have a **quorum**;
 2. properly **convene** in an open meeting;
 3. **announce** that a closed meeting will be held;
 4. **identify** in the open meeting the **section of the law** that allows the closed meeting; and
 5. keep a **certified agenda** or a **tape recording** of the closed meeting:
 - a. the certified agenda must include a **statement of the subject of each deliberation** and a **record of any further action taken**
 - b. The certified agenda or tape recording is **confidential** and may not be released absent court action
 - c. A **sitting member** of the governmental body may review the certified agenda or tape recording.

Procedures and Requirements *Executive Sessions*

- **Who may attend an executive session?**

Only a governmental body's members have a right to attend a closed meeting. Although a governmental body may include others in a closed meeting if necessary to the matter under consideration, it may not admit a person whose presence is against the interests of the governmental body that the closed meeting is designed to protect.

Procedures and Requirements *Common Executive Sessions*

- ***Real Property Deliberations***
 - to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person
- ***Personnel Matters***
 - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee
 - to hear a complaint or charge against an officer or employee
 - Must be conducted in open session if the officer or employee requests a public hearing

Procedures and Requirements *Common Executive Sessions*

- ***Economic Development***
 - to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations
 - to deliberate the offer of a financial or other incentive to a business prospect that meets the above requirements
- ***Consultation with Attorney***
 - to seek advice about legal matters, pending or contemplated litigation, or settlement offers
 - Governmental body's attorney must be present if employee (may be present by conference call, videoconference, or Internet communications if a contract attorney)
 - General discussion of policy not permitted
- ***Security/Homeland Security Measures***

Violations

- ◉ The Act provides for ***civil remedies*** and ***criminal penalties*** for noncompliance
- ◉ Criminal provisions are enforced by:
 - District attorneys
 - County attorneys
 - Criminal district attorneys
- ◉ Attorney general is not directly authorized to enforce the Open Meetings Act, ***but may assist local prosecutors***

Violations – Civil Penalties

- ⊙ An action taken in violation of the Act is **voidable**
 - › An voidable action may be redone at a later meeting, but that action will not be given retroactive effect
 - › Termination of employee example
- ⊙ Civil actions
 - › Any interested person may bring a **civil lawsuit** to force officials to comply with the Act, to **enjoin** officials from acting, or to **void actions taken** in an illegal meeting
 - › A person injured by the unlawful disclosure of a certified agenda or tape recording of a lawfully closed meeting **may sue for damages, attorney fees, and exemplary damages**

Violations – Criminal Penalties

- ⊙ **Participating in a closed meeting “knowing that a certified agenda . . . or . . . a tape recording . . . is not being made”**
- ⊙ **In general, knowingly disclosing a certified agenda or tape recording of a closed meeting to a member of the public**
 - Not a crime to discuss what went on in executive session, but may subject you to a civil lawsuit

Violations – Criminal Penalties

- ⊙ **Knowingly conspiring to circumvent the Act “by meeting in numbers less than a quorum for the purpose of secret deliberations”**
 - **Knowingly:** reasonably certain that the action would violate the law
 - **Walking quorum:** where a quorum is not present in one place at the same time and secretly discusses public business with the goal of avoiding a public meeting – may subject members to criminal and civil liability
- ⊙ **Knowingly calling, aiding in calling, organizing, or participating in an unlawful closed meeting**
 - **Affirmative defense:** member acted in reasonable reliance on a court order, attorney general opinion, or the written opinion of the governmental body’s attorney

Reports - Community Interest Items

Section 551.0415 now allows reports about items of community interest which no action will be taken

- Section 551.0415 provides as follows:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality may receive from municipal staff and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), “items of community interest” include:

- expressions of thanks, congratulations or condolence;
- recognition of a public official, public employee or other citizen
- a reminder about an upcoming event organized or sponsored by the governing body or announcement of holiday;
- information regarding a social, ceremonial or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

AG Opinion GA-0717 (2009)

- Addressed the validity of a city charter provision that permitted a majority of council members to call a meeting. The charter provision did not require deliberation among a quorum of city council members, so the opinion could not conclude as a matter of law that the charter provision violated the Act.

AG Opinion GA-0957 (2012)

- Attorney General Opinion GA-0957 (2012) concluded that if a quorum of a governmental body attends a meeting of a committee of the governmental body at which a deliberation as defined by the Open Meetings Act takes place, the committee meeting will constitute a meeting of the governmental body.

COMMON DILEMMAS

- ◉ Elected officials and conversations outside a meeting with other elected officials
- ◉ Telephone conferences, Videoconferences and the Internet

Resources

Keep current by contacting our office:

Knight & Partners: (512) 323-5778

Mobile: (512) 771-7171

bbw@cityattorneytexas.com

Additional resources:

www.tml.org (512-231-7400)

www.oag.state.tx.us (877-OPEN TEX)

www.tsl.state.tx.us (for records retention)

ETHICS – ARTICLE 1.800 ETHICS POLICY

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 Chapt. 171 and Chapt. 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.

§ Sec. 1.1802 Purpose

This code of ethics has four purposes:

- (1) To encourage high ethical standards in official conduct by public servants;

(2) 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;

(3) To require disclosure by public servants and candidates of private financial or property interests in matters affecting the city; and

(4) 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.

☞ **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 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. 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.

(4) 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.

(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:

(i) The placement of campaign signs on premises owned by the city employee.

(ii) 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.

(iii) 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.

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

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]

Sec. 1.1805 Contracts

(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.

42 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 Chapt. 176, Tex. Loc. Gov't. Code.

(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 Chapt. 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.

43 Sec. 1.1807 Lobbyist

[Reserved]

☞ **Sec. 1.1808 Financial Disclosure**

Chapt. 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. Chapt. 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 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. 1.1809 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 Chapt. 171 or Chapt. 176. Complaints alleging a violation of Chapt. 171 or Chapt. 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.

(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.

(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.

(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.

(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. 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 or city council, as applicable's duties 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 [sic] 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, 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. 1.1810 Independent Legal Counsel**

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.

☞ **Sec. 1.1811 Baseless Complaints**

(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, deems that the complaint was filed with the intent to:

- (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. 1.1812 General Provisions**

(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.

(Ordinance 09-05-21-01 adopted 5/21/09)

CONFLICT OF INTEREST - FORMS

PROPOSED FORMS

At its October 5, 2015, meeting, the Texas Ethics Commission voted to propose changes to Forms CIQ and CIS, regarding conflicts of interest that were previously revised in August 2015. The Ethics Commission invites public comment on the proposed changes. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to Natalia Luna Ashley, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, or by facsimile (FAX) to (512) 463-5777. A person who wants to offer spoken comments to the commission concerning the proposed rule may do so during the public comment period at any commission meeting when the commission considers the proposed changes. Information concerning the time and location of commission meetings is available at <https://www.ethics.state.tx.us/tec/meetings.htm> or by telephoning (512) 463-5800.

FORM CIS: Local Government Officer Conflicts Disclosure Statement

FORM CIQ: Conflict of Interest Questionnaire

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of employment or other business relationship with vendor named in Item 3

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in Item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP BELOW

Sworn to and subscribed before me, by the said _____, this 1st day of _____, 20____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Please refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

1. **Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
2. **Office Held.** Enter the name of the office held by the local government officer filing this statement.
3. **Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, with whom the officer has an employment or other business relationship as described by Section 176.003(a)(2)(A), Local Government Code.
4. **Description of the nature and extent of employment or business relationship with vendor named in Item 3.** Describe the nature and extent of the employment or other business relationship with the vendor in item 3 as described by Section 176.003(a)(2)(A), Local Government Code.
5. **List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
6. **Affidavit.** Signature of local government officer.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 20, 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 Approved

1 Name of vendor who has a business relationship with local governmental entity.

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

CONDUCT STANDARDS FOR MEETINGS

ARTICLE 1.300 CITY COUNCIL

Division 3. Meetings

Sec. 1.331 City Council Meetings

(a) Regular Meetings. Regular meetings of the city council shall be held on the third Thursday of each calendar month at 6:30 p.m.; provided that if any such Thursday is a city holiday, Christmas Eve or New Year's Eve, the regular meeting shall be scheduled as agreed to by the council at a meeting prior to or following the holiday. If no agreement is reached, the meeting shall occur on the holiday. In addition, the council may cancel a regular meeting, provided the council meets once each month.

(b) Special Meetings. Special meetings of the city council shall be held on the first Thursday of each month as needed on the call of the mayor or city manager subject to the following procedures:

(1) The mayor or city manager may call a special meeting of the city council on his own motion, and may call a special meeting upon the application of three (3) members of the city council, at anytime; provided that the mayor shall call a special meeting on the application of four (4) councilmembers; and

(2) When the mayor or city manager calls a special meeting of the city council a good faith and reasonable attempt shall be made to contact each councilmember for the purpose of establishing the most convenient time to hold the meeting, in order to maximize attendance and enable the council to work together as appropriate to conduct required city business.

(c) Emergency Meetings. Emergency meetings of the city council shall be called in the same manner as special meetings.

(d) Quorum.

(1) Regular Meeting. A majority of the number of councilmembers constitutes a quorum.

(2) Called Meetings (Special). A majority of the number of councilmembers shall be necessary to constitute a quorum for a called meeting.

(3) The quorum of the council includes the mayor as a member of the council.

(Ordinance 13-10-17-04 adopted 10/17/13)

Sec. 1.332 Agenda for Council Meetings

(a) The agenda for each meeting of the city council shall contain such information and be posted in a time and place as is sufficient to comply with the Texas Open Meetings Act, Chapt. 551, Tex. Gov't. Code. The city secretary, or designee, shall prepare the agenda and present the agenda to the city manager for review, modification and approval. The city manager, the acting city manager, the mayor or the mayor pro tem in the absence of the mayor, must approve an agenda prior to the posting of the agenda.

(b) Form and Structure of Agenda. The agenda for each meeting of the city council shall be ordered generally as follows:

- (1) Call to order;
- (2) Invocation;
- (3) Pledge of allegiance;
- (4) Citizen communications;
- (5) Consent agenda (including minutes);
- (6) Action items;
- (7) Work session items;
- (8) Reports by the city manager and staff; and
- (9) Adjournment.

(c) Executive Sessions. While there is no state requirement to ever go into an executive session, the Open Meetings Act provides certain narrowly drawn exceptions to the requirement that meetings of a governmental body be open to the public. These exceptions are found in Tex. Gov't. Code, Chapt. 551, Sections 551.071, et seq. The city council may go into executive session at anytime, when in the judgment of the city council it is in the best interests of the city, on any properly posted agenda item dealing with subject matter for which the Texas Open Meetings Act authorizes executive sessions, regardless of whether the item was posted as an open session item or an executive session item. Notwithstanding the foregoing sentence and provided that this section shall not create or give rise to any right, cause of action or claim on behalf of any third party, person or citizen other than as exists pursuant to the Texas Open Meetings Act, if any, when it is anticipated at the time the agenda is posted that the city council will go into executive session with respect to any item of business, the matter will be placed on the agenda as an item for executive session and, in addition to the subject matter, shall specify the section of Chapt. 551, Tex. Gov't. Code, that authorizes such executive session. Each agenda item for an executive session shall provide notice that, or provide an additional agenda item providing notice that, the city council may take action on the subject matter and issue considered in the executive session. Action shall be taken in open session.

(d) If a closed meeting is to be held, then a quorum of the city council must first convene in an open meeting and the mayor shall announce a closed meeting will be held, identifying the section of the Open Meetings Act that applies.

(Ordinance 05-12-15-01, sec. 2, adopted 12/15/05)

Sec. 1.333 Conduct of Council Meetings

(a) The mayor and the city council shall conduct each regular and special meeting of the city council in an orderly and professional manner. As a general rule all council meeting shall be conducted in accordance with Rules of Order and Procedures as contained in the Texas Municipal League's Handbook for Mayors and Councilmembers for Home Rule Cities, 2003 Edition

(b) Presiding Officer. The mayor shall preside at all regular and called meetings of the city council.

(1) The mayor pro tem shall be elected from the councilmembers annually by a majority vote of the councilmembers at the meeting immediately following the annual general election of council. The mayor pro tem shall perform the duties of the mayor in the absence of the mayor. The mayor pro tem shall still vote as a councilmember when presiding over council.

(2) If the mayor and the mayor pro tem are absent from a regular or called meeting, any councilmember may be appointed by the councilmembers present at the meeting to preside at the meeting.

(b) Attendance of Meetings. Each councilmember shall attend regular and called meetings, for which the councilmember is duly notified. Councilmembers shall not be absent for three consecutive regular meetings without providing documentation demonstrating that the councilmember is sick, or without receiving permission for a leave of absence from a majority of the city council.

(c) Agenda Item Discussion. The mayor shall identify the agenda item being considered. Subject to a point of order upheld by a majority vote of the council, the mayor shall use his or her discretion in the conduct of council meetings to facilitate the business conducted in an efficient manner.

(1) Citizen Input. Citizens shall be given the opportunity to sign up to provide input on each agenda item as it is discussed. Citizens shall sign up by completing a card that identifies the item on which they intend to speak, and, if applicable, whether such citizen is for or against any action on the item. The mayor may allow up to a total of two (2) minutes discussion on each item by citizens who sign up to speak on the item. The council may extend the time allotted for citizen communication on any such item. The mayor shall close citizen input once each citizen has been given an opportunity to

speaking, or earlier if moved and approved by a majority vote, or if all views have been heard.

(2) Staff Input. After the close of citizen input the mayor shall permit the city staff, sponsor or committee appointed to review the item to provide information and permit discussion on the agenda item.

(3) Motion. Once the council has received input, the mayor shall request a motion on the agenda items posted for action. Any councilmember may make a motion. If the motion receives a second, then the mayor shall open the matter for discussion among the councilmembers. The councilmember may ask questions and discuss among themselves; however, no citizen shall be permitted to address the council except in response to a specific question. At the end of the discussion the mayor shall call for a vote. Each councilmember shall be permitted to vote. The agenda item is then closed. A majority vote of the councilmembers present shall be required to approve or reject action on any agenda item. The failure of any item to obtain a majority vote shall be a rejection of such request or item.

(4) There may be an item that in the best interest of the city that should be tabled for more consideration and input from the citizens. The mayor or any councilmember may make this recommendation on any item that councilmember or the citizens are still concerned about. Any councilmember may make an appropriate motion that is passed by a majority vote to table, send to committee or call for a workshop, or continue any such item indefinitely or to a future meeting.

(d) Disorderly Conduct. The presiding officer of each meeting shall ensure the orderly conduct of each meeting. No person shall be permitted to cause disruption of the orderly process of the meeting. Any person speaking out of turn, raising his or her voice, or otherwise acting disruptive in the council chambers shall be called to order by the presiding officer. If the person continues to conduct him or herself in a disruptive manner the presiding officer or any councilmember may call a point of order and request a vote of the council to eject the disruptive person from the meeting. Only by majority vote of council may the disruptive person be ejected. Those persons being ejected may be escorted out of the council chambers by the chief of police or any officer of the police department. Any member of council being ejected for disruptive behavior shall be counted as absent for the meeting; although any actions and votes already taken at the time of ejection shall remain unchanged. During open meetings, the council chambers are hereby declared a public place and persons acting disorderly may be charged under the penal code for acts arising to violations of the penal code.

(Ordinance 05-12-15-01, sec. 3, adopted 12/15/05)

Sec. 1.334 Emergency Meetings and Agenda Items

The following requirements shall apply to the notice requirements for an emergency meeting or the addition of an emergency item to the agenda:

- (1) In an emergency or when there is an urgent public necessity, the notice for the meeting, or the supplemental notice for a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this division, is sufficient if it sets forth the subject matter and is posted for at least two hours before the meeting is convened.
- (2) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:
 - (A) An imminent threat to public health or safety; or
 - (B) A reasonably unforeseeable situation that requires immediate action.
- (3) The notice shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.
- (4) A person who is designated or authorized to post notice of a meeting by a governmental body under this article shall post the notice taking at face value the stated reason for the emergency or urgent public necessity.

(Ordinance 05-12-15-01, sec. 4, adopted 12/15/05)

Rules of Order and Procedure from TML's Handbook for Mayors and Councilmembers (2015 Edition)

Recognizing that every legislative body needs a systematic way of conducting its business, many city councils operate according to formal rules of order and procedure. Rules of order and procedure prevent confusion by establishing an organized process for conducting council meetings. Properly followed, they save time for all participants, while protecting the individual's right to participate fully.

The following provisions usually are included in rules of order and procedure:

- Designation of the time and location of regular meetings of the council, together with a description of procedures for calling special meetings;
- Procedures for placing items on a meeting agenda;
- Methods for compelling councilmembers to attend meetings;
- A description of the duties of the presiding officer at council meetings;
- A description of the parliamentary rules under which the council will operate;
- Procedures for introducing and voting on ordinances, resolutions, and other items;
- The order of business the council will follow at each meeting, and
- A ranking of motions by order or precedence, which motions may or may not be debated, and so on.

Although most city councils use *Robert's Rules of Order* to conduct their meetings, some have adopted their own local rules. *Robert's Rules of Order* may be appropriate for some cities, but is often too cumbersome for others. State law is silent with regard to this matter; so, unless your city charter provides otherwise, any standard rules that are reasonable and consistently followed are acceptable.

The following two sections briefly describe motions and debate rules that are fairly common.

Motions

A motion is simply a vehicle for initiating action on a proposal. Some types of motions can be brought up and voted on at any time, while others are out of order at certain times. Certain motions outrank others. Some motions require a second, others do not. Knowing the difference between the various types of motions and when to use them is a first step in taking an active part in passing or defeating measures before the council.

A main motion is used to initiate the consideration of a new item of business. After being seconded, a main motion is subject to being debated, amended, tabled, or withdrawn before a final vote is taken.

Any councilmember making a main motion may, prior to receiving a second, withdraw or change it. If the motion has been seconded, approval of the person who seconded it is required in order for the

maker of the motion to change or withdraw it, unless another councilmember objects, in which case the change or withdrawal must be voted upon.

A new main motion cannot be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.

A secondary motion is used to propose an action on a main motion being debated by the council. Examples of secondary motions include the following:

- [1] Motion to table the main motion; that is, lay it aside and go on to the next item on the agenda.
- [2] Motion to request that discussion cease and that the main motion be voted upon; that is, moving the previous question.
- [3] Motion to limit discussion to a fixed amount of time.
- [4] Motion to postpone action on the proposal until some definite time in the future.
- [5] Motion to refer the proposal to a committee.
- [6] Motion to amend the main motion.
- [7] Motion to postpone action on the proposal to an indefinite future time.

These examples of secondary motions are listed in the order of their rank. Therefore, if the council is debating Councilmember X's motion that the item under consideration be referred to a committee, and Councilmember Y moves to table the main motion, debate would cease until Councilmember Y's higher-ranking motion is voted upon.

A privileged motion is used to bring procedural questions before the council, such as whether the council should recess or adjourn. Unlike other motions, privileged motions do not require a second in order to be considered.

A privileged motion can be offered at any time, without regard to any other motion pending before the council, and must be decided before the council returns to the other business under discussion. Therefore, a motion to adjourn, if made while a main motion is before the council, must be decided before the main motion is considered any further.

Some privileged motions are more privileged than others. This is the usual order of their importance:

- [1] Motion to set the time and place of the next meeting.
- [2] Motion to fix the time of adjournment.
- [3] Motion to adjourn.
- [4] Motion to recess.
- [5] Motions on questions of privilege.
- [6] Motion to keep the meeting to the agreed order of business.

Thus, during consideration of a main motion, a privileged motion might be made to adjourn. But before the question is called on the motion to adjourn, another higher-ranking privileged motion might be made to set the time and place of the next meeting.

Debate

Motions are usually classified three ways: (1) undebatable motions; (2) privileged motions upon which limited debate is permitted; and (3) fully-debatable motions. Undebatable motions involve procedural questions that can be resolved without discussion, such as tabling a main motion, moving the previous question, restricting further discussion of a main motion to a fixed number of minutes, postponing action, or referring an item under discussion to a committee. [See items (1) through (7) under "secondary motions."] After an undebatable motion is offered, the presiding officer must immediately take a vote, without discussion.

Privileged motions upon which limited debate is permitted include setting the time of the next meeting and others listed among items (1) through (6) under "privileged motions." Any discussion of a privileged motion must be addressed to the motion itself. A motion to fix the time for adjourning the council meeting, for example, might require limited debate as to the advisability of such a decision, but other points of discussion would be out of order.

Fully-debatable motions are subject to unlimited discussion prior to a decision.

One of the most important principles of debate is that councilmembers' statements be directly relevant to the item under consideration. Councilmembers recognized by the mayor are given the floor only for the purpose of discussing the item then pending, and they are out of order if they depart from that item.

"Debate" can easily evolve into statements of personal philosophy. Interesting though they may seem to the speaker, such departures do not belong in a council meeting. Meandering can be controlled by limiting councilmembers to one speech per agenda item or by restricting the length of their speeches. (Robert's Rules of Order sets an arbitrary limit of 10 minutes for each such speech.) A more difficult alternative is to impose limits on the number of minutes that will be allotted for a given agenda item.

Role of the Mayor as Presiding Officer

The mayor, as presiding officer, has the primary responsibility for ensuring that the council's rules of procedure are followed and for maintaining the dignity of council meetings. The mayor calls the meeting to order and confines the discussion to the agreed order of business. He or she recognizes councilmembers for motions and statements and allows audience participation at appropriate times. The mayor sees to it that speakers limit their remarks to the item being considered and, as necessary, calls down people who are out of order.

Proper performance of these functions requires that the mayor know parliamentary procedure and how to apply it. The mayor must recognize that parliamentary procedure is a tool, not a bludgeon—that is used to ensure that the will of the majority prevails while the right of the minority to be heard is protected.

In addition to fulfilling the duties of the presiding officer, the mayor should be familiar with legal requirements imposed by state law. This involves knowing which actions are required on ordinances,

when extraordinary council votes are required, and when a time element—such as the deadline for giving notice of a city election—is important. The city attorney can help with these matters, but if the mayor knows the basics, time can be saved and illegal or incomplete actions prevented.

Presiding effectively at a council meeting is an art that no book can fully teach. The tactful presiding officer knows how to courteously discourage councilmembers who talk too much or too often, and how to encourage shy councilmembers who are hesitant to speak at all.

Councilmembers' remarks should always be directed to the chair. Even when responding to questions asked by another councilmember, he or she should begin by saying, "Mayor, if you will permit me. . ." and wait for recognition from the chair before proceeding. This helps avoid the spectacle of two councilmembers haggling over an issue that is of little interest to their council colleagues.

In addition to maintaining order and decorum at council meetings, the mayor must see to it that all motions are properly dealt with as they arise. The mayor must recognize the councilmember offering the motion, restate the motion, present it to the council for consideration, call for the vote, announce the vote, give the results of the effect of the vote, and then announce the next order of business.

In some cases, the mayor might refuse to allow a councilmember to offer a motion, even though it is in order, either because of unfamiliarity with parliamentary procedure or because of personal opposition to the proposed action. The mayor's refusal to allow a motion to be considered is subject to appeal, as are all of the mayor's decisions regarding procedures. A simple majority vote is all that is required to overrule the mayor's decision on procedural issues. If the decision of the chair is sustained, no further action is taken; but if the decision of the chair is overruled by the council, the council goes forward with the discussion of the motion or other matters before it.

On rare occasions, the mayor, in the heat of the moment, may rule that an appeal is out of order, or even declare the meeting adjourned. Both rulings are improper. A meeting cannot be summarily adjourned by the mayor. If an appeal from the decision of the chair is made immediately following the ruling, it is not out of order. If the mayor refuses to honor the appeal, the person making the appeal could then state the question, suggest limited debate, and then put the question to a vote.



AGENDA ITEM

City of Lago Vista

To: **Council Meeting:**

From:

Subject:

Request: **Legal Document:** **Legal Review:**

EXECUTIVE SUMMARY:

Attachments:

1. Board/Committee/Commission Matrix as outlined in the City's Code of Ordinances.

The matrix includes individual boards and committees, duties and responsibilities, meeting dates and times, assigned City Council Liaisons, and the department heads/ staff members responsible for overseeing and posting vacancies. At this time we are going to discuss potential liaisons to be appointed to each board, committee, or commission.

2. List of City appointed boards/commissions/committees members, their term expiration dates and City Council Liaisons.

3. List of Board and Committee Vacancies

4. Copy of the new procedure to fill appointed board and committee vacancies that was approved by the City Council at the September 17, 2015 Meeting. The following details have been provided on an information basis only. There is no necessary action to be taken at this time.

Currently, there are vacancies on the following appointed boards and committees:

- Board of Adjustments - 2 alternate vacancies**
- Building Committee - 2 regular vacancies**
- Building Committee - 2 alternate vacancies**

**Library Advisory Board - 1 regular vacancy
Golf Course Advisory Committee - 2 regular vacancies**

All vacancies have been submitted to the NorthShore Beacon for publication and posted on the City's Website, Twitter and FaceBook page. The deadline for applications to serve on boards or committees is November 30, 2015. Vacancies for which there are no applications will continue to be posted until applications have been received.

5. Copy of Boards & Committees Application

Impact if Approved:

Committees, boards and commissions will benefit by having input from their City Council Liaisons before voting on issues and making proposals to the Council. The Council will benefit from the liaison's being able to hear and participate in committee/board/commission meeting discussions.

Impact if Denied:

The City Council will hear comments and recommendations from committees, boards and commissions without the benefit of knowing more discussion details.

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Not applicable.

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Deny Item

Motion to:

Table Item

Known As:

Assignment of Council Liaisons

Agenda Item Approved by City Manager

Board/ Committee Commission	Duties	Meeting Date/Time	Council Liason (as of 11/03/15)	Staff Assigned
Airport Advisory Board	<ul style="list-style-type: none"> ● Inspect premises at reasonable hours where required in the discharge of its responsibilities. ● Formulate and recommend to the Council for its adoption of a comprehensive plan for the orderly growth and development of the Airport and its environs. ● Maintain working knowledge of legislation, conduct periodic studies, inspections and other analysis as well as any other unannounced inspections. ● Advise Council as to FAA rules and regulations. ● Receive any and all status reports of the management or lessors concerning damages, maintenance, traffic, facilities, building, rates and fees, and other reports as directed Council. 	Last Wednesday of odd months at 7:00 PM	Vacant	David Harrell
Board of Adjustment	<ul style="list-style-type: none"> ● The Board is charged with the responsibility of Variances to the zoning ordinance. ● Appeals of a decision by a municipal authority concerning the Building Code and the Zoning Ordinance. ● The Board also acts as the Airport Board of Adjustment under State law. 	1st Monday - as needed at 3:00 PM	Jason Shoumaker	David Harrell
Building Committee	<ul style="list-style-type: none"> ● The Committee provides recommendations to the Council concerning buildings, aesthetics, flood damage prevention, unsafe building, changes to the Sign Code, and sign variances. 	As needed	Vacant	David Harrell
Charter Review Committee	<ul style="list-style-type: none"> ● The Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and may require the submission of the City records necessary to review. ● The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments. 	1st Monday	Vacant	Vacant
Golf Course Advisory Committee	<ul style="list-style-type: none"> ● The committee shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise; authorize any expenditures out of the city's budget; hire, appoint or terminate staff; interfere with administrative or personnel affairs; nor create any other obligation on the part of the city. ● It shall be the function of the committee to advise the city council concerning the operation, marketing, policies, and programs of the city's municipal golf courses. ● The committee shall make a semi-annual report to the city council on the status of the golf courses in December and June and shall include in the report a summary of its activities for the past six months and proposed program for the next six months. 	2nd Tuesday each month at 6:00 PM	Vacant	Eric Cupit

Board/ Committee Commission	Duties	Meeting Date/Time	Council Liason (as of 11/03/15)	Staff Assigned
Keep Lago Vista Beautiful	<ul style="list-style-type: none"> ● The board shall recommend policies related to community improvement with a focus in the areas of beautification, litter prevention, recycling and waste reduction. ● The board shall also develop, promote and implement programs in accordance with Keep Texas Beautiful guidelines and initiatives. 	2nd Thursday each month at 3:00 PM	Jason Shoumaker	Laura Fowler & James LeBlanc
Library Advisory Board	<ul style="list-style-type: none"> ● The board shall serve in the capacity of a citizen's advisory committee to the city council regarding matters of library policy. ● The board may promote the library's programs and services in the city and the surrounding community. ● The board may not authorize any expenditures out of the city budget; hire, appoint or terminate staff; interfere in administrative or personnel affairs; nor create any other obligation on the part of the city. 	Quarterly at 9:00 AM	Vacant	Jan Steele

Board/ Committee Commission	Duties	Meeting Date/Time	Council Liason (as of 11/03/15)	Staff Assigned
Park & Recreation Committee	<ul style="list-style-type: none"> ● With the permission of the city manager or his/her designee, members of the committee may inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the state and of the city. ● Formulate and recommend to the city council for its adoption a comprehensive plan for the orderly development of the parks and park-related facilities within the city and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the development of park and park-related facilities within the city. ● Formulate a plan as may be deemed best to carry out the goals of the comprehensive master plan for park facilities; hold public hearings and make recommendations to the city council relating to the addition, modification or acquisition of parkland or park facilities. ● Exercise all the powers of a committee as to recommend to the city council the approval or disapproval of proposals submitted to the committee for consideration. ● Study and recommend on the location, extension and planning of parks or park-related facilities and on the vacating or closing of same. ● Keep itself informed with references to the progress on the development of park and park-related facilities within the city. In the course of performing its duties the members of the committee shall take into consideration the availability of existing and future funding for park and park-related facilities and the city's ability to fund ongoing operation and maintenance expenses for such park facilities. ● The members of the committee shall refrain from involvement in the day-to-day activities and management of city park and recreation facilities and programs and shall direct all questions and comments in that regard to the city manager or his/her designee. ● The members of the committee shall refrain from contacting or participating in the discussion of parkland dedication issues with developers, builders and property owners, vendors or their agents who are engaged in negotiations and/or discussions with the city regarding developments, parkland dedications, property acquisition or similarly related matters. 	As Needed	Vacant	Laura Fowler

Board/ Committee Commission	Duties	Meeting Date/Time	Council Liason (as of 11/03/15)	Staff Assigned
Planning & Zoning Commission	<ul style="list-style-type: none"> ● Act as an advisory board to the Council with respect to the planning, use, and development of land and related matters as provided by ordinance. ● Recommend a comprehensive master plan, including any changes, plans land use and the physical development of the City and its ETJ. ● Recommend zoning, subdivision and other land use and development ordinances including changes, recommend the zoning and rezoning of land, amendments to the zoning map, and the land use and services planning map for the ETJ. ● Study and consider proposed subdivision plats and plans. ● Recommend capital improvement plans and programs and annexation plans in connection with the comprehensive plan. ● Act as the Airport Zoning Commission and Impact Fee Advisory Committee under State law. 	2nd Thursday each month at 7:00 PM	Vacant	David Harrell

**BOARDS/COMMISSIONS/COMMITTEES
CITY OF LAGO VISTA**

BOARD OF ADJUSTMENT

TERM EXPIRES

(meets 1st Monday of every month @ 3:00 PM)

Michael Hurosky (512-267-3493) Chairperson (Reg. Place 2)	January 1, 2016
Bill Selph (512)589-5176) Reg. Place 5	January 1, 2017
Michael Gray (512-784-7575) (Chair) Reg. Place 4	January 1, 2016
Bob Graff (512-276-2963) Reg. Place 1	January 1, 2017
Jim Speckmann (512-267-0076) Reg. Place 3	January 1, 2017
VACANT Alt.	January 1, 2016
VACANT Alt.	January 1, 2016
<i>City Council Liaison – Jason Shoumaker</i>	

PLANNING AND ZONING COMMISSION

(meets 2nd Thursday of every month @ 7:00 p.m.)

Tara Griffin, Chairperson (512-659-1074)	January 1, 2016
Vernon Reher (vernon@casawatchers.com)	January 1, 2017
Gary Zaleski (512-267-5430)	January 1, 2016
Paul Smith (512-267-7665)	January 1, 2016
Jim Moss (512-267-1801)	January 1, 2016
Richard Brown (512-296-2618)	January 1, 2017
Andy White (awhite.pandz@gmail.com)	January 1, 2017
<i>City Council Liaison – Dale Mitchell</i>	

BUILDING COMMITTEE

(meets as needed)

Vernon Reher (vernon@casawatchers.com)	January 1, 2017
VACANT Reg.	January 1, 2017
VACANT Reg.	January 1, 2017
Mike Beal (512-906-1454) Reg.	January 1, 2016
Hugh Scott Cameron (512-267-7871) Reg.	January 1, 2016
VACANT Alt.	January 1, 2017
VACANT Alt.	January 1, 2016
<i>City Council Liaison –</i>	

AIRPORT ADVISORY BOARD

(meets last Wednesday of odd months 7:00 p.m.)

Don Barthlow, Chairperson (512-633-6877) Reg.	January 1, 2017
**Jim Orr (512-267-3263) Vice Chair	January 1, 2016
Baron Carter (512-267-0286) Reg.	January 1, 2016
Kris Dehnel (512-554-3383) Secretary	January 1, 2016
Linda Bush (818-899-5974) Alt.	January 1, 2016
Michael Hurosky (512-267-3493) Regular	January 1, 2017
VACANT Alt.	January 1, 2017
<i>City Council Liaison –</i>	

LIBRARY ADVISORY BOARD

(meets once every quarter)

Peggy Gibson (512-267-3663)	January 1, 2017
Michael Zaydel (mzaydel1@austin.rr.com)	January 1, 2017
Sharon Macut (sharonmacut@gmail.com) Chair	January 1, 2017
Dan Olson (512-267-2374) Vice Chair	January 1, 2016
Gerald Evans (512-267-0979)	January 1, 2016
Sheryl Speckmann (512-267-0076)	January 1, 2016

VACANT

City Council Liaison – Dale Mitchell

GOLF COURSE ADVISORY COMMITTEE

(meets 2nd Tuesday of every month at 6:00 p.m.)

**Kevin Sullivan (512-698-5517) Chair	December 31, 2015
Kevin Jackson (512-573-2041) Vice Chair	December 31, 2016
Frank Robbins (512-428-5361) Secretary	December 31, 2016
Jim Speckmann (512-267-0076)	December 31, 2016
Pat Albus (512-788-2301)	December 31, 2016
“Chip” Hamilton (512-723-1595)	December 31, 2015
**Betty Houghton (512-267-4319)	December 31, 2015

City Council Liaison –

KEEP LAGO VISTA BEAUTIFUL BOARD

(meets 2nd Thursday of every month at 3:00 p.m.)

Frank Robbins (512-428-5361) - Chair	January 1, 2017
Don Fehernbach (852-541-1140) - Secretary	January 1, 2017
Glen Overton (512-267-1535)	January 1, 2017
Gordon Stokes (512-267-7520)	January 1, 2017
Sherilyn Beal (512-906-1454) – Vice Chair	January 1, 2016
Tom Roznowski (512-267-1484)	January 1, 2016
Mike Leitko (mikeleitko@yahoo.com)	January 1, 2016

City Council Liaison – Jason Shoumaker

****NAMES HIGHLIGHTED IN YELLOW ASKED NOT TO BE REAPPOINTED!**

Board and Committee Vacancies

The City of Lago Vista is accepting applications for vacant seats on five of its boards and committees. Currently there are openings on the [Board of Adjustments](#), [Building Committee](#), [Library Advisory Board](#), and [Golf Courses Advisory Committee](#).

The following City Boards / Committees need members:

BOARD	VACANCIES	POSITION	CONTACT
Board of Adjustments	2	Alternate	David Harrell dharrell@lago-vista.org 512-527-3540
Building Committee	2	Regular	David Harrell dharrell@lago-vista.org 512-527-3540
Building Committee	2	Alternate	David Harrell dharrell@lago-vista.org 512-527-3540
Library Advisory Board	1	Regular	Jan Steele jsteele@lago-vista.org 512-267-3868
Golf Course Advisory Committee	2	Regular	Eric Cupit ecupit@lago-vista.org 512-267-1170

Applications concerning the Board of Adjustment and Building Committee can be delivered directly to Development Services at City Hall located at 5803 Thunderbird St. Any applications concerning the Library Advisory Board can be delivered directly to the Library at 5803 Thunderbird St., Suite 40. Any applications concerning the Golf Course Advisory Committee can be delivered directly to the Lago Vista Golf Course at 4616 Rimrock Dr. All applications received by Staff shall be copied and given to the City Secretary to maintain a master file for the City.

Any question concerning applications should be directed to the contacts listed above.

Procedure for Handling Board/Committee/Commission Vacancies

Department heads will be in charge of monitoring the terms of their individual members and will notify them when their terms are about to expire. They will keep the City Manager and City Secretary informed of the process.

Name of Appointed Board	Responsibility
Planning & Zoning Commission (Impact Fee Advisory Committee)	Development Services
Board of Adjustment	Development Services
Building Committee	Development Services
Airport Advisory Board	Development Services
Keep Lago Vista Beautiful	Public Works
Parks and Recreation Advisory Board	Public Works
Library Advisory Board	Library
Golf Course Advisory Committee	Golf

Instructions for filling vacancies

1. Department Head makes listing of vacancies on the applicable appointed boards or committees.
2. Write up a list of vacancies to advertise for 30 days.
3. Email vacancy details to Chris Martinez to post on City website, Facebook, and Twitter; also send e-mail to Sherry McCurdy to post on City Sign. A vacancy description at minimum, should state name of the Board or Committee, final date of acceptance of applications, a copy of the application (see attachment), and the number and type (i.e. regular or alternate) of members to be filled. Copy the City Manager on these e-mails.
4. Send e-mail to the North Shore Beacon for advertising on their online news site at TheNorthShoreBeacon@gmail.com. A vacancy description at minimum, should state name of the Board or Committee, final date of acceptance of applications, a copy of the application (see attachment), and the number and type (i.e. regular or alternate) of members to be filled. Copy the City Manager on these e-mails.
5. If no applications have been received, repeat steps 1-4. If there are applications at the end of the advertising period, begin writing the City Council staff report and gathering applications to submit. The report and applications should be emailed to the City Manager with a copy to the City Secretary. The staff report should summarize the information and provide a recommendation to Council on whom to appoint.

**CITY OF LAGO VISTA
APPLICATION FOR BOARDS, COMMISSIONS, AND COMMITTEES**

Name	Address	City, State, Zip
-------------	----------------	-------------------------

Home phone:	Cell phone:	Business phone:
--------------------	--------------------	------------------------

Email address: _____

Education* _____

Employment* _____

Areas of Interest* _____

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee.*

Position(s) desired (Please indicate your choice in order of preference by placing a 1, 2, 3... in the blank beside the position you're interested in.)

- | | |
|---|---|
| _____ Board of Adjustments | _____ Airport Advisory Board |
| _____ Planning & Zoning Commission/
Impact Fee Committee | _____ Library Advisory Board |
| _____ Roads & Grounds Committee | _____ Parks and Recreation Advisory Committee |
| _____ Building Committee | _____ Golf Course Advisory Committee |
| _____ Keep Lago Vista Beautiful Board | _____ Charter Review Committee |

*You may attach additional sheets if necessary.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: December 3, 2015

From: Melissa Byrne Vossmer, City Manager

Subject: Discussion Concerning the City Council Meeting Schedule

Request: Other Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

The City Council is only scheduled to meet once a month on the 3rd Thursday. Any other meetings the Council may have are Special Meetings. - sometimes referred to as Worksessions and Town Hall meetings. Since January 1, 2015 there have been fifteen Special Meetings in addition to the eleven regularly scheduled meetings and two Town Hall meetings for a variety of purposes. This means the Council has met twenty-eight times since January 1. These purposes include budget discussions and budget adoption, acquisition of property, legal issues, financing of projects and special projects such as moving through the water / wastewater rate review as well as normal business items.

Over the course of the last year, the Regular Council agendas with the numerous and frequently lengthy Executive Sessions have created a less than desirable environment for Council to have adequate time to discuss issues before they come to the Council for action. Each Council agenda includes a section referred to as Work Session but Council has not really utilized this time for a true worksession purpose and discussion in most instances due to the agenda. Though the numerous Executive Sessions may be a thing of the past, looking to provide a forum for worksession type items is highly desirable from the Staff perspective. This provides the opportunity for Council to have the discussion it desires and not curtailed to get through the agenda.

In the coming months, there are a variety of business items that lend themselves to a focused discussion before considering Council action. These include but are not limited to: Subdivision Ordinance Update; Sign Ordinance Update; Update to the Water / Wastewater Rate Study; Council Strategic Planning Session for FY16/17

Budget; Comprehensive Plan discussions; FY16/17 Budget; Airport Master Plan; and, 5-Year CIP and CIP updates to name a few.

In addition, from development friendly perspective, having two meetings a month allows development related activities to move forward in a timely manner such as items coming forward from Planning and Zoning Commission (P & Z) or the Board of Adjustments. In addition, if the City is working with a developer and a PDD needs review and / or approval or a Development Agreement (DA) is required, two meetings a month allows those items to move forward as well in a timely manner.

The purpose of this item on the agenda is to provide an opportunity for Council to consider the meeting scheduled in the coming months. If the Council wanted to meet twice a month, a schedule is attached that reflects those meeting dates.

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

2016 COUNCIL MEETING DATES

Type of meeting	Time	Date
Regular Council meeting	6:30 P.M.	December 17, 2015
Council meeting	6:30 P.M.	January 7, 2016
Regular Council meeting	6:30 P.M.	January 21, 2016
Regular Council meeting	6:30 P.M.	February 4, 2016
Comprehensive Master Plan (TH)	TBD	February 17, 2016
Regular Council meeting	6:30 P.M.	February 18, 2016
Regular Council meeting	6:30 P.M.	March 3, 2016
Regular Council meeting	6:30 P.M.	March 17, 2016
Regular Council meeting	6:30 P.M.	April 7, 2016
Regular Council meeting	6:30 P.M.	April 21, 2016
Regular Council meeting	6:30 P.M.	May 5, 2016
Regular Council meeting	6:30 P.M.	May 19, 2016
Regular Council meeting	6:30 P.M.	June 2, 2016
Regular Council meeting	6:30 P.M.	June 16, 2016
Regular Council meeting	6:30 P.M.	July 7, 2016
Regular Council meeting	6:30 P.M.	July 21, 2016
Regular Council meeting	6:30 P.M.	August 4, 2016
Regular Council meeting	6:30 P.M.	August 18, 2016
Regular Council meeting	6:30 P.M.	September 1, 2016
Regular Council meeting	6:30 P.M.	September 15, 2016
Regular Council meeting	6:30 P.M.	October 6, 2016
Regular Council meeting	6:30 P.M.	October 20, 2016
Regular Council meeting	6:30 P.M.	November 3, 2016
Regular Council meeting	6:30 P.M.	November 17, 2016
Regular Council meeting	6:30 P.M.	December 1, 2016
Regular Council meeting	6:30 P.M.	December 15, 2016



AGENDA ITEM

City of Lago Vista

To: **Council Meeting:**

From:

Subject:

Request: **Legal Document:** **Legal Review:**

EXECUTIVE SUMMARY:

Walker Partners retained Winton Engineering in June, 2015 to perform a limited inspection and structural analysis of the City's Wastewater Treatment Plant. Jim Winton will present the findings of his report and answer any questions regarding his findings and recommendations. In short he found the structure is deficient, but not likely to suddenly collapse. The report recommends actions that may be taken to extend the life of the structure to 50 years or so, the normally anticipated life of a well designed concrete structure.

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager



WINTON

ENGINEERING

"Turning Ideas into Reality"

- **Lago Vista Waste Water Treatment Plant**

- Seminole Drive
- Lago Vista, Texas 78645

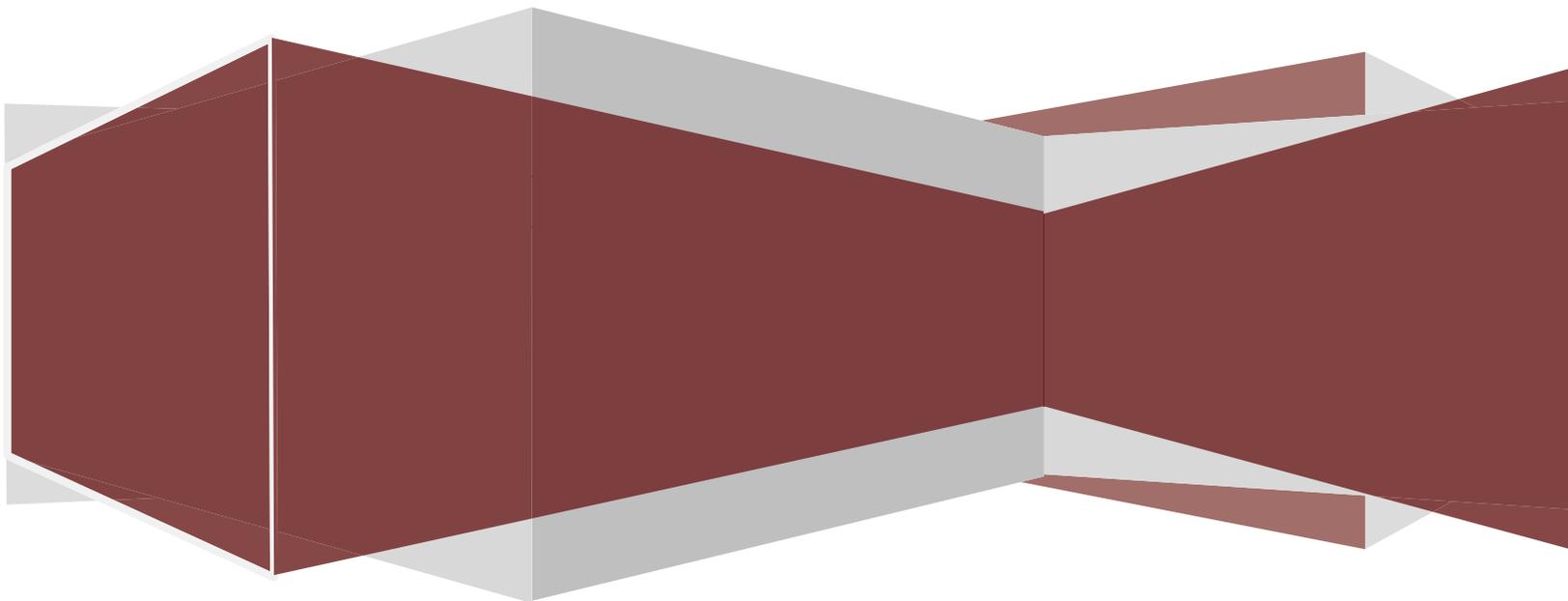
- **City of Lago Vista, Texas**

- 5803 Thunderbird St.
- Lago Vista, Texas 78645

- **WE Project No. 2015-033**

- **November 18, 2015**

Structural Observation Report





TBPE Firm F-282

WINTON

ENGINEERING

"Turning Ideas into Reality"

November 18, 2015

City of Lago Vista
5803 Thunderbird St.
Lago Vista, Texas 78645
Attn: Ms. Mellissa Byrne Vossmer, City Manager

Re: Structural Observation Report
Lago Vista Wastewater Treatment Plant
WE Project No. 2015-033

Dear Ms. Vossmer:

Winton Engineering, Inc. is pleased to submit the attached structural observation report for the Lago Vista Wastewater Treatment Plant. This report was authored by and prepared under my direct supervision.

Please feel free to call if you have any additional comments or questions regarding the report.

Sincerely,

WINTON ENGINEERING, INC.

TBPE Firm No. F-282

Jim Winton, PE
President

Cc: File 02



WINTON

ENGINEERING

“Turning Ideas into Reality”

TBPE Firm F-282

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	ii. RISA3D	
	1. Aeration Moment Maps – Operating Conditions	
	2. Clarifier Moment Maps – Operating Conditions	

INTRODUCTION

GENERAL INFORMATION

- Date of primary observation: July 7, 2015
- Time of primary observation: 10:00 AM
- Weather: Party Cloudy, 80° F
- Present during observation: Dave Stewart, City of Lago Vista
Jim Winton, PE, Winton Engineering
Neil Kasper, EIT, Winton Engineering
John Wooley, PE, Balcones Geotechnical, PLLC
- Testing performed: Ground Penetrating Radar (GPR) Scans
Concrete Core Sampling
Photographic Survey of Existing Cracks
- Documentation available: Signed Construction Plans
Prepared by Haynie Consulting, Inc.
Dated 9/27/00 and 10/10/00

AUTHORIZATION/ PURPOSE

On behalf of the City of Lago Vista, Winton Engineering was requested to perform a structural evaluation of the existing City of Lago Vista waste water treatment plant located off Seminole Drive in Lago Vista, Texas. Mr. Gary Graham of Walker Partners, Engineers authorized the assessment.

The purposes of the assessment were to review the existing structure and any available plans in order to:

- Identify structural concerns of the owner,
- Evaluate the adequacy of the original structural design,
- Determine the present structural state of the facility, and if applicable,
- Suggest potential remediation work that can be completed in order to increase the usable life of the facility.

OVERVIEW

Plans for the City of Lago Vista wastewater treatment plant were completed in September/October of 2000, and after permitting issues were resolved, the facility was constructed in 2003. According to information obtained in

discussions with City of Lago Vista representatives, modifications to the original design were made during construction. In general, the elevation of the structure was raised higher above grade than originally planned due to difficulty in excavating the onsite materials.

Shortly after construction, cracks in the containment walls began to develop. In April of 2004, structural modifications were made to address the containment wall cracking. During interviews for this report, city representatives indicated that some of the 2004 repairs, particularly steel supports installed inside the aerobic digester, had since failed.

City personnel expressed concerns that cracks were continuing to develop, and as plans for expansion of the facility were considered, questioned the future use and reliability of the existing structure. Winton Engineering was engaged, through Walker Partners, to provide a structural assessment.

A site inspection was performed by Winton Engineering on July 7, 2015. The assessment included visual and photographic documentation of the existing conditions and cracking, concrete core testing to determine the strength of the existing concrete, and ground penetrating radar (GPR) testing to determine the spacing of the steel rebar in the concrete.

With that information and the original plans, portions of the facility were simulated through the use of structural analysis software to determine the current structural state of the facility.

The results of the analysis indicate that portions of the structure were originally overstressed under operating conditions, primarily in the areas where repairs were undertaken. Results also indicated that in other areas, where the facility was designed in general accordance with the strength requirements of ACI-318: *Building Code Requirements for Structural Concrete*, the durability requirements of ACI 350: *Code Requirements for Environmental Engineering Concrete* were not met.

At the time of observation we found no evidence of any immediate danger of structural failure. We believe there are valid concerns regarding long term durability of the structure; however, both the remaining structural issues and the durability issues can be addressed without abandoning the facility.

OBSERVATIONS

PROPERTY DESCRIPTION

- Address: Seminole Drive
Lago Vista, Texas 78645
- Date of Construction: 2003
- Composition: Reinforced Concrete Slab and Walls

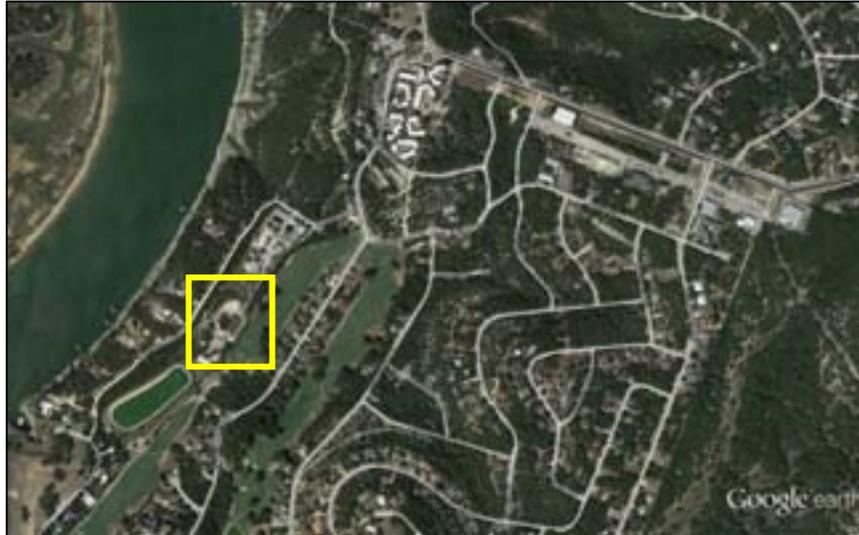


Figure 1 - Map View



Figure 2 - Elevation

OBSERVATION METHODS

Initial observations included an on-site meeting with Mr. Gary Graham of Walker Partners to review the project and discuss the concerns of the city. Mr. Dave Stewart, Director of Public Works, was also available to provide background information on the original plant construction, the previous repairs, and the continued issues and concerns.

A visual observation of the Wastewater Treatment Plant was made. The observation included the entire exterior perimeter of the facility as well as the interior surface of the walls visible from the catwalk. Observations were unable to be conducted along the interior of the facility below the operating water level.

Testing to determine the spacing of steel reinforcing and the strength of concrete was performed by Balcones Geotechnical of Austin, Texas.

Photographic documentation of the observed conditions was made, and is partially included in an attachment to this report. Additional photos are on file in our office records.

No existing construction was removed or destroyed during the observations, other than the concrete corings referenced in the Testing section of this report.

Sealed plans of the original construction dated 9-27-2000, prepared by Haynie Consulting, Inc. and sealed by Timothy E. Haynie were provided. The plans were not marked as "record" or "as-built" copies.

A partial bid package for retrofit repairs in 2004 to the facility was provided. The package contained the agreements and front-end specifications for the work, as well as a general description, and technical specifications for the concrete, steel and fiberwrap materials, but no plans or details were included.

No geotechnical report for the facility was available. The Haynie plans include a general reference to a soils report in the construction methods notes on sheet 2, but no specific report or geotechnical firm is identified.

No submittals, field observation notes, soil compaction reports, concrete tests or similar data from the time of construction was available.

Previous record photographs of the cracks, taken by others, were not available.

OBSERVATION NOTES

The following observations were noted during the site visit and on-site interviews:

History

1. The facility was designed by Haynie Consulting, Inc. in 2000. The contractor was not identified.
2. No record of a geotechnical report was known.
3. No records of any field observations or materials testing during construction were known.
4. According to city personnel, the facility was originally intended to be recessed further into the grade.
5. There was discussion with one source that indicated the walls may not have been reinforced according to the original plans.
6. During construction, the contractor experienced difficulties in excavating the site and requested to raise the design elevation. (Note that finished grades observed during our observations appeared to agree with the grading plans provided in the Haynie plans.)
7. Cracks in the walls began occurring soon after construction.
8. Plans for structural repairs were prepared in December of 2003 and repairs were undertaken in April of 2004. Repairs included:
 - a. Installation of four interior concrete stiffener walls at the chlorine contact basin.
 - b. Installation of concrete column buttresses along the aerobic digester and aeration basins.
 - c. Installation of five steel tieback buttresses inside the aerobic digester basin.
 - d. Installation of fiberwrap reinforced epoxy composite materials per Delta Structural Technology design to the walls of the clarifier and the aerobic digester and aeration basins.
9. At the time of observation, the steel tieback buttresses were not visible due to the contents of the basin, but city personnel indicated the buttresses had failed and pulled loose from the bottom slab.
10. Based on visual differences in the fiber wrap material, it was theorized that a second application of material may have occurred at a later date. No records of the second application were found by city personnel.
11. City personnel indicated that additional cracks have appeared on each side of the 2004 fiberwrap repairs.
12. City personnel indicated that record photographs of the cracks were lost on a crashed hard drive.

Plan Review

13. Original plans were prepared by Haynie Consulting, Inc. of Round Rock, Texas and sealed by Timothy E. Haynie, Texas Professional Engineer License #36982.
14. Plan notes indicated the facility was designed in accordance with ACI 318-83.
15. Concrete was specified to be minimum strength of 3,000 psi.
16. Steel reinforcing was specified to be minimum strength of 60 ksi.
17. A temperature reinforcement chart was provided on sheet 12; however the chart stopped at a maximum concrete thickness of 9 inches.
18. Watertight joint details are provided on sheet 12. No spacing requirements were found on the plans.
19. Concrete cover requirements were found on sheet 2 and sheet 12. Minor differences were observed between the two locations.
20. Structural sections for the clarifier and the aeration and aerobic basins were found on sheet 13. Representative areas of the overall sections used for the purposes of this report and analysis are included as Figures 3 and 4.
21. The bid package provided for the retrofit repairs included specifications, but no plans or details.

Site Observations

22. Numerous cracks of varying length and width were noted and documented along all exterior walls of the wastewater treatment plant. A key plan and photographs are provided as an attachment to this report.
23. Cracks were observed to show signs of water seepage through the walls, and associated calcium deposits accumulating on the exterior surfaces.
24. Deposits were noted both on the surface of the bare concrete and on the surface of the carbon fiber wrap material.
25. It was noted that some of the cracks in the middle portions of the walls spanned the cross-section of the wall, and generally appeared to widen from the inside surface as they progressed to the exterior surface.
26. It was noted that the cracks in the corners of the clarifier widened as they progressed from the exterior to the interior.
27. Structural reinforcements in the forms of buttresses and carbon fiber wraps had been added to the external side of the facility walls. The location and approximate size of these repairs are indicated on sheets S1.1, S2.1, and S2.2 included as an attachment to this report.

APPROXIMATE TIMELINE

Date	Engineer	Contractor	Scope of Work
September 27, 2000	Timothy E. Haynie, P.E. Haynie Consulting, Inc.	NA	Plans for WWTP No. 2 sealed and submitted for approval.
December 4, 2003	Timothy E. Haynie, P.E. Haynie Consulting, Inc.	NA	Plans for Structural Retrofit of WWTP No. 2 issued.
December 22, 2003	NA	Excel Construction Services, LLC.	Bid for Structural Retrofit of WWTP No. 2 received.
April 15, 2004	NA	Excel Construction Services, LLC.	Agreement for Structural Retrofit of WWTP No. 2 signed by City.
July 7, 2015	Winton Engineering, Inc.	NA	Site assessment of existing structure conducted.

Wall section shown below has been taken from Section B-B on Sheet 13 of 46 of the "City of Lago Vista Wastewater Treatment Plant Expansion Project - 1.0 MGD Phase One" project, prepared by Haynie Consulting, Inc., and dated 9/27/00.

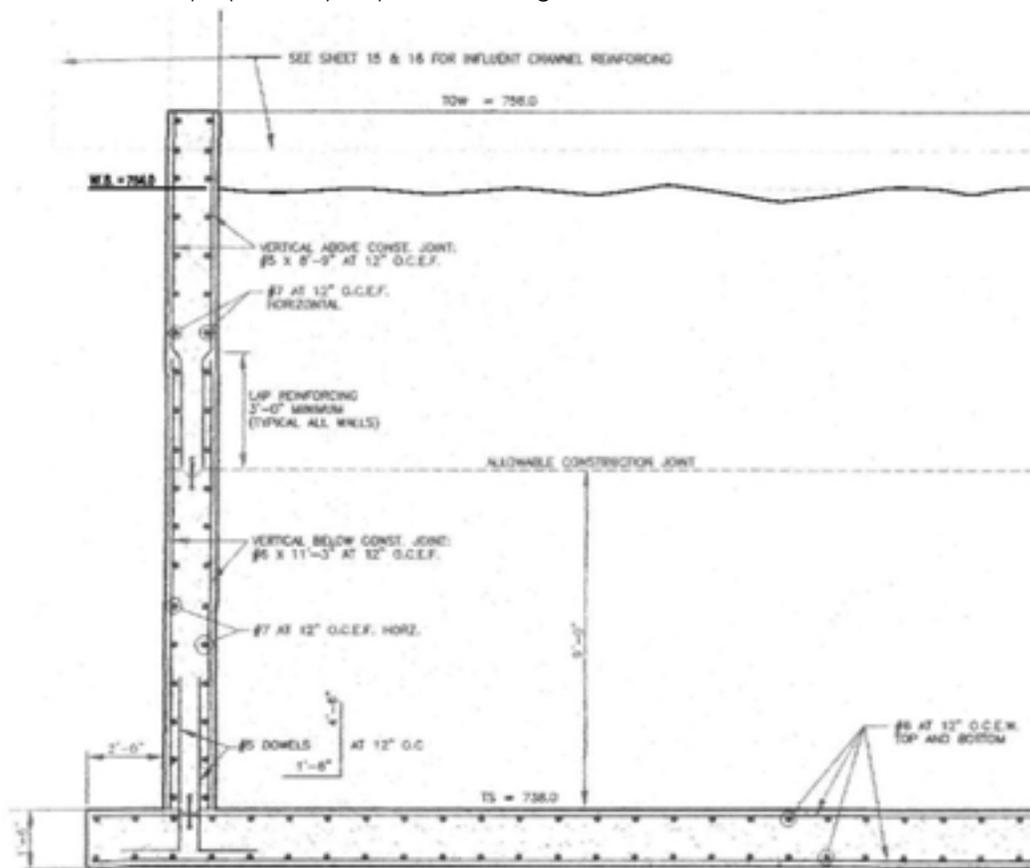


Figure 3 – Existing Aeration Basin Section

Wall section shown below has been taken from Section A-A on Sheet 13 of 46 of the "City of Lago Vista Wastewater Treatment Plant Expansion Project - 1.0 MGD Phase One" project, prepared by Haynie Consulting, Inc., and dated 9/27/00.

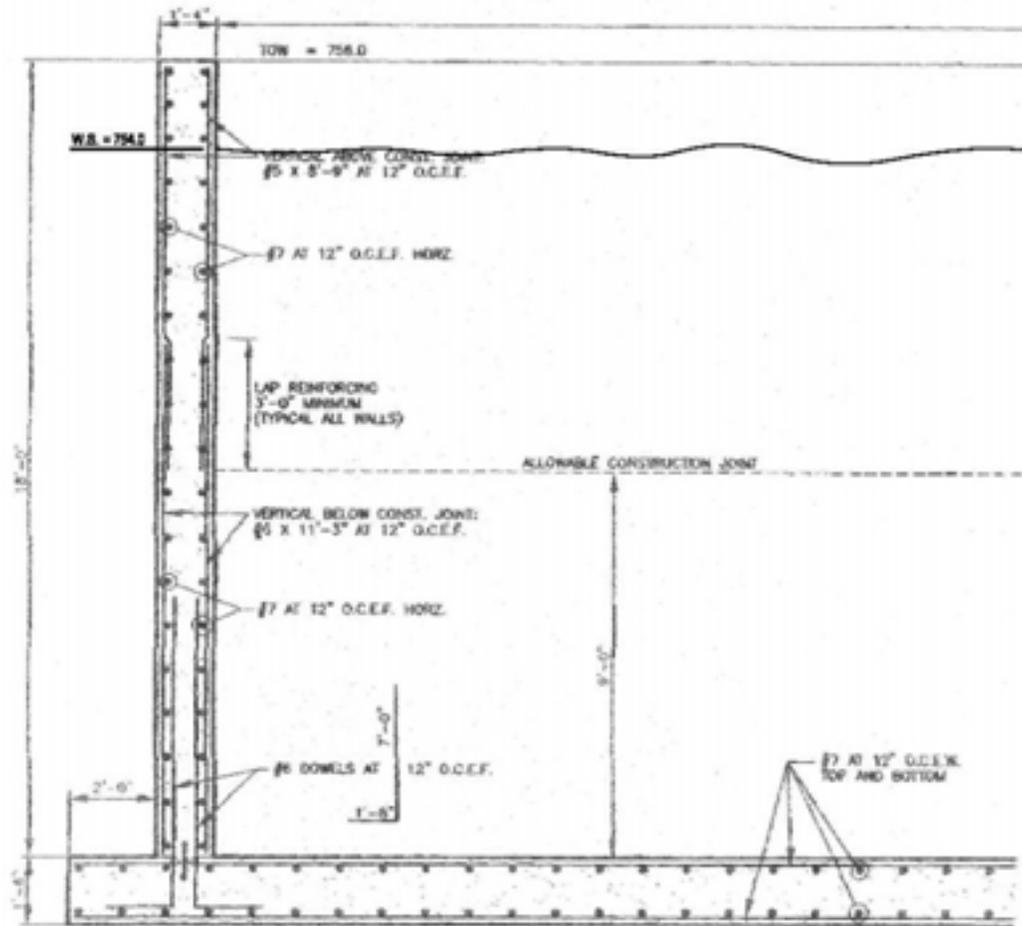


Figure 4 – Existing Clarifier Section

TESTING

Ground Penetrating Radar (GPR) Scans – Balcones Geotechnical engineers were contracted to provide GPR surveying of selected areas of the structure. A GPR unit manufactured by Hilti was utilized. The purpose of the scans was to verify if steel reinforcement patterns were consistent with the original plans.

The GPR unit used was able to determine the approximate location and depth of rebar. The testing indicated steel located at 12 inches on center each way, which concurred with the plans available. The indicated depth of steel also generally agreed with the original plans. The GPR testing results can be found in further detail in Attachment D – Balcones Geotechnical Test Results.

The GPR scanning could not determine the exact size of the steel reinforcing, or the presence of multiple layers. Coring at a steel location as indicated by the GPR scan to confirm the steel size and layering was considered, however based on the scan results it was decided not to compromise any of the existing steel at this time.

All analysis in this report assumes the proper installation of reinforcing steel as indicated in the original drawings, including size, spacing and layering.

Concrete Corings – Balcones Geotechnical was also contracted to core the existing concrete and conduct compressive strength tests in order to determine the strength of the existing concrete.

The compression strength of the concrete was found to vary from 6,040 psi to 7,950 psi. The testing results can be found in further detail in Attachment D – Balcones Geotechnical Test Results.

The original plans indicated a minimum compressive strength of 3,000 psi, which was well exceeded by the core test samples. Minimum required compressive strength according to ACI 350: *Code Requirements for Environmental Engineering Concrete* is 4,000 psi.

Higher concrete strengths can increase the overall strength of the concrete section, but may also result in increased shrinkage and in the required quantity of flexural reinforcing steel.

All analysis in this report is based on the ACI 350 minimum concrete strength of 4,000 psi.

Visual Crack Survey – A visual inspection of the walls of the facility was conducted by Winton Engineering to assess and document the sizes and locations of the cracks. The cracks were labeled numerically and documented through photographs, then schematically mapped out on both plan and elevation views of the facility. (See Attachment C – Crack Survey Results) Attributes of each crack, including the presence of deposits or water, were noted. Detailed crack measurements were not within the scope of this report and were not conducted.

Additional notes regarding the visual crack survey are included in the “Observation Notes” above.

During our visual observations, the presence of prior markings on the wall surface indicated that a previous crack survey had been conducted. No records of a previous survey were available however.

Any historical information which can be located regarding the width and location of cracks would be helpful in determining how the wall has performed since the previous retrofit repairs.

ANALYSIS

It should first be noted that the purpose of this report and analysis was solely to comment on the structural adequacy, or lack thereof, of the current structure. It is not intended or presented as a thorough peer review or critique of the original design, nor for use in any legal proceedings related to the structure. All analysis was conducted using the currently adopted codes and design recommendations, which may differ from those in place at the time of the original design and construction.

APPLICABLE CODES

Most building structures are designed according to legally adopted building codes. Currently the most prevalent codes in Texas are the International Codes as published by the International Code Council, Inc. (ICC). The International Building Code (IBC), a part of the International Code family, adopts ACI 318: *Building Code Requirements for Structural Concrete* by reference in Section 1901.2. The current version of the ACI 318 code under the 2012 IBC is ACI 318-11.

Section 1.1.10 of ACI 318-11, however, states that "*This Code does not govern design and construction of tanks and reservoirs.*" The commentary of the same code section refers to ACI 350: *Code Requirements for Environmental Engineering Concrete Structures* for detailed recommendations for design and construction of tanks and reservoirs. (For reference, ACI 318:83, which was referenced on the original plans, contains a similar deference to ACI 350 in Section 1.1.4.) The introduction to ACI 350 also states that the code has no legal status unless adopted by the government bodies having the power to regulate building design and construction. It further states that "*where the code has not been adopted, it may serve as a reference to good practice.*"

ACI 350 is thus the typical standard for design of environmental structures. The current version of ACI 350 code under the 2012 IBC is ACI 350-06.

From the preface to ACI 350-06, "*The code portion of this document covers the structural design, materials selection, and construction of environmental engineering concrete structures. Such structures are used for conveying, storing, or treating liquid or other materials such as solid waste....They are subject to uniquely different loadings, more severe exposure conditions, and more restrictive serviceability requirements than non-environmental building structures....Proper design, materials, and construction of environmental engineering concrete structures are required to produce serviceable concrete that is dense, durable, nearly impermeable, and resistant to chemicals, with limited deflections and cracking. Leakage must be controlled to minimize*

contamination of ground water or the environment, to minimize loss of product or infiltration, and to promote durability."

In general, ACI 350 was adapted from and mirrors the ACI 318 building code, with modifications to minimum steel ratios, maximum steel spacings, minimum concrete strengths and the determination of design loads in order to provide a more durable structure for the containment of liquids.

For this report, we have included analysis of both the ACI 318-11 and the ACI 350-06 requirements.

DESIGN PARAMETERS

Both ACI codes require the completed design to satisfy several design parameters.

Temperature and shrinkage steel is required in slabs based on a ratio of reinforcing steel area provided to the overall gross concrete area. Typical minimum ranges for the ratio of steel to concrete in slabs are from 0.0018 to 0.005. Temperature and shrinkage steel is intended to hold the concrete together and limit the spread and width of cracks. ACI 350 requires greater ratios than ACI 318.

Walls have similar but distinct minimum steel to concrete area requirements, separate from slabs. Typical minimum ranges for the ratio of steel to concrete in walls are from 0.0012 to 0.005.

Minimum *flexural steel* is required by code in order to encourage ductile behavior in flexural members, with sufficient cracking and deflection to warn of impending failure. Under reinforced sections may behave in a brittle fashion and fail in a sudden manner with no pre-failure indications of overstress.

Strength steel must be provided in sufficient quantity for the concrete section to develop the capacity required to carry the design loads. Where strength steel is provided in a quantity greater than 4/3 that required by analysis, the minimum flexural steel requirements may be waived.

For any section, any one of the required reinforcing steel parameters discussed above may control.

Minimum concrete parameters are also specified in the code. For given exposures to freeze/thaw conditions and sulfates, and for requirements for permeability of the concrete, code limits are established for maximum water to cement ratios, air content in the concrete, and minimum concrete strength.

Lower water/cement ratios, higher concrete strengths, and higher air contents generally result in a more durable and less permeable concrete.

In addition, ACI 350-06, Section 9.2.6 imposes an additive “Environmental Durability Factor” on environmental concrete design. The accompanying ACI commentary to section 9.2.6 states that *“In environmental engineering concrete structures, durability and long-term service life are paramount. The resulting stresses in non-prestressed reinforcement using normal building code load factors are higher than would be desirable in environmental engineering concrete structures. The intent of the environmental durability factor is to reduce the effective stress in non-prestressed reinforcement service load conditions, such that the stress levels are considered to be in an acceptable range for the control of cracking.”*

LOAD CONDITIONS

ACI 350 requires that environmental structures should be designed for several worst case conditions, which would impart the maximum loads onto the structure.

Under normal operating conditions, outward loads from fluids inside the structure would be resisted in part by the soils outside the structure, and vice-versa. The result is less stress in the concrete, and less required strength.

ACI 350, however, requires the structure to be analyzed and designed for conditions where the opposing fluid/soil loads are not present. Examples would be when the structure is full of liquid with no soil backfill present, as may occur during initial leakage testing or if soils adjacent to the structure must later be excavated for repairs or other construction. This condition maximizes the outward load on the structure's walls.

Another example would be when the soil backfill is in place, but the structure must be drained of fluids for repairs or maintenance. This condition maximizes the inward pressure on the walls.

For purposes of this report, we have analyzed the following load cases, which are illustrated in Figures 5 through 10:

- Load Case 1 – Self-weight of the structure only (dead load).
- Load Case 2 – Liquid loads in a standard operating condition.
- Load Case 3 – Liquid loads in an emergency overflow condition.
- Load Case 4 – External soil loads at a maximum soil depth of 746.5 feet.
- Load Case 5 – External soil loads at a minimum soil depth of 742.0 feet.
- Load Case 6 – External loads from a flood level condition.

These loads were combined using prescribed load combinations from the ACI codes. Controlling combinations, without the superimposed environmental durability factor, included:

- Load Combination 1a: Operating conditions for the aeration and aerobic digester basins.
- Load Combination 1b: Operating conditions for the clarifier basin.
- Load Combination 2: Liquid loads only at operating fluid levels.
- Load Combination 3: Liquid loads only at liquid overflow conditions.
- Load Combination 4a: Flood conditions. Basins empty. Case 1.
- Load Combination 4b: Flood conditions. Basins Empty. Case 2.

Each of the above combinations was also run with the environmental durability factor added, as Load Combination 1a-S through 4b-S.

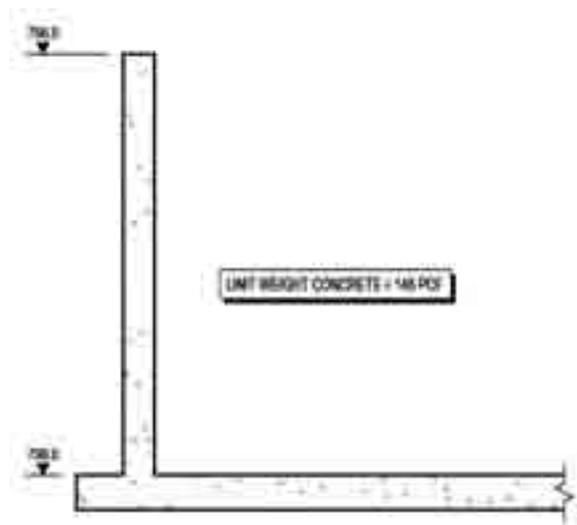


Figure 5
Load Case 1: Dead Load Only

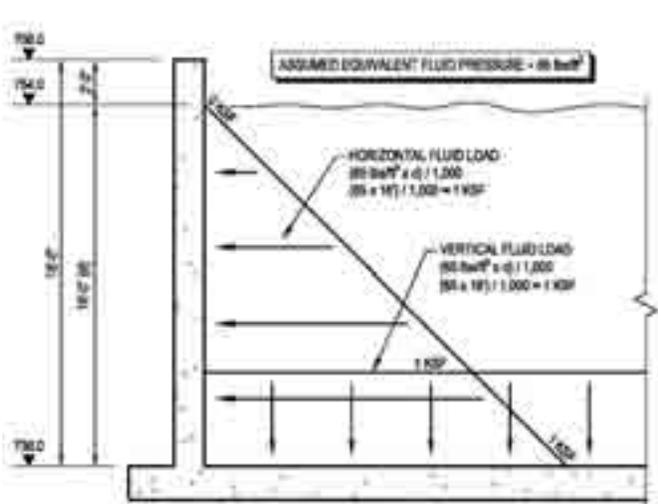


Figure 6

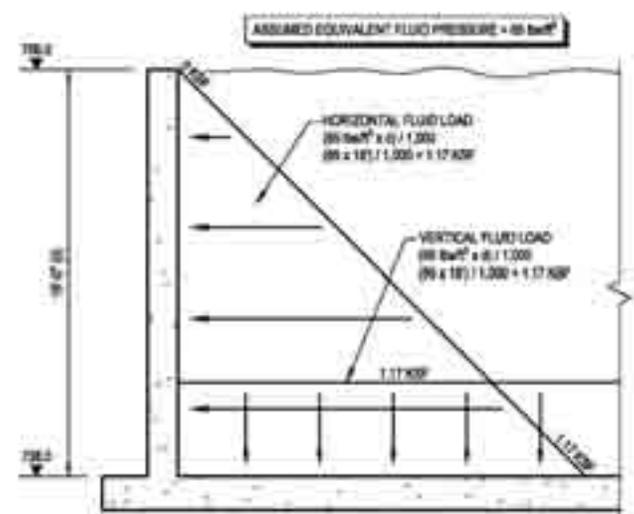


Figure 7

Load Case 2: Liquid Only (Operating)

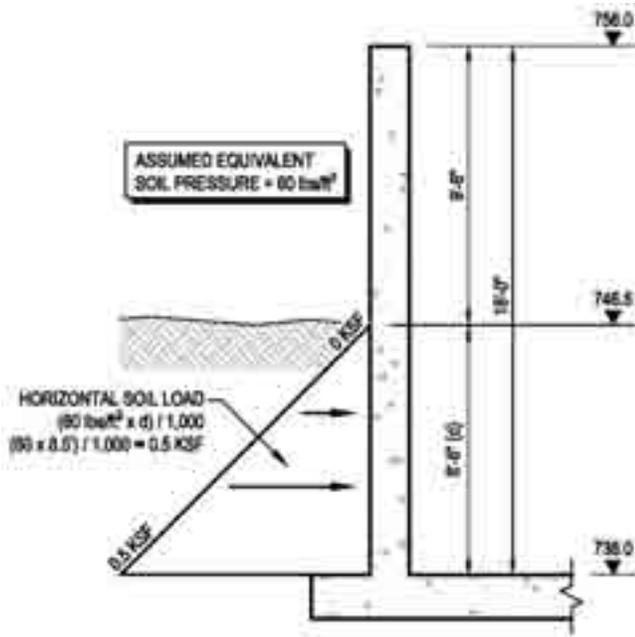


Figure 8

Load Case 3: Liquid Only (Overflow)

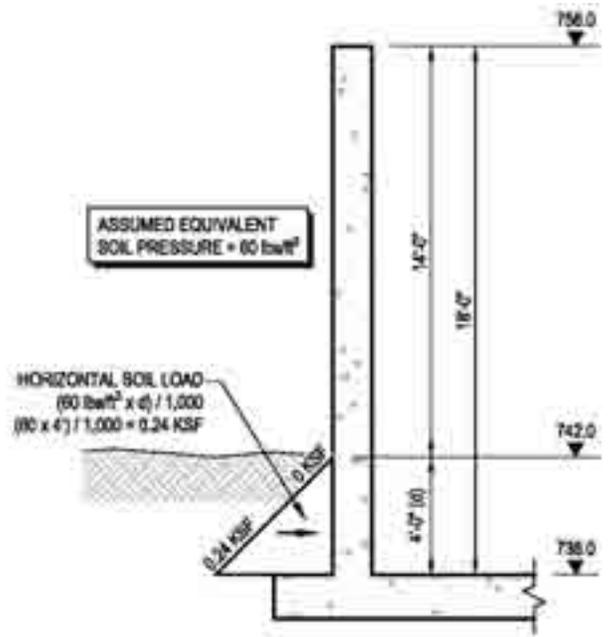


Figure 9

Load Case 4: Soil Only (Max. depth)

Load Case 5: Soil Only (Min. depth)

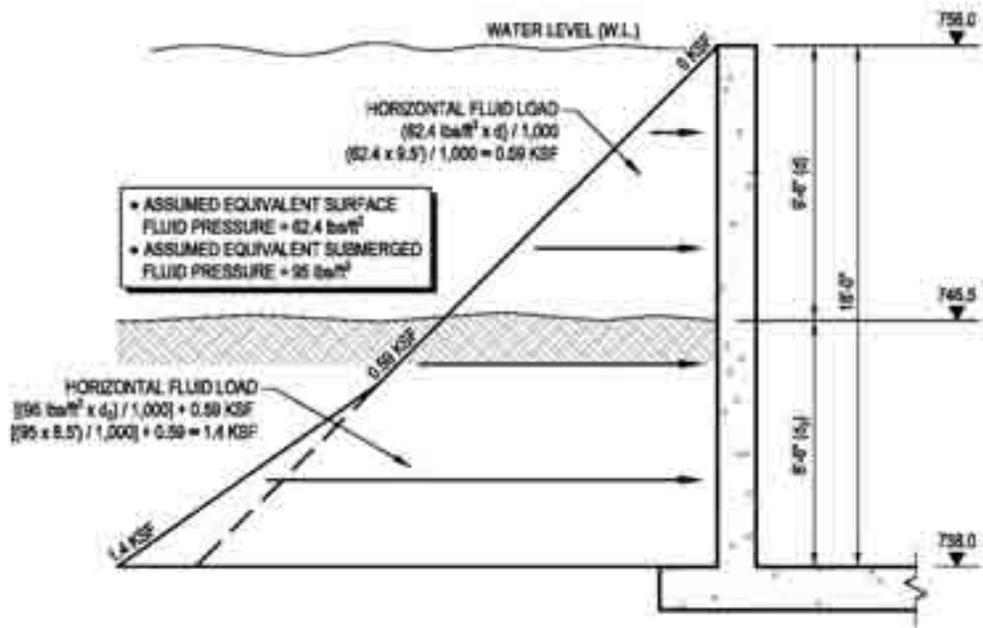


Figure 10

Load Case 6: Soil with Water Table (Flood)

DESIGN RESULTS

Minimum Shrinkage and Temperature, Flexural, and Wall Steel

An initial analysis of the minimum steel requirements was run prior to any structural load analysis. As noted above, the ACI codes require minimum amounts of reinforcing steel for temperature and shrinkage and for flexural strength.

Determination of the minimum steel ratios depends in part upon the spacing between construction joints, and material properties such as the strength of the concrete and steel. Under ACI 350, larger joint spacing require a greater percentage of steel. Under both ACI 318 and ACI 350, higher concrete strengths require a greater percentage of minimum flexural steel.

No specific location for the construction joints was indicated on the original plans. Based on field observations, a distance of 40 feet was used for horizontal steel analysis, and the wall height of 18 feet was used for vertical steel analysis.

Concrete strength was originally specified as 3,000 psi. Coring samples at selected locations revealed compressive strengths of approximately 6,000 to 8,000 psi. Code requirements require a minimum of 4,000 psi. A value of 4,000 psi was used for analysis.

The results of the minimum steel analysis are included in Tables 1 and 2 below. Using the 40' joint spacing for horizontal wall steel and slab steel, and the 18' joint spacing for vertical wall steel, the results indicate that the minimum shrinkage and temperature steel requirements of both ACI 318 and the stricter ACI 350 were met in all conditions except the aeration and aerobic digester basin floors.

Minimum flexural steel requirements of both ACI 318 and ACI 350 are not met, with the exception of the clarifier floor. However, in some cases these minimum flexural steel requirements may be waived where the amount of steel provided for strength exceeds that required by analysis by one third. (ACI 318/350 section 10.5.3.) Refer to the strength analysis sections below for additional information.

Minimum wall steel requirements of both ACI 318 and ACI 350 are met for all walls.

Table 1- 40' Joint Spacing

ACI-350 Code Section	ACI-318 Code Section	Steel Ratio Requirement	Location	Total A _s Provided	Req'd A _s (ACI 350)	Req'd A _s (ACI 318)	% Req'd A _s (ACI 350)	% Req'd A _s (ACI 318)
Min. Shrink/Temp Steel								
Joint Spacing = ACI 350 Ratio =	40 0.005	ft.						
7.12.2.1	7.12.2.1 (b)	0.0018(318), 0.005 (350)	Clarifier Floor	1.20	1.08	0.39	111%	309%
7.12.2.1		0.005 (350)	C/A Lower Wall - V	0.88	0.96		92%	
7.12.2.1		0.005 (350)	C/A Lower Wall - H	1.20	0.96		125%	
7.12.2.1		0.005 (350)	C/A Upper Wall - V	0.62	0.96		65%	
7.12.2.1		0.005 (350)	C/A Upper Wall - H	1.20	0.96		125%	
7.12.2.1	7.12.2.1 (b)	0.0018(318), 0.005 (350)	Aeration Floor	0.88	1.08	0.39	81%	226%
9.2.6	Environmental Durability Factor <i>gamma</i> (γ) = 1.6			S _d = 1.69				
Min. Flexural Steel								
<i>f'</i> c =	4000	ksi						
10.5.1	10.5.1	Equation (10-3)	Clarifier Floor	0.60	0.59	0.59	102%	102%
10.5.1	10.5.1	Equation (10-3)	C/A Lower Wall	0.44	0.52	0.52	85%	85%
10.5.1	10.5.1	Equation (10-3)	C/A Upper Wall	0.31	0.52	0.52	60%	60%
10.5.1	10.5.1	Equation (10-3)	Aeration Floor	0.44	0.59	0.59	75%	75%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	Clarifier Floor	0.60	0.62	0.62	96%	96%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	C/A Lower Wall	0.44	0.55	0.55	81%	81%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	C/A Upper Wall	0.31	0.55	0.55	57%	57%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	Aeration Floor	0.44	0.62	0.62	71%	71%
Min. Wall Steel								
14.3.2	14.3.2	0.0015(318), 0.0030 (350)	C/A Lower Wall - V	0.88	0.58	0.29	153%	306%
14.3.2	14.3.2	0.0012(318), 0.0030 (350)	C/A Upper Wall - V	0.62	0.58	0.23	108%	269%
14.3.3	14.3.3	0.0025(318), 0.005 (350)	C/A Walls - H	1.20	0.96	0.48	125%	250%
Notes:								
1. A _s = Area of steel in inches ²								
2. Minimum Flexural Steel is not required when A _s provided is greater than 4/3 of A _s required for strength.								
3. Equation 10-3 = (3√f' _c ÷ f _y) b _w d								

Table 2 – 18' Joint Spacing

ACI-350 Code Section	ACI-318 Code Section	Steel Ratio Requirement	Location	Total A _s Provided	Req'd A _s (ACI 350)	Req'd A _s (ACI 318)	% Req'd A _s (ACI 350)	% Req'd A _s (ACI 318)
Min. Shrink/Temp Steel								
Joint Spacing = ACI 350 Ratio =	18 0.003	ft.						
7.12.2.1	7.12.2.1 (b)	0.0018(318), 0.003 (350)	Clarifier Floor	1.20	0.65	0.39	185%	309%
7.12.2.1		0.003 (350)	C/A Lower Wall - V	0.88	0.58		153%	
7.12.2.1		0.003 (350)	C/A Lower Wall - H	1.20	0.58		208%	
7.12.2.1		0.003 (350)	C/A Upper Wall - V	0.62	0.58		108%	
7.12.2.1		0.003 (350)	C/A Upper Wall - H	1.20	0.58		208%	
7.12.2.1	7.12.2.1 (b)	0.0018(318), 0.003 (350)	Aeration Floor	0.88	0.65	0.39	136%	226%
9.2.6	Environmental Durability Factor <i>gamma</i> (γ) = 1.6			S _d =	1.69			
Min. Flexural Steel								
<i>f</i> ' _c =	4000	ksi						
10.5.1	10.5.1	Equation (10-3)	Clarifier Floor	0.60	0.59	0.59	102%	102%
10.5.1	10.5.1	Equation (10-3)	C/A Lower Wall	0.44	0.52	0.52	85%	85%
10.5.1	10.5.1	Equation (10-3)	C/A Upper Wall	0.31	0.52	0.52	60%	60%
10.5.1	10.5.1	Equation (10-3)	Aeration Floor	0.44	0.59	0.59	75%	75%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	Clarifier Floor	0.60	0.62	0.62	96%	96%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	C/A Lower Wall	0.44	0.55	0.55	81%	81%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	C/A Upper Wall	0.31	0.55	0.55	57%	57%
10.5.1	10.5.1	(200 * b _w * d) ÷ f _y	Aeration Floor	0.44	0.62	0.62	71%	71%
Min. Wall Steel								
14.3.2	14.3.2	0.0015(318), 0.0030 (350)	C/A Lower Wall - V	0.88	0.58	0.29	153%	306%
14.3.2	14.3.2	0.0012(318), 0.0030 (350)	C/A Upper Wall - V	0.62	0.58	0.23	108%	269%
14.3.3	14.3.3	0.0025(318), 0.003 (350)	C/A Walls - H	1.20	0.58	0.48	208%	250%
Notes:								
1. A _s = Area of steel in inches ²								
2. Minimum Flexural Steel is not required when A _s provided is greater than 4/3 of A _s required for strength.								
3. Equation 10-3 = (3√f' _c ÷ f _y) b _w d								

Strength Analysis

RetainPro - The walls of the clarifier basin and the aeration and aerobic digester basins were first analyzed for structural load capacity as simple cantilever retaining walls using the program RetainPro, Version 10. A simple cantilever retaining wall analysis assumes the wall must cantilever vertically from the slab below, with no horizontal support from the adjacent walls. (See Figure 11) Vertical steel in the wall must be sufficient to resist the cantilever loads. Horizontal steel in a simple cantilever analysis serves primarily as shrinkage and temperature steel. A simple cantilever is the most conservative analysis.

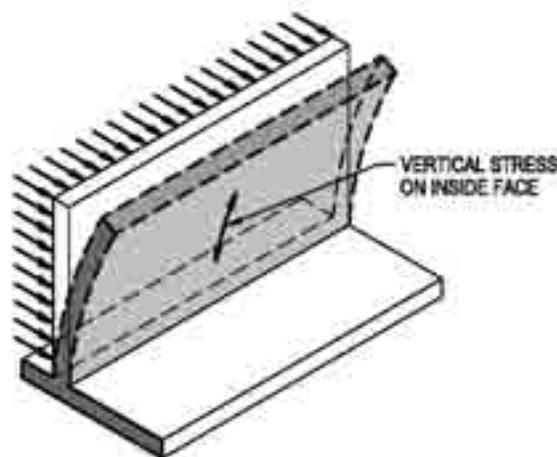


Figure 11 – Cantilevered Retaining Wall

Results of the RetainPro analysis are included as attachment E.i to this report. The analysis indicates the bottom of the basin walls to be overstressed by a factor of approximately 2.6 under normal operating conditions, without the additional environmental durability factor of ACI 350 applied. The walls are not designed to operate as simple cantilevers. Therefore, other more severe load conditions were not analyzed.

Based on the results of the RetainPro analysis, a more precise analysis using the finite element program RISA 3D, version 13.0.1 was initiated.

RISA 3D – Use of the RISA 3D program allows the basin walls to be analyzed as two dimensional plates subject to out of plane loads. Walls receive support not only from the cantilever condition, but also from the out of plane walls at the end of each section. (See Figure 12)

Using the two dimensional plate analysis, the vertical steel and the horizontal steel are relied upon for strength as well as temperature and shrinkage control.

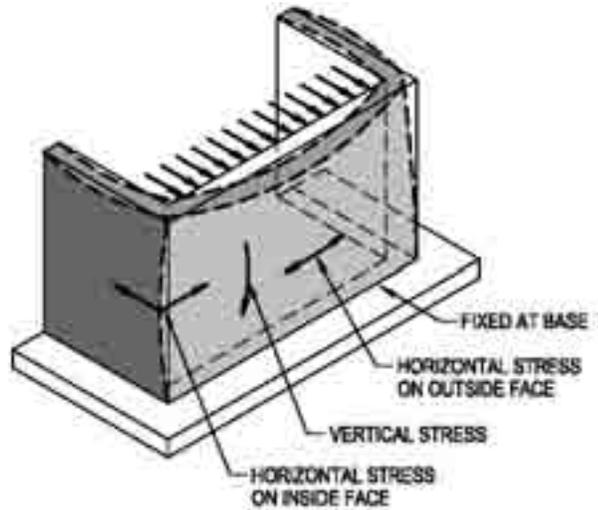


Figure 12 – Two-Way Plate Analysis

Simplified versions of the clarifier basin and the aeration and aerobic digester basins was modeled into the RISA 3D program. These models are illustrated as Figures 13 and 14 below.

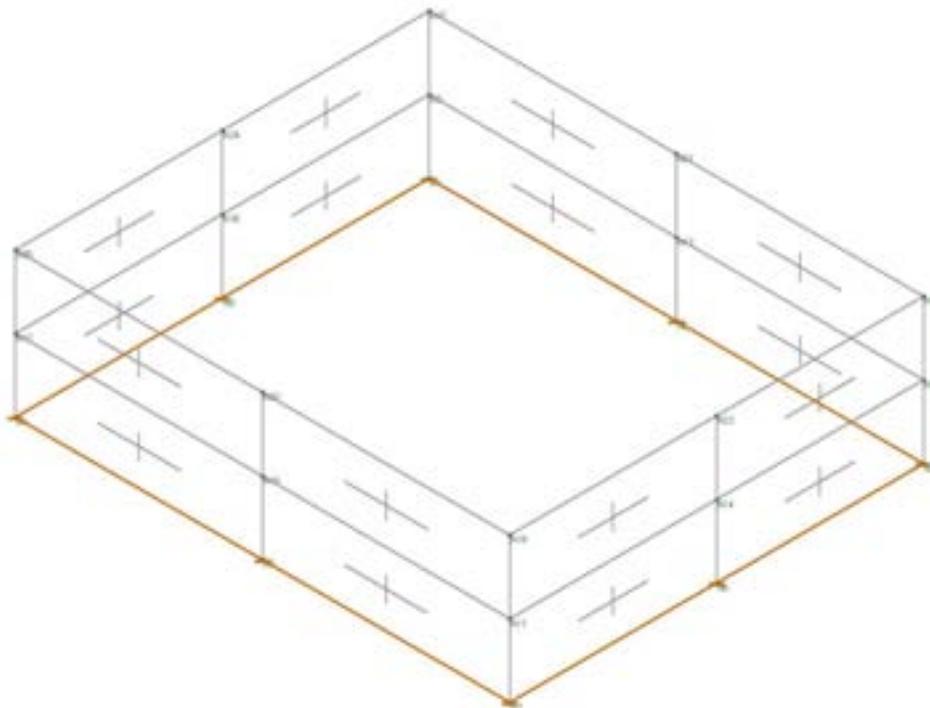


Figure 13 – Aeration Basin Model

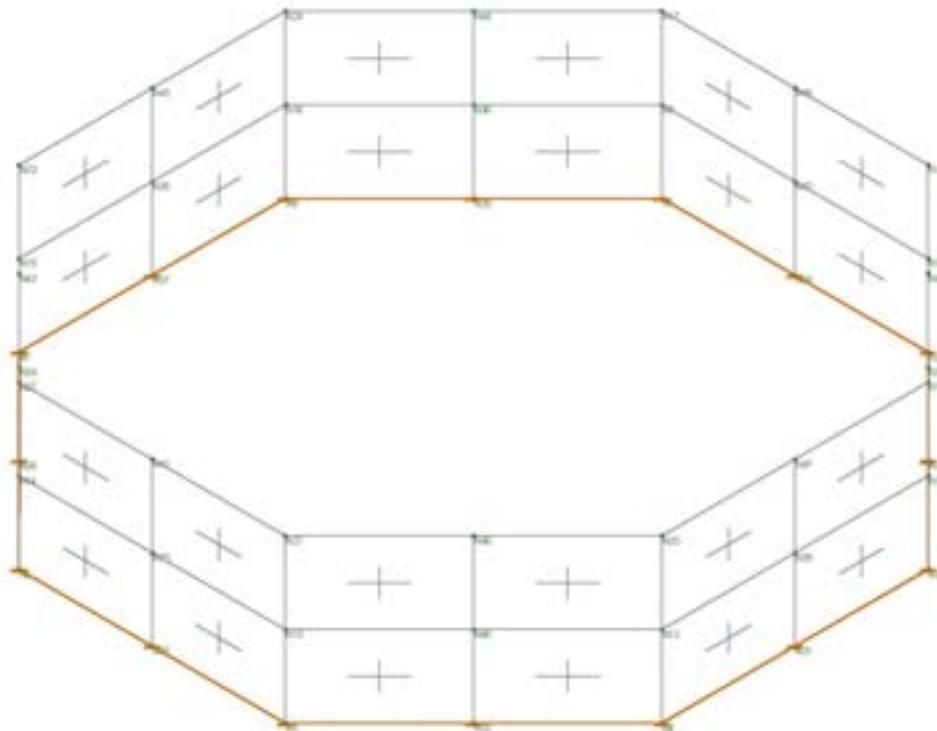


Figure 14 – Clarifier Model

The results of the RISA analysis are indicated in Table 3 below. For each load case as described in the “Load Conditions” section above, the required quantity of strength steel was determined for the walls and slab of each basin model. A value of 4/3 the strength steel was also calculated for use in determining applicability of the minimum flexural steel requirements. (Grayed values for flexural steel in Table 3 indicate that adequate steel was provided to satisfy the 4/3 required strength steel requirement.)

Controlling temperature and shrinkage steel values from Tables 1 and 2 have been included for reference. *Note that temperature steel can be considered from both faces of the concrete section, while flexural and strength steel is only considered for the face in tension. Therefore, in most cases the amount of provided strength steel indicated in Table 3 can be doubled for comparison with the temperature and shrinkage steel requirements.*

Values in red under the “Provided Steel” column indicate that the minimum required area of strength steel has not been provided.

Moment maps for both the clarifier and aeration basin analysis, under standard operating conditions, are included as attachments to this report. The maps indicate the highest concentrations of moments occur in the general areas of previous repairs.

Table 3 – Strength Steel Analysis

Load Case	Basin	Member	Required Cross Section of Steel (in ² /ft of width)						Provided Steel (in ² /ft of width)
			Strength	4/3 Strength	Flexural		Temp / Shrink		Strength/ Flexural
					ACI 350	ACI 318	ACI 350	ACI 318	
1A	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.33	0.44	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.73	0.97	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.29	0.39	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.4	0.53	0.62	0.62	1.08	0.39	0.6
1B	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.44	0.59	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.03	1.37	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.29	0.39	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.4	0.53	0.62	0.62	1.08	0.39	0.6
2	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.53	0.71	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.9	1.20	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.29	0.39	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.41	0.55	0.62	0.62	1.08	0.39	0.6
3	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.88	1.17	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.59	2.12	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.35	0.47	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.51	0.68	0.62	0.62	1.08	0.39	0.6

Load Case	Basin	Member	Required Cross Section of Steel (in ² /ft of width)						Provided Steel (in ² /ft of width)
			Strength	4/3 Strength	Flexural		Temp / Shrink		Strength/ Flexural
					ACI 350	ACI 318	ACI 350	ACI 318	
4A	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.06	1.41	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.81	1.08	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.44	0.59	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.51	0.68	0.62	0.62	1.08	0.39	0.6
4B	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.06	1.41	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.81	1.08	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.44	0.59	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.51	0.68	0.62	0.62	1.08	0.39	0.6
1A-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.66	0.88	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.2	1.60	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.29	0.39	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.42	0.56	0.62	0.62	1.08	0.39	0.6
1B-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.88	1.17	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.59	2.12	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.38	0.51	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.51	0.68	0.62	0.62	1.08	0.39	0.6

Load Case	Basin	Member	Required Cross Section of Steel (in ² /ft of width)						Provided Steel (in ² /ft of width)
			Strength	4/3 Strength	Flexural		Temp / Shrink		Strength/ Flexural
					ACI 350	ACI 318	ACI 350	ACI 318	
2-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.06	1.41	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.59	2.12	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.96	0.23	0.31
		Lower Wall (V)	0.38	0.51	0.55	0.55	0.96	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.51	0.68	0.62	0.62	1.08	0.39	0.6
3-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.76	2.35	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.92	2.56	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.59	0.79	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.65	0.87	0.62	0.62	1.08	0.39	0.6
4A-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.76	2.35	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.2	1.60	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.88	1.17	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.71	0.95	0.62	0.62	1.08	0.39	0.6
4B-S	Aeration	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	1.76	2.35	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	1.2	1.60	0.62	0.62	1.08	0.39	0.44
	Clarifier	Upper Wall (V)	0.21	0.28	0.55	0.55	0.58	0.23	0.31
		Lower Wall (V)	0.88	1.17	0.55	0.55	0.58	0.29	0.44
		Wall (H)	0.4	0.53	0.55	0.55	0.96	0.48	0.6
		Slab	0.71	0.95	0.62	0.62	1.08	0.39	0.6

Notes:

1. Red values in provided steel columns indicate values less than required.
2. Grayed values in flexural steel indicate the steel provided exceeds 4/3 of that required, thus minimum flexural steel values do not apply.

DISCUSSION

The structural analysis indicates the facility was originally designed and constructed in general conformance with the requirements of ACI 318, however several areas of under-reinforcement *were* indicated. These areas of under-reinforcement correspond to the areas of previous structural retrofit completed in 2004.

From a structural perspective, it appears that the 2004 retrofit repairs were largely successful in strengthening the under reinforced areas for normal operating conditions. Although a full structural analysis of the post repaired structure was not performed, due primarily to the lack of plans and details for the repairs, our visual observation and analysis did not indicate any areas of immediate structural concern.

Cracks in the concrete walls were present and noted. They appear to be located in high stress regions where cracking would typically be expected. In typical concrete construction, the concrete works in compression while the reinforcing steel works in tension. Concrete is weak in tension, and concrete cracks will develop in areas of high tensile stress. Codes require reinforcing steel in areas of tension in quantities intended to keep the width of such cracks within reason.

Cracks observed at the Logo Vista WWTP were generally vertical in nature, and located near the center of wall spans. The cracks in these areas appeared to span the width of the wall, but widened slightly as they moved to the outside face. These areas correspond to regions of high positive moments, and thus tension in the outside face of the wall (see the RISA moment maps attached to this report). The majority of the 2004 structural retrofit work was performed in these areas.

Other cracks were observed in the interior corners of the clarifier basin. These corners are areas of high negative moment (see moment maps), and thus tension on the inside face of the wall. As noted, concrete tends to crack in high tension areas.

Continued cracking, if documented, indicates the need for additional reinforcing and structural retrofit work. The structure appears to be performing under current operating conditions, but should in reality have the excess capacity needed for worst case loading situations.

A concern at this point should be centered on the long term durability of the facility. As described above, the ACI 350 code for environmental structures such as this imposes additional requirements intended to ensure such durability. The code and the accompanying ACI 350.4R-04: *Design Considerations for Environmental Engineering Concrete Structures* establish requirements and recommendations in order to accomplish durability goals.

Durability considerations include:

- Use of proper loads, load factors and load combinations during design.
- Minimum concrete wall thicknesses.
- Concrete strength, aggregate size/type, water/cement ratios, and air-entrainment.
- Proper placement, consolidation, and curing of concrete.
- Adequate joint spacing and design.
- Adequate steel reinforcement and spacing.
- Adequate concrete cover for steel reinforcing.

Many of the above factors which influence the long term durability of the structure are determined during the concrete placement. Without field observation or materials testing reports from the time of construction, it is difficult to establish if the steel was installed with proper size, spacing and placement. Similarly it is difficult to determine if the concrete was properly designed, mixed, placed and cured. All of these factors, if not properly carried out, can increase the likelihood of cracking and reduce the long-term durability of the concrete.

A primary durability concern with cracks is the ability of moisture to move through the concrete. Cracks allow moisture to move into the concrete. Internal moisture subjects the concrete to the effects of freeze-thaw damage. In periods of sub-freezing temperature the moisture trapped inside the concrete expands and may cause additional cracking or spalling.

The moisture may also serve as fuel for corrosion of the steel reinforcement. Concrete normally has a pH level of about 12 to 13. This level of alkalinity serves to create a protective film around the reinforcing steel which creates a passive state, limiting corrosion. As the concrete pH levels drop and moisture is introduced, corrosion of the reinforcing steel may begin. Corrosion results not only in loss of strength of the steel, but also causes the steel section to expand. Similar to the freeze-thaw expansion, this may cause additional cracking and spalling of the concrete.

Summary - The Lago Vista WWTP facility does not appear to have been constructed with the levels of reinforcement currently recommended for durability by ACI 350. Durability concerns should be addressed by alternate means.

It also appears areas of the facility were originally under-reinforced for strength design. These areas have been previously retrofitted, but may require additional reinforcing.

CONCLUSIONS AND RECOMMENDATIONS

Visual observation and limited structural analysis of the Lago Vista WWTP were performed by Winton Engineering. The results indicate that the original construction was not structurally adequate. Structural retrofits were made in 2004, but details of the repairs were not available for analysis. At the time of our observation, no signs of immediate structural failure were observed, however reported continued minor stress cracking of the structure may indicate that additional structural repairs are required. Winton Engineering recommends:

- Additional, more in-depth analysis of the structure should be conducted in order to determine the need for additional structural repairs.
- This analysis will require not only more accurate structural modeling, but also additional materials testing to better determine concrete and steel properties and placement.
- Repairs should be made to strengthen the facility to ensure the ability to withstand critical load conditions as described in ACI 350 documents.
- The failure of the steel tie-back buttresses installed in the aerobic digester basin should be confirmed and further investigated.
- Possible repairs may include the addition of more concrete buttresses, and/or the addition of more carbon fiber reinforcing.
- Any repairs should be coordinated with plans for possible future expansion. It is possible that future construction may be designed to provide additional support for adjacent areas of the existing facility.

Long term durability issues should be addressed. Even when the facility is determined to be structurally sound, the presence of cracks in the concrete provides an opportunity for the accelerated corrosion of reinforcing steel and deterioration of concrete.

ACI 350 durability requirements are intended to limit crack widths and to decrease the overall permeability of the concrete. While not all of the ACI durability recommendations can be met post-construction, crack control and permeability can be addressed by other means.

In addition to the structural modifications above, Winton Engineering recommends that the interior surfaces of the liquid containing portions of the structure be treated to prevent further moisture intrusion into the concrete. Suggested procedures may include:

- Sandblast and/or water blast interior concrete surfaces at fluid containing areas to a clean, uncontaminated surface.
- Apply a quality chemical hardener/densifier such as P-1007 Sealer as manufactured by Foxfire Enterprises, Inc. These products will help to densify the concrete, exfoliate any contaminants, and protect reinforcing from corrosion.
- Apply a quality waterproof protective coating such as products manufactured by Miracote to prevent further moisture intrusion into the concrete.

It is our opinion that the Lago Vista WWTP facility can be modified by structural and other remediation means to provide a safe and serviceable life expectancy of 50 to 60 years, typical of similar facilities.

An analysis of the cost of the required remediation should be compared to the costs of new facilities in order to determine the recommended course of action.

Please feel free to call if you have any additional questions or comments regarding this report.

Sincerely,

WINTON ENGINEERING, INC.

TBPE Firm No. F-282



Jim Winton, PE
President



The seal appearing on this document was authorized by James R. Winton, PE #68190 on November 18, 2015.

Original signed document is on file at Winton Engineering, Inc.

LIMITATIONS

This report is the rendering of a professional service, an opinion of the general existing structural conditions only. It is not offered or intended as a complete and thorough observation of the complete structural systems, or a complete peer review or critique of the original design, including conformance with all current or previously applicable building codes. All opinions contained herein, or made during the site observation visit, are based upon generally accepted engineering practices and criteria, and the professional knowledge and experience of the Engineer.

As noted, the site observation was limited to the visually observable structural elements only, and this report is based upon the available information at the time of the observation, including in part information supplied by the present owner. No attempt was made to inspect or document the condition of each and every structural or non-structural element. A complete analysis of the structure would require accurate information regarding the actual construction of the structure and foundation, of the previous repairs, and additional testing. No as-built records of construction or engineering data were available for the construction of the structure. Testing or destructive analysis to determine the actual construction, other than as specifically indicated in the report, was not authorized. For these reasons, this report is provided as a general analysis and guideline regarding the performance of the structure only.

In the event that additional information becomes available, or that any information provided during the observation and relied upon in this report is determined to be inaccurate, or any condition observed during the process of the observation changes, Winton Engineering should be notified immediately and then reserves the right to review such items and revise the report as necessary.

It is understood that a limited observation of this nature may not detect all existing or potential defects, and that future conditions may change over time due to further soil settlement, repairs, alterations, or other events. Therefore, no warranties, guarantees, or representations of any kind regarding the overall long-term structural integrity or future performance of the structure are made, intended, or implied, and Engineer's total liability to any and all parties collectively shall be limited to the amount of compensation received for the preparation of this report.

The purpose of this report is to provide an opinion on current structural conditions only. It shall be understood that the preparation of documents for any recommended or required repair is beyond the scope of this report.

This report is made for the benefit of the City of Lago Vista only. No third party liability is assumed, and any and all usage or reliance by parties other than the party listed above is expressly prohibited.

Alterations in any way of documents prepared and sealed by a Texas licensed professional engineer is a violation of the Texas Engineering Practice Act and may result in fines and/or administrative penalties.

Should any of the above terms, conditions, and/or limitations be unacceptable, please return this report immediately and destroy all copies.

Attachment B - General Photographs



Elevation: 1

Photo: 001



Elevation: 2

Photo: 002



Elevation: 3

Photo: 003



Elevation: 4

Photo: 004



Elevation: 5

Photo: 005



Elevation: 6

Photo: 006



Elevation: 7

Photo: 007



Elevation: 8

Photo: 008



Elevation: 9

Photo: 009



Elevation: 10

Photo: 010



Elevation: 11

Photo: 012



Elevation: 12

Photo: 013



Elevation: 13

Photo: 016



Elevation: 14

Photo: 018



Elevation: 15

Photo: 019



Elevation: 16

Photo: 020



Elevation: 17

Photo: 024



Elevation: 18

Photo: 025

	Elevation: 19 Photo: 026	
	Elevation: 20 Photo: 048	
	Elevation: 21 Photo: 045	

 A close-up photograph of a concrete wall and a vertical column. The concrete shows signs of weathering and discoloration. A green roof edge is visible at the top.	Elevation: 21 Photo: 046	
 A photograph showing a concrete wall and a vertical column from a slightly different perspective. The ground is visible at the bottom, showing a mix of grass and dirt.	Elevation: 21 Photo: 047	
 A wider photograph of the concrete structure, showing a curved concrete wall and a vertical column. A paved area and some greenery are visible in the background.	Elevation: 22 Photo: 053	

	Elevation: 23 Photo: 054	
	Elevation: 23 Photo: 055	
	Elevation: 24 Photo: 058	



Elevation: 25

Photo: 061



Elevation: 26

Photo: 064



Elevation: 27

Photo: 067



Elevation: 28

Photo: 080



Elevation: 29

Photo: 083



Elevation: 30

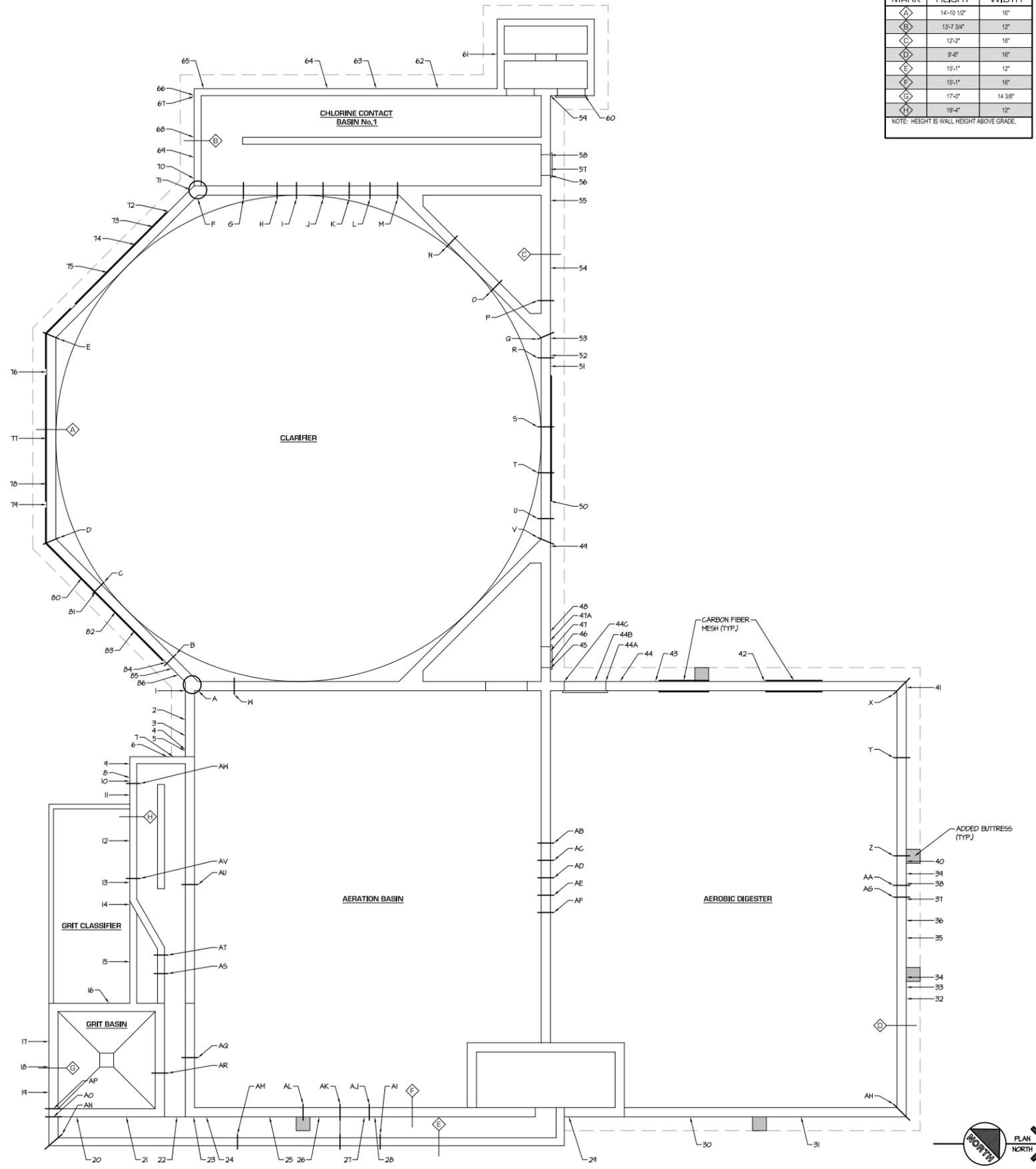
Photo: 085

CRACK KEY - FACE OF WALL				
MARK	TYPE	ORIENTATION	PICTURE NUMBER	REMARKS:
1	DEPOSITS	VERTICAL	124	PATCHED
2	DEPOSITS	DIAGONAL	125	
3	CRACK	VERTICAL	132	
4	CRACK	DIAGONAL	130	
5	CRACK	VERTICAL	133	
6	CRACK	HORIZONTAL	135	
7	CRACK	HORIZONTAL	136	
8	CRACK	DIAGONAL	138	
9	CRACK	HORIZONTAL	140	
10	CRACK	DIAGONAL	141	
11	CRACK	VERTICAL	143	PATCHED
12	CRACK	VERTICAL	151	
13	CRACK	VERTICAL	159	
14	CRACK	VERTICAL	173	
15	CRACK	VERTICAL	184	
16	CRACK	SPIDER WEB	193	
17	CRACK	VERTICAL	206	
18	CRACK	HORIZONTAL	212	
19	DEPOSITS	VERTICAL	222	
20	CRACK	HORIZONTAL	230	
21	CRACK	VERTICAL	236	
22	CRACK	HORIZONTAL	245	
23	DEPOSITS	VERTICAL	249	CONSTRUCTION JOINT
24	CRACK	VERTICAL	258	PATCHED
25	CRACK	VERTICAL	263	
26	CRACK	VERTICAL	271	
27	CRACK	VERTICAL	278	
28	CRACK	VERTICAL	286	
29	DEPOSITS	VERTICAL	292	
30	CRACK	VERTICAL	302	
31	DEPOSITS	VERTICAL	311	
32	DEPOSITS	VERTICAL	322	
33	CRACK	VERTICAL	331	
34	CRACK	VERTICAL	341	
35	DEPOSITS	VERTICAL	345	
36	DEPOSITS	VERTICAL	346	
37	DEPOSITS	VERTICAL	347	PATCHED
38	DEPOSITS	VERTICAL	350	
39	DEPOSITS	VERTICAL	351	
40	CRACK	VERTICAL	353	
41	DEPOSITS	VERTICAL	357	NO LABEL ON SITE
42	CRACK	VERTICAL	364	
43	DEPOSITS	VERTICAL	368	
44	DEPOSITS	VERTICAL	377	
45	CRACK	VERTICAL	384	
46	CRACK	VERTICAL	385	
47	CRACK	VERTICAL	386	
48	CRACK	VERTICAL	387	
49	CRACK	VERTICAL	391	PATCHED
50	DEPOSITS	VERTICAL	394	
51	DEPOSITS	VERTICAL	400	
52	DEPOSITS	VERTICAL	401	
53	CRACK	VERTICAL	404	
54	DEPOSITS	VERTICAL	407	
55	DEPOSITS	VERTICAL	415	
56	CRACK	VERTICAL	417	
57	CRACK	VERTICAL	421	
58	CRACK	VERTICAL	425	
59	CRACK	VERTICAL	430	
60	CRACK	VERTICAL	434	
61	CRACK	VERTICAL	444	
62	DEPOSITS	VERTICAL	451	
63	DEPOSITS	VERTICAL	458	
64	DEPOSITS	VERTICAL	468	
65	DEPOSITS	HORIZONTAL	472	
66	DEPOSITS	HORIZONTAL	476	
67	DEPOSITS	HORIZONTAL	480	
68	DEPOSITS	HORIZONTAL	481	
69	CRACK	VERTICAL	488	PATCHED
70	DEPOSITS	VERTICAL	491	PATCHED
71	DEPOSITS	VERTICAL	493	PATCHED
72	DEPOSITS	VERTICAL	503	PATCHED
73	CRACK	VERTICAL	513	
74	CRACK	VERTICAL	517	
75	CRACK	VERTICAL	522	
76	DEPOSITS	VERTICAL	534	
77	CRACK	VERTICAL	543	
78	CRACK	VERTICAL	550	
79	DEPOSITS	VERTICAL	557	
80	DEPOSITS	VERTICAL	576	
81	DEPOSITS	VERTICAL	581	
82	DEPOSITS	VERTICAL	582	
83	DEPOSITS	VERTICAL	584	
84	CRACK	VERTICAL	592	
85	DEPOSITS	VERTICAL	596	
86	CRACK	VERTICAL	596	PATCHED

NOTES:
1. ALL PICTURES WERE TAKEN ON 07/07/2015.

CRACK KEY - TOP OF WALL				
MARK	TYPE	ORIENTATION	PICTURE NUMBER	REMARKS:
A	CRACK	SPIDER WEB	606	
B	CRACK	PERPENDICULAR	609	
C	CRACK	PERPENDICULAR	611	
D	CRACK	SPIDER WEB	612	
E	CRACK	SPIDER WEB	617	
F	CRACK	SPIDER WEB	619	
G	CRACK	PERPENDICULAR	621	
H	CRACK	PERPENDICULAR	623	
I	CRACK	PERPENDICULAR	625	
J	CRACK	PERPENDICULAR	626	
K	CRACK	PERPENDICULAR	626	
L	CRACK	PERPENDICULAR	627	
M	CRACK	PERPENDICULAR	628	
N	CRACK	PERPENDICULAR	630	
O	CRACK	PERPENDICULAR	629	
P	CRACK	PERPENDICULAR	632	
Q	CRACK	PERPENDICULAR	633	
R	CRACK	PERPENDICULAR	635	
S	CRACK	PERPENDICULAR	637	
T	CRACK	PERPENDICULAR	638	
U	CRACK	PERPENDICULAR	640	
V	CRACK	PERPENDICULAR	642	
W	CRACK	PERPENDICULAR	644	
X	CRACK	PERPENDICULAR	651	
Y	CRACK	PERPENDICULAR	653	
Z	CRACK	PERPENDICULAR	656	
AA	CRACK	PERPENDICULAR	657	
AB	CRACK	PERPENDICULAR	659	
AC	CRACK	PERPENDICULAR	660	
AD	CRACK	PERPENDICULAR	661	
AE	CRACK	PERPENDICULAR	662	
AF	CRACK	PERPENDICULAR	663	
AG	CRACK	PERPENDICULAR	668	
AH	CRACK	PERPENDICULAR	674	
AI	CRACK	PERPENDICULAR	688	
AJ	CRACK	PERPENDICULAR	685	
AK	CRACK	PERPENDICULAR	690	
AL	CRACK	PERPENDICULAR	692	
AM	CRACK	PERPENDICULAR	694	
AN	CRACK	PERPENDICULAR	700	
AO	CRACK	PERPENDICULAR	703	
AP	CRACK	PERPENDICULAR	703	
AQ	CRACK	PERPENDICULAR	708	
AR	CRACK	PERPENDICULAR	711	
AS	CRACK	PERPENDICULAR	715	
AT	CRACK	PERPENDICULAR	716	
AU	CRACK	SPIDER WEB	719	
AV	CRACK	PERPENDICULAR	724	
AW	CRACK	PERPENDICULAR	725	

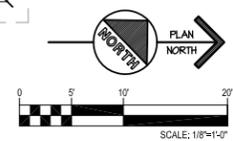
NOTES:
1. ALL PICTURES WERE TAKEN ON 07/07/2015.
2. CRACKS ON TOP OF WALL ARE NOT LABELED ON SITE.



WALL KEY		
MARK	HEIGHT	WIDTH
⊠	14'-10 1/2"	16"
⊠	13'-7 3/4"	12"
⊠	12'-2"	16"
⊠	9'-6"	16"
⊠	15'-1"	12"
⊠	15'-1"	16"
⊠	17'-0"	14 3/8"
⊠	19'-4"	12"

NOTE: HEIGHT IS WALL HEIGHT ABOVE GRADE.

1 CRACK LOCATION
SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"
ATTACHMENT C.i - CRACK LOCATION PLAN

Drawing: Y:\cadd\2015-03_Lago-Vista_Walker\03_Plans_Engineering\Drawings\Construction\2015-03_S1.dwg
Plotted on: 11/19/2015 8:15 AM
Plotted by: Janeed

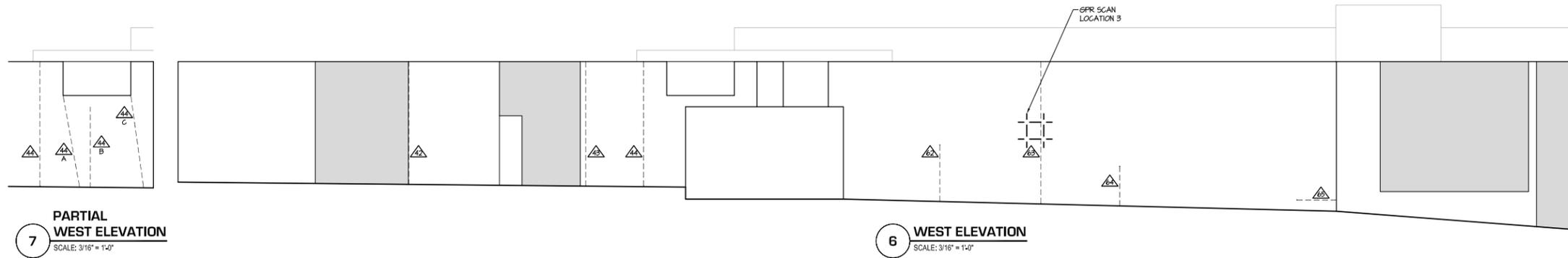
WINTON ENGINEERING
 "Turning Ideas Into Reality"
 Waco, Texas
 (254) 776-7024

STRUCTURAL OBSERVATION REPORT
 WASTEWATER TREATMENT PLANT
 LAGO VISTA, TEXAS
 SEMINOLE DRIVE

SHEET
S2.1

PLOTSCALE: 1/4"
 JOB NO.: 2015-033
 DRAWN: SLG
 CHECKED: JRM
 DATE: 11/19/15

REVISIONS
 NO. DATE DESCRIPTION BY

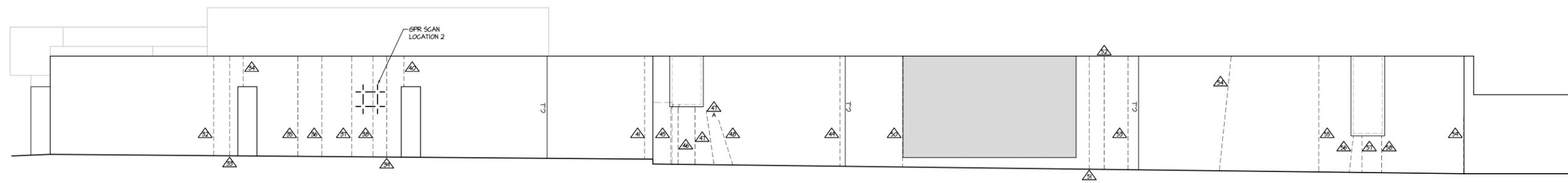


7 PARTIAL WEST ELEVATION
SCALE: 3/16" = 1'-0"

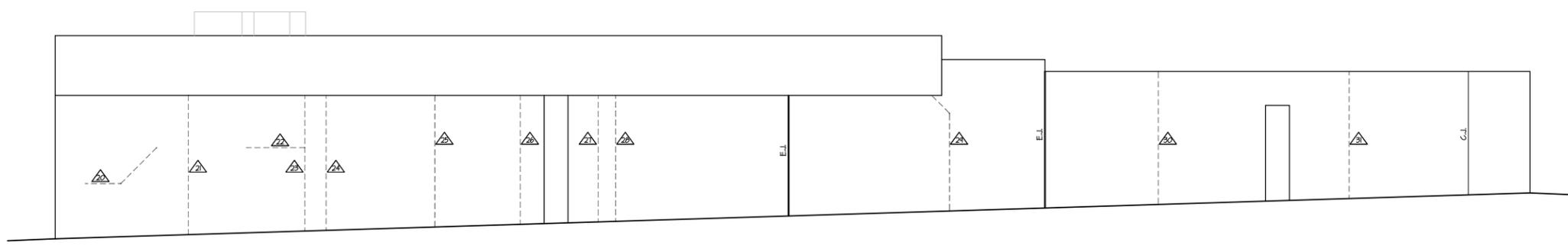
6 WEST ELEVATION
SCALE: 3/16" = 1'-0"

5 PARTIAL EAST ELEVATION
SCALE: 3/16" = 1'-0"

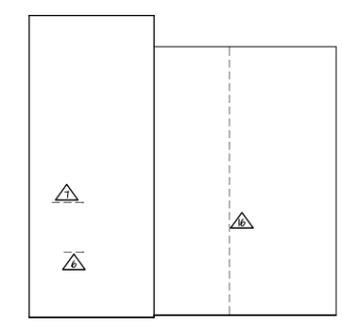
ELEVATION KEY PLAN



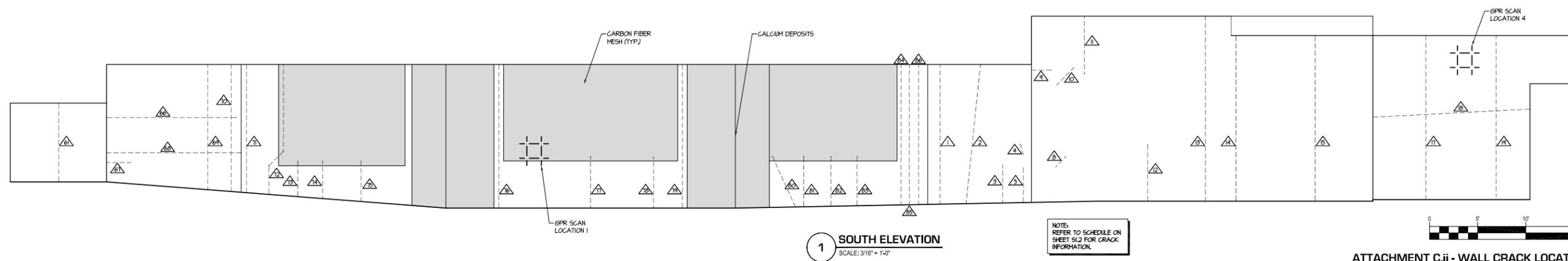
4 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



3 EAST ELEVATION
SCALE: 3/16" = 1'-0"



2 PARTIAL WEST ELEVATION
SCALE: 3/16" = 1'-0"



1 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
REFER TO SCHEDULE ON
SHEET S2.2 FOR CRACK
INFORMATION.



SCALE: 3/16" = 1'-0"
ATTACHMENT C.ii - WALL CRACK LOCATION PLAN

<p>WINTON ENGINEERING "Turning Ideas Into Reality" Waco, Texas (254) 776-7024</p>	
NO.	DESCRIPTION
DATE	REVISIONS
BY	

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY JAMES R. WINTON NOVEMBER 18, 2015 ORIGINAL SIGNED COPY IS ON FILE AT WINTON ENGINEERING, INC. THIS FIRM REGISTRATION # 0288

STATE OF TEXAS
JAMES R. WINTON
REGISTERED PROFESSIONAL ENGINEER

STRUCTURAL OBSERVATION REPORT
WASTEWATER TREATMENT PLANT
LAGO VISTA, TEXAS
SEMINOLE DRIVE

PLOTS SCALE: 1:1
JOB NO.: 2015-033
DRAWN: SLG
CHECKED: JRM
DATE: 11/18/15

Sheet
S2.2

2015.11.18 S2.2.dwg

Drawing: Y:\Utilities\2015-033_Lago-Vista_Water03_Plans_Engineering\Drawings\Construction\2015-033_S2.2.dwg
 Plotted on: 11/19/2015 8:16 AM
 Plotted by: Jareed

Attachment C.iii - Wall Cracks

 A close-up photograph of a light-colored concrete wall. On the left, there are several vertical pipes. To their right, there is a vertical crack that has been filled with a white, textured patching material. The wall shows some signs of weathering and discoloration.	<p>Crack: 1 Photo: 124</p>	<p>Vertical deposits, patched.</p>
 A close-up photograph of a concrete wall. A metal structure, possibly a railing or support, is attached to the wall. To the left of the metal, there are diagonal, light-colored deposits or patches on the concrete surface. The wall appears aged and slightly stained.	<p>Crack: 2 Photo: 125</p>	<p>Diagonal deposits.</p>
 A close-up photograph of a concrete wall. A vertical crack runs down the center of the frame. The crack is filled with a white patching material. The surrounding concrete is light-colored and shows some minor staining and texture.	<p>Crack: 3 Photo: 132</p>	<p>Vertical crack.</p>

	Crack: 4 Photo: 130	Diagonal crack.
	Crack: 5 Photo: 133	Vertical crack.
	Crack: 6 Photo: 135	Horizontal crack.

	Crack: 7 Photo: 136	Horizontal crack.
	Crack: 8 Photo: 138	Diagonal crack.
	Crack: 9 Photo: 140	Horizontal crack.

	Crack: 10 Photo: 141	Diagonal crack.
	Crack: 11 Photo: 143	Vertical crack, patched.
	Crack: 12 Photo: 151	Vertical crack.

	Crack: 13 Photo: 159	Vertical crack.
	Crack: 14 Photo: 173	Vertical crack.
	Crack: 15 Photo: 184	Vertical crack.

	Crack: 16 Photo: 193	Spider web crack.
	Crack: 17 Photo: 206	Vertical crack.



Crack: 18

Horizontal crack.

Photo: 212



Crack: 19

Vertical deposits.

Photo: 222

	Crack: 20 Photo: 230	Horizontal crack.
	Crack: 21 Photo: 236	Vertical crack.
	Crack: 22 Photo: 245	Horizontal crack.

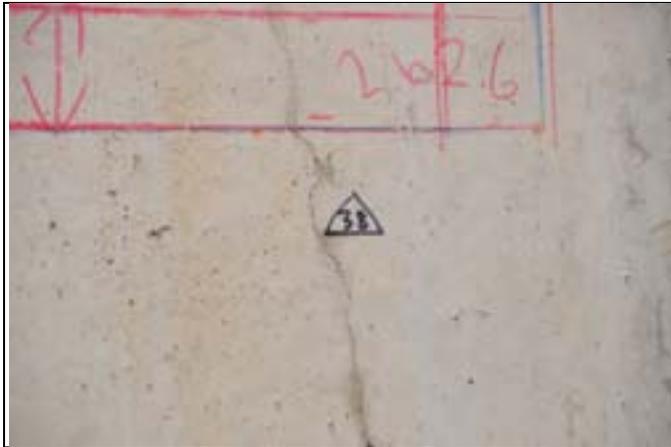
	<p>Crack: 23 Photo: 249</p>	<p>Vertical deposits, construction joint.</p>
	<p>Crack: 24 Photo: 258</p>	<p>Vertical crack, patched.</p>
	<p>Crack: 25 Photo: 263</p>	<p>Vertical crack.</p>

	Crack: 26 Photo: 271	Vertical crack.
	Crack: 27 Photo: 278	Vertical crack.
	Crack: 28 Photo: 286	Vertical crack.

	Crack: 29 Photo: 292	Vertical deposits.
	Crack: 30 Photo: 302	Vertical crack.
	Crack: 31 Photo: 311	Vertical deposits.

	Crack: 32 Photo: 322	Vertical deposits.
	Crack: 33 Photo: 331	Vertical crack.
	Crack: 34 Photo: 341	Vertical crack.

	<p>Crack: 35 Photo: 345</p>	<p>Vertical deposits.</p>
	<p>Crack: 36 Photo: 346</p>	<p>Vertical deposits.</p>
	<p>Crack: 37 Photo: 347</p>	<p>Vertical deposits, patched.</p>

	<p>Crack: 38 Photo: 350</p>	<p>Vertical deposits.</p>
	<p>Crack: 39 Photo: 351</p>	<p>Vertical deposits.</p>
	<p>Crack: 40 Photo: 353</p>	<p>Vertical crack.</p>

	<p>Crack: 41 Photo: 357</p>	<p>Vertical deposits, no marking.</p>
	<p>Crack: 42 Photo: 364</p>	<p>Vertical crack.</p>
	<p>Crack: 43 Photo: 368</p>	<p>Vertical deposits.</p>

	<p>Crack: 44 Photo: 377</p>	<p>Vertical deposits.</p>
	<p>Crack: 45 Photo: 384</p>	<p>Vertical crack.</p>
	<p>Crack: 46 Photo: 385</p>	<p>Vertical crack.</p>

	Crack: 47 Photo: 386	Vertical crack.
	Crack: 48 Photo: 387	Vertical crack.
	Crack: 49 Photo: 391	Vertical crack, patched.

	Crack: 50 Photo: 394	Vertical deposits.
	Crack: 51 Photo: 400	Vertical deposits.
	Crack: 52 Photo: 401	Vertical deposits.

	<p>Crack: 53 Photo: 404</p>	<p>Vertical crack.</p>
	<p>Crack: 54 Photo: 407</p>	<p>Vertical deposits.</p>
	<p>Crack: 55 Photo: 415</p>	<p>Vertical deposits.</p>

	Crack: 56 Photo: 417	Vertical crack.
	Crack: 57 Photo: 421	Vertical crack.
	Crack: 58 Photo: 425	Vertical crack.

	Crack: 59 Photo: 430	Vertical crack.
	Crack: 60 Photo: 434	Vertical crack.
	Crack: 61 Photo: 444	Vertical crack.

	Crack: 62 Photo: 451	Vertical deposits.
	Crack: 63 Photo: 458	Vertical deposits.
	Crack: 64 Photo: 468	Vertical deposits.

	Crack: 65 Photo: 472	Horizontal deposits.
	Crack: 66 Photo: 476	Horizontal deposits.
	Crack: 67 Photo: 480	Horizontal deposits.



Crack: 68

Horizontal deposits.

Photo: 481



Crack: 69

Vertical crack, patched.

Photo: 488



Crack: 70
Photo: 491

Vertical deposits,
patched.



Crack: 71
Photo: 493

Vertical deposits,
patched.

	Crack: 72 Photo: 503	Vertical deposits, patched.
	Crack: 73 Photo: 513	Vertical crack.
	Crack: 74 Photo: 517	Vertical crack.

	<p>Crack: 75 Photo: 522</p>	<p>Vertical crack.</p>
	<p>Crack: 76 Photo: 534</p>	<p>Vertical deposits.</p>
	<p>Crack: 77 Photo: 543</p>	<p>Vertical crack.</p>

	Crack: 78 Photo: 550	Vertical crack.
	Crack: 79 Photo: 557	Vertical deposits.
	Crack: 80 Photo: 576	Vertical deposits.

	<p>Crack: 81 Photo: 581</p>	<p>Vertical deposits.</p>
	<p>Crack: 82 Photo: 582</p>	<p>Vertical deposits.</p>
	<p>Crack: 83 Photo: 584</p>	<p>Vertical deposits.</p>

	<p>Crack: 84 Photo: 592</p>	<p>Vertical crack.</p>
	<p>Crack: 85 Photo: 596</p>	<p>Vertical deposits.</p>
	<p>Crack: 86 Photo: 596</p>	<p>Vertical crack, patched.</p>

	<p>Crack: A Photo: 606</p>	<p>Spider web crack.</p>
	<p>Crack: B Photo: 609</p>	<p>Perpendicular crack.</p>
	<p>Crack: C Photo: 611</p>	<p>Perpendicular crack.</p>



Crack: D
Photo: 612

Spider web crack.



Crack: E
Photo: 617

Spider web crack.



Crack: F
Photo: 619

Spider web crack.

	Crack: G Photo: 621	Perpendicular crack.
	Crack: H Photo: 623	Perpendicular crack.
	Crack: I Photo: 625	Perpendicular crack.



Crack: J
Photo: 626

Perpendicular crack.



Crack: K
Photo: 626

Perpendicular crack.



Crack: L
Photo: 627

Perpendicular crack.



Crack: M
Photo: 628

Perpendicular crack.



Crack: N
Photo: 630

Perpendicular crack.



Crack: O
Photo: 629

Perpendicular crack.

	Crack: P Photo: 632	Perpendicular crack.
	Crack: Q Photo: 633	Perpendicular crack.
	Crack: R Photo: 635	Perpendicular crack.

	Crack: S Photo: 637	Perpendicular crack.
	Crack: T Photo: 638	Perpendicular crack.
	Crack: U Photo: 640	Perpendicular crack.

	<p>Crack: V Photo: 642</p>	<p>Perpendicular crack.</p>
	<p>Crack: W Photo: 644</p>	<p>Perpendicular crack.</p>
	<p>Crack: X Photo: 651</p>	<p>Perpendicular crack.</p>

 A close-up photograph of a concrete ledge. A silver metal pipe runs horizontally across the top of the ledge. A vertical crack is visible in the concrete, intersecting the pipe. The background shows some black cables.	<p>Crack: Y Photo: 653</p>	<p>Perpendicular crack.</p>
 A close-up photograph of a concrete pillar. A silver metal pipe runs vertically down the side of the pillar. A horizontal crack is visible in the concrete, intersecting the pipe. A yellow metal grate is visible in the background.	<p>Crack: Z Photo: 656</p>	<p>Perpendicular crack.</p>
 A close-up photograph of a concrete pillar. A silver metal pipe runs vertically down the side of the pillar. A horizontal crack is visible in the concrete, intersecting the pipe. Green foliage is visible in the background.	<p>Crack: AA Photo: 657</p>	<p>Perpendicular crack.</p>



Crack: AB
Photo: 659

Perpendicular crack.



Crack: AC
Photo: 660

Perpendicular crack.



Crack: AD
Photo: 661

Perpendicular crack.



Crack: AE
Photo: 662

Perpendicular crack.



Crack: AF
Photo: 663

Perpendicular crack.



Crack: AG
Photo: 668

Perpendicular crack.



Crack: AH
Photo: 674

Perpendicular crack.



Crack: AI
Photo: 688

Perpendicular crack.



Crack: AJ
Photo: 685

Perpendicular crack.



Crack: AK
Photo: 690

Perpendicular crack.



Crack: AL
Photo: 692

Perpendicular crack.



Crack: AM
Photo: 694

Perpendicular crack.

 A close-up photograph of a concrete surface. A vertical grey pipe is mounted on a metal base. A crack is visible in the concrete, running perpendicular to the pipe. A red-painted area is visible in the background.	Crack: AN Photo: 700	Perpendicular crack.
 A close-up photograph of a concrete surface. A vertical grey pipe is mounted on a metal base. A crack is visible in the concrete, running perpendicular to the pipe. A red-painted area is visible in the background.	Crack: AO Photo: 703	Perpendicular crack.
 A close-up photograph of a concrete surface. A vertical grey pipe is mounted on a metal base. A crack is visible in the concrete, running perpendicular to the pipe. A red-painted area is visible in the background.	Crack: AP Photo: 703	Perpendicular crack.



Crack: AQ

Perpendicular crack.

Photo: 708



Crack: AR

Perpendicular crack.

Photo: 711



Crack: AS

Perpendicular crack.

Photo: 715



Crack: AT
Photo: 716

Perpendicular crack.



Crack: AU
Photo: 719

Spider web crack.



Crack: AV
Photo: 724

Perpendicular crack.



Crack: AW

Perpendicular crack.

Photo: 725

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

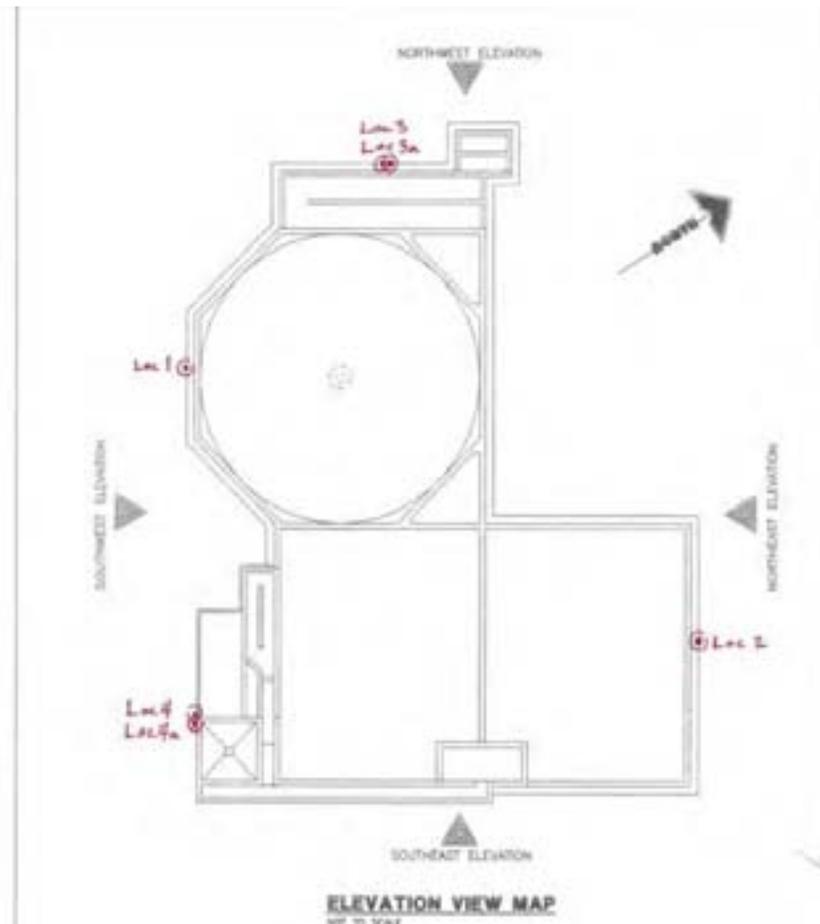
Report No. 0115-020
July 17, 2015

Attention: Mrs. Melissa Byrne Vossmer, City Manager

Report of Concrete Testing Waste Water Treatment Basin Lago Vista, Texas

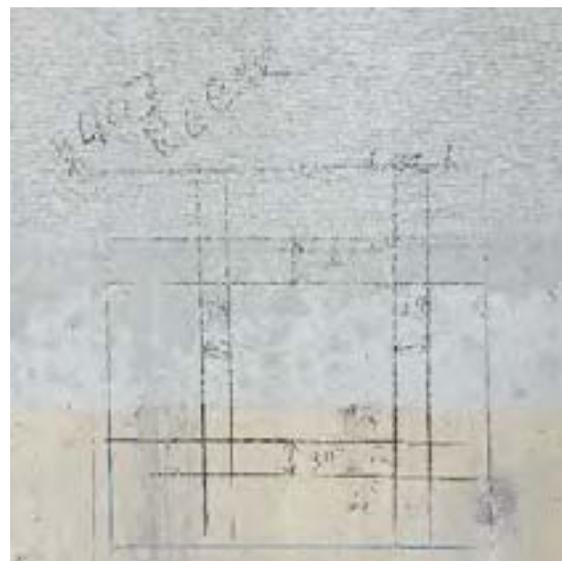
Submitted here is our report of concrete testing performed on the concrete walls of a waste water treatment basin at the Lago Vista waste water treatment facility. Testing included conducting Ground Penetrating Radar (GPR) scans of several of the basin walls, obtaining three concrete core samples, patching the resulting holes, and testing the cores for axial compressive strength. The results of our testing are discussed in the following paragraphs.

Six test locations are selected and our shown on the plan view sketch below.



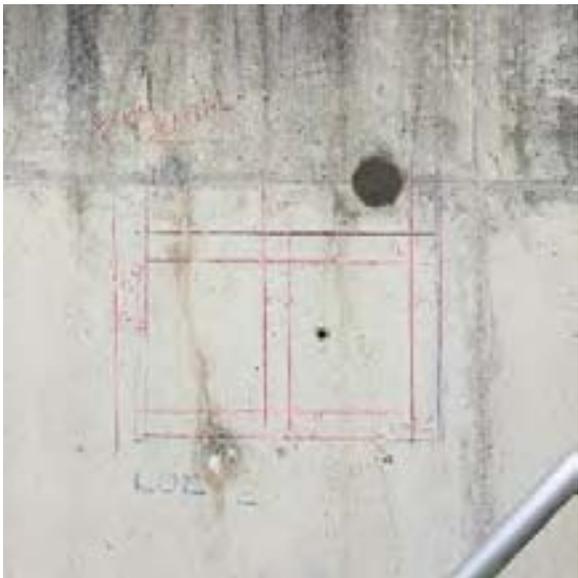
Location 1

On the Southwestern side of the plant structure, GPR testing was performed and findings revealed reinforcing steel vertical spacing to be roughly 12" o.c. with a 2.4" cover, and horizontal spacing to be roughly 12" o.c. with a 3.0" cover.



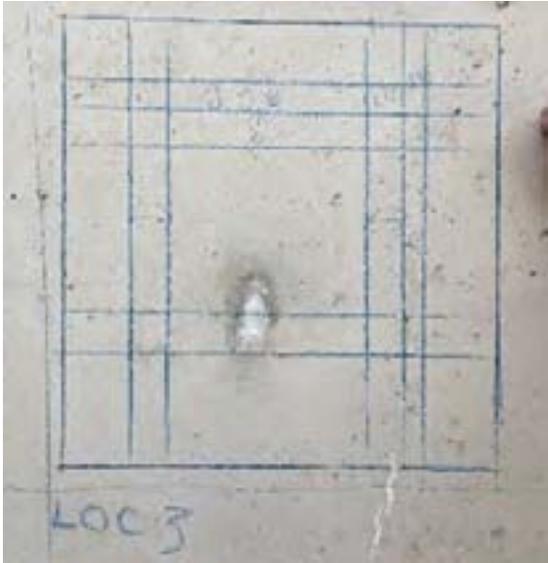
Location 2

On the Northeastern side of the plant structure, GPR testing was performed and findings revealed reinforcing steel vertical spacing to be roughly 12" o.c. with 2.0-2.6" cover, and horizontal spacing of roughly 12" o.c. with 3.0" cover. In addition to GPR, a core sample was acquired at location 2. See attachment for data.



Location 3

On the Northwestern side of the plant structure, GPR testing was performed and findings revealed reinforcing steel vertical spacing of roughly 12" o.c. with 1.6" cover, and horizontal spacing of roughly 12" o.c. with 2.0" cover.



Location 3a

Directly above location 3 on Northwestern side of the plant structure, GPR testing was performed and findings revealed reinforcing steel vertical spacing of roughly 12" o.c. with 1.4" cover, and horizontal spacing of roughly 12" o.c. with 2.0" cover. In addition to GPR, a core sample was acquired at location 3a. See attachment for data.



Location 4

On the South side of the plant structure, GPR testing was performed and findings revealed a reinforcing steel vertical spacing of roughly 12" o.c. with 2.6" cover, and horizontal spacing of roughly 12" o.c. with 3.2" cover.



Location 4a

Directly above location 4, on South side of the plant structure, GPR testing was performed and findings revealed reinforcing steel vertical spacing of roughly 12" o.c. with 2.5" cover, and vertical spacing of roughly 12" o.c. with 3.2" cover. In addition, to GPR a core sample was acquired at location 4a. See attached for data.



Concrete Compression Test Results

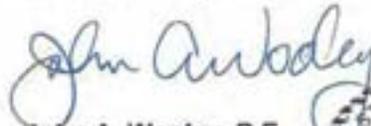
Three concrete cores were tested for compressive strength in accordance with ASTM C42. The results of the tests and associated data is presented on the attachment. In summary, the compressive strength values obtained were 6,040 psi, 6,600 psi and 7,950 psi, and the average compressive strength is 6,860 psi.

Closing

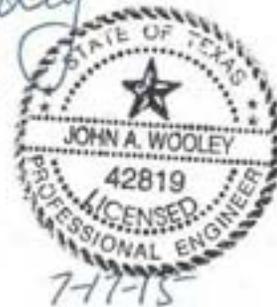
We appreciate the opportunity to provide these services to the City of Lago Vista. Please call if you have any questions.

Sincerely,

Balcones Geotechnical, PLLC
TBPE Firm Reg. F-15624



John A. Wooley, P.E.
Principal



JAW(0115-020 Lago Vista Report)

Copied: Jim Winton – Winton Engineering, Inc. and Gary Graham – Walker Partners, Inc.

Attachment: Concrete Core Compressive Strength Data



13581 Pond Springs Road, Suite 210, Austin, Texas 78729 • Phone: (512) 428-5550 • Fax: (512) 428-5525

Customer: Balcones Geotechnical
Austin, Texas

Project: Lago Vista WWTP
Lago Vista, Texas

Report Date: July 13, 2015

Arias Report No.: 2014-96-1

Compressive strength tests of concrete cores were conducted in general accordance with test methods ASTM C42 & ACI 318, Chapter 5, as presented below:

Test Sample ID: A15-154

Date Placed: Unknown

Core Location:	Max. Nom. Aggregate (in.)	Field Core Length (in.)	Length after trimming (in.)	Length After Capping (in.)	Average Diameter (in.)	Area (sq.in)	Load (lbs.)	Corrected Compressive Strength (psi)	Direction of Application of the Load to Horizontal	Date Tested	Time Tested	Age (days)
Location 2	1	12.04	5.520	5.752	2.740	5.90	35,635	6,040	Parallel	7/13/2015	1100	Unknown
Location 3A	1	11.51	5.480	5.723	2.750	5.94	39,220	6,600	Parallel	7/13/2015	1100	Unknown
Location 4A	1	11.57	5.370	5.374	2.740	5.90	46,900	7,950	Parallel	7/13/2015	1100	Unknown

Respectfully Submitted,
Arias & Associates, Inc
TBPE Certificate of Registration No: F-32


John S. Landwermer
Project Manager

Austin • Corpus Christi • Eagle Pass • Fort Worth • San Antonio

Attachment E.i



Winton Engineering, Inc.
Consulting Engineers
Waco, Texas
Tx. Engineering Firm F-282

Title **Lago Vista WWTP - Basin Walls** Page: _____
 Job # **2015-033** Dsgnr: **J. Winton, PE # 681** Date: 19 NOV 2015
 Description....

This Wall in File: Y:\Jobfiles\2015-033_Lago-Vista_Walker\03_Plans_Engineering\Engineering\RetainPro

RetainPro (c) 1987-2015, Build 11.15.11.3
 License : KW-06053993
 License To : WINTON ENGINEERING, INC.

Cantilevered Retaining Wall Design

Code: IBC 2012,ACI 318-11,ACI 530-11

Criteria

Retained Height	=	15.50 ft
Wall height above soil	=	2.50 ft
Slope Behind Wall	=	0.00
Height of Soil over Toe	=	102.00 in
Water height over heel	=	0.0 ft

Soil Data

Allow Soil Bearing	=	3,000.0 psf
Equivalent Fluid Pressure Method		
At-Rest Heel Pressure	=	65.0 psf/ft
	=	
Passive Pressure	=	250.0 psf/ft
Soil Density, Heel	=	65.00 pcf
Soil Density, Toe	=	110.00 pcf
Footings Soil Friction	=	0.400
Soil height to ignore for passive pressure	=	12.00 in



Surcharge Loads

Surcharge Over Heel	=	0.0 psf
Used To Resist Sliding & Overturning		
Surcharge Over Toe	=	0.0 psf
Used for Sliding & Overturning		

Lateral Load Applied to Stem

Lateral Load	=	0.0 #/ft
...Height to Top	=	0.00 ft
...Height to Bottom	=	0.00 ft
The above lateral load has been increased by a factor of		1.00
Wind on Exposed Stem (Strength Level)	=	0.0 psf

Adjacent Footing Load

Adjacent Footing Load	=	0.0 lbs
Footing Width	=	0.00 ft
Eccentricity	=	0.00 in
Wall to Ftg CL Dist	=	0.00 ft
Footing Type		Line Load
Base Above/Below Soil at Back of Wall	=	0.0 ft
Poisson's Ratio	=	0.300

Axial Load Applied to Stem

Axial Dead Load	=	0.0 lbs
Axial Live Load	=	0.0 lbs
Axial Load Eccentricity	=	0.0 in

Design Summary

Wall Stability Ratios

Overturning	=	15.96 OK
Sliding	=	3.35 OK
Total Bearing Load	=	47,714 lbs
...resultant ecc.	=	21.73 in
Soil Pressure @ Toe	=	1,668 psf OK
Soil Pressure @ Heel	=	911 psf OK
Allowable	=	3,000 psf
Soil Pressure Less Than Allowable		
ACI Factored @ Toe	=	2,336 psf
ACI Factored @ Heel	=	1,275 psf
Footing Shear @ Toe	=	4.9 psi OK
Footing Shear @ Heel	=	5.8 psi OK
Allowable	=	82.2 psi

Sliding Calcs

Lateral Sliding Force	=	9,392.5 lbs
less 100% Passive Force	=	- 12,375.0 lbs
less 100% Friction Force	=	- 9,085.7 lbs
Added Force Req'd	=	0.0 lbs OK
...for 1.5 Stability	=	0.0 lbs OK

Stem Construction

	2nd	Bottom
Design Height Above Ftg	ft =	As < Min % 8.00 0.00
Wall Material Above "Ht"	=	Concrete Concrete
Design Method	=	LRFD LRFD
Thickness	=	16.00 16.00
Rebar Size	=	# 5 # 6
Rebar Spacing	=	12.00 12.00
Rebar Placed at	=	Edge Edge
Design Data		
fb/FB + fa/Fa	=	No Good No Good
Total Force @ Section		
Service Level	lbs =	
Strength Level	lbs =	3,107.8 13,273.8
Moment....Actual		
Service Level	ft-# =	
Strength Level	ft-# =	7,769.5 68,581.4
Moment....Allowable	ft-# =	19,366.3 26,120.8
Shear....Actual		
Service Level	psi =	
Strength Level	psi =	18.3 81.2
Shear....Allowable	psi =	82.2 82.2
Wall Weight	psf =	200.0 200.0
Rebar Depth 'd'	in =	14.19 13.63

Masonry Data

f'm	psi =	
Fs	psi =	
Solid Grouting	=	
Modular Ratio 'n'	=	
Short Term Factor	=	
Equiv. Solid Thick.	=	
Masonry Block Type	=	Medium Weight
Masonry Design Method	=	ASD

Concrete Data

f'c	psi =	3,000.0 3,000.0
Fy	psi =	60,000.0 60,000.0

Vertical component of active lateral soil pressure IS NOT considered in the calculation of soil bearing pressures.

Load Factors

Building Code	IBC 2012,ACI
Dead Load	1.400
Live Load	1.700
Earth, H	1.700
Wind, W	1.000
Seismic, E	1.000

Attachment E.i



Winton Engineering, Inc.
Consulting Engineers
Waco, Texas
Tx. Engineering Firm F-282

Title **Lago Vista WWTP - Basin Walls** Page: _____
 Job # **2015-033** Dsgnr: **J. Winton, PE # 681** Date: 19 NOV 2015
 Description....

This Wall in File: Y:\Jobfiles\2015-033_Lago-Vista_Walker\03_Plans_Engineering\Engineering\RetainPro

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 License To : WINTON ENGINEERING, INC.

Cantilevered Retaining Wall Design

Code: IBC 2012, ACI 318-11, ACI 530-11

Footing Dimensions & Strengths

Toe Width	=	2.00 ft
Heel Width	=	35.00
Total Footing Width	=	37.00
Footing Thickness	=	18.00 in
Key Width	=	0.00 in
Key Depth	=	0.00 in
Key Distance from Toe	=	0.00 ft
$f'c$	=	3,000 psi
F_y	=	60,000 psi
Footing Concrete Density	=	150.00 pcf
Min. As %	=	0.0018
Cover @ Top	2.00	@ Btm.= 3.00 in

Footing Design Results

	<u>Toe</u>	<u>Heel</u>
Factored Pressure	= 2,336	1,275 psf
M_u' : Upward	= 4,633	904,946 ft-#
M_u' : Downward	= 2,177	977,879 ft-#
M_u : Design	= 2,456	72,934 ft-#
Actual 1-Way Shear	= 4.87	5.82 psi
Allow 1-Way Shear	= 82.16	82.16 psi
Toe Reinforcing	= # 7 @ 12.00 in	
Heel Reinforcing	= # 7 @ 12.00 in	
Key Reinforcing	= None Spec'd	

Other Acceptable Sizes & Spacings

Toe: Not req'd: $M_u < \phi * 5 * \lambda * \sqrt{f'c} * S_m$
 Heel: #4 @ 2.25 in, #5 @ 3.48 in, #6 @ 4.95 in, #7 @ 6.74 in, #8 @ 8.88 in, #9 @ 11.24
 Key: No key defined

Summary of Overturning & Resisting Forces & Moments

ItemOVERTURNING.....		RESISTING.....			
	Force lbs	Distance ft	Moment ft-#	Force lbs	Distance ft	Moment ft-#	
Heel Active Pressure	= 9,392.5	5.67	53,224.2	Soil Over Heel	= 33,919.2	20.17	684,036.5
Surcharge over Heel	=			Sloped Soil Over Heel	=		
Surcharge Over Toe	=			Surcharge Over Heel	=		
Adjacent Footing Load	=			Adjacent Footing Load	=		
Added Lateral Load	=			Axial Dead Load on Stem	=		
Load @ Stem Above Soil	=			* Axial Live Load on Stem	=		
	=			Soil Over Toe	= 1,870.0	1.00	1,870.0
	=			Surcharge Over Toe	=		
Total	9,392.5	O.T.M.	53,224.2	Stem Weight(s)	= 3,600.0	2.67	9,600.0
	=	=		Earth @ Stem Transitions	=		
Resisting/Overturning Ratio		=	15.96	Footing Weight	= 8,325.0	18.50	154,012.5
Vertical Loads used for Soil Pressure	=	47,714.2 lbs		Key Weight	=		
				Vert. Component	=		
				Total =	47,714.2 lbs	R.M.=	849,519.0

* Axial live load NOT included in total displayed, or used for overturning resistance, but is included for soil pressure calculation.

Vertical component of active lateral soil pressure IS NOT considered in the calculation of Sliding Resistance.

Vertical component of active lateral soil pressure IS NOT considered in the calculation of Overturning Resistance.

Tilt

Horizontal Deflection at Top of Wall due to settlement of soil

(Deflection due to wall bending not considered)

Soil Spring Reaction Modulus	250.0 pci
Horizontal Defl @ Top of Wall (approximate only)	0.023 in

The above calculation is not valid if the heel soil bearing pressure exceeds that of the toe, because the wall would then tend to rotate into the retained soil.

Attachment E.i



Winton Engineering, Inc.
Consulting Engineers
Waco, Texas
Tx. Engineering Firm F-282

Title **Lago Vista WWTP - Basin Walls** Page: _____
Job # **2015-033** Dsgnr: **J. Winton, PE # 681** Date: 19 NOV 2015
Description....

This Wall in File: Y:\Jobfiles\2015-033_Lago-Vista_Walker\03_Plans_Engineering\Engineering\RetainPro

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Cantilevered Retaining Wall Design

Code: IBC 2012,ACI 318-11,ACI 530-11

Rebar Lap & Embedment Lengths Information

Stem Design Segment: 2nd

Stem Design Height: 8.00 ft above top of footing

Lap Splice length for #5 bar specified in this stem design segment =	21.36 in
Lap Splice length for #6 bar extending up into this stem design segment from below =	25.63 in
Development length for #5 bar specified in this stem design segment =	16.43 in
Development length for #6 bar extending up into this stem design segment from below =	19.72 in

Stem Design Segment: Bottom

Stem Design Height: 0.00 ft above top of footing

Lap Splice length for #5 bar extending down into this stem design segment from above =	21.36 in
Lap Splice length for #6 bar specified in this stem design segment =	25.63 in
Development length for #5 bar extending down into this stem design segment from above =	16.43 in
Development length for #6 bar specified in this stem design segment =	19.72 in
Hooked embedment length into footing for #6 bar specified in this stem design segment =	29.94 in

Attachment E.i



Winton Engineering, Inc.
Consulting Engineers
Waco, Texas
Tx. Engineering Firm F-282

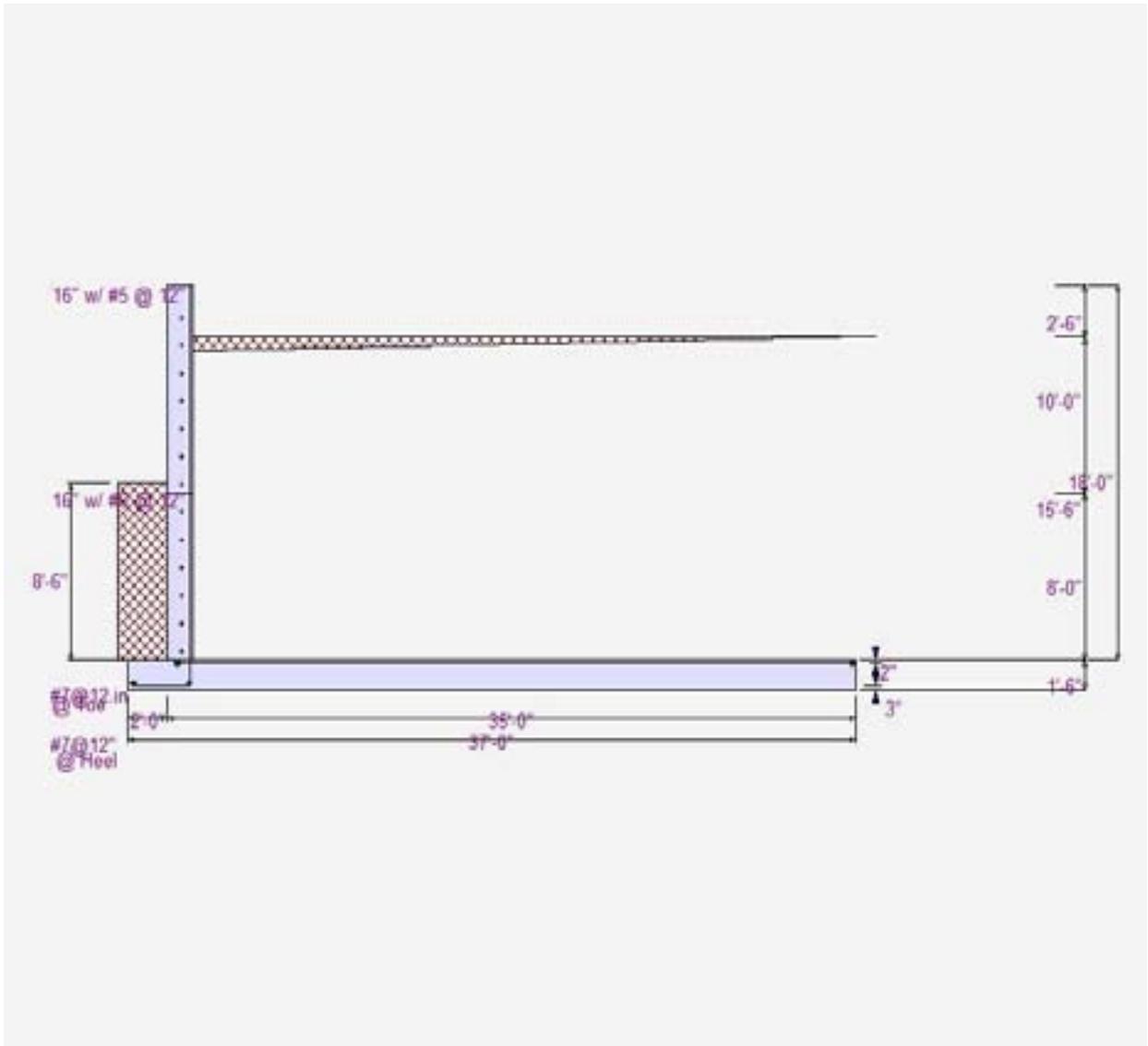
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Job # **2015-033** Dsgnr: **J. Winton, PE # 681** Date: 19 NOV 2015
Description....

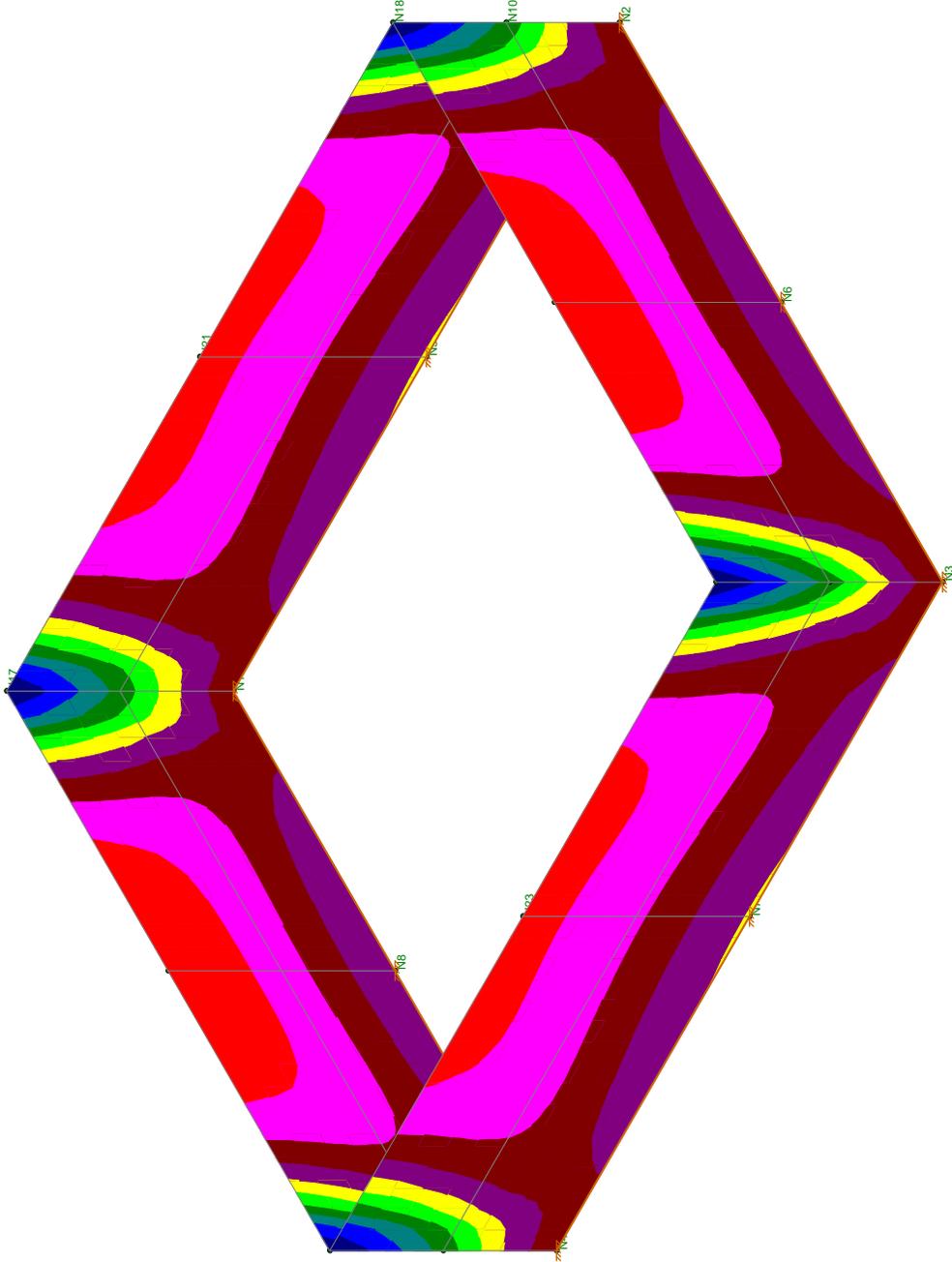
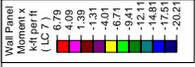
This Wall in File: Y:\Jobfiles\2015-033_Lago-Vista_Walker\03_Plans_Engineering\Engineering\RetainPro

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Cantilevered Retaining Wall Design

Code: IBC 2012, ACI 318-11, ACI 530-11





Results for LC 7, 9-2c

Winton Engineering, TBPE Firm # ...

NMK

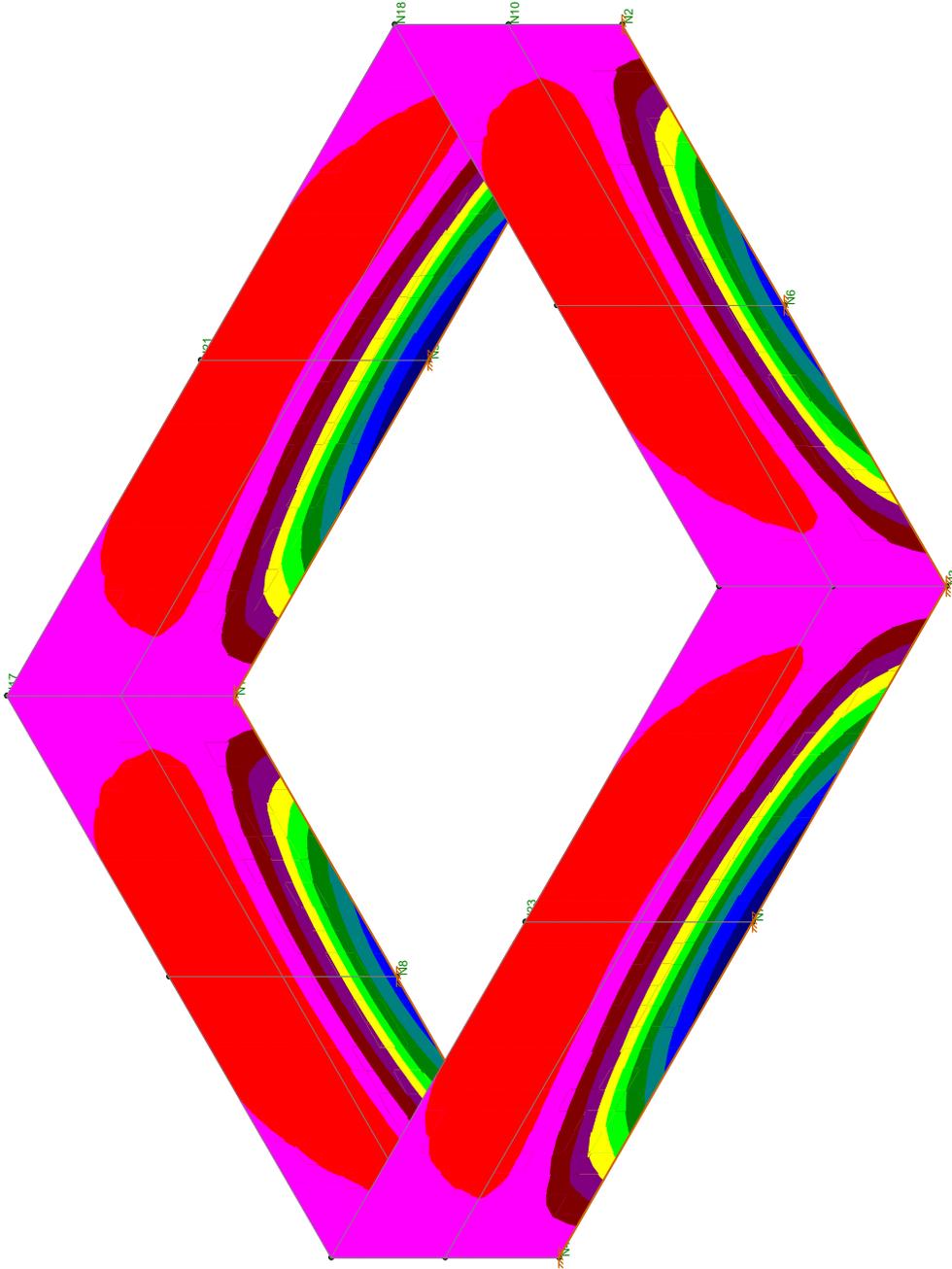
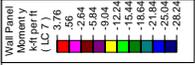
2015-033

SK - 3

Nov 18, 2015 at 11:20 AM

2015-033_Aeration Walls_Risa.r3d

Aeration Basin - Horizontal Moments
(Operating Conditions)



Results for LC 7, 9-2c

Winton Engineering, TBPE Firm # ...

NMK

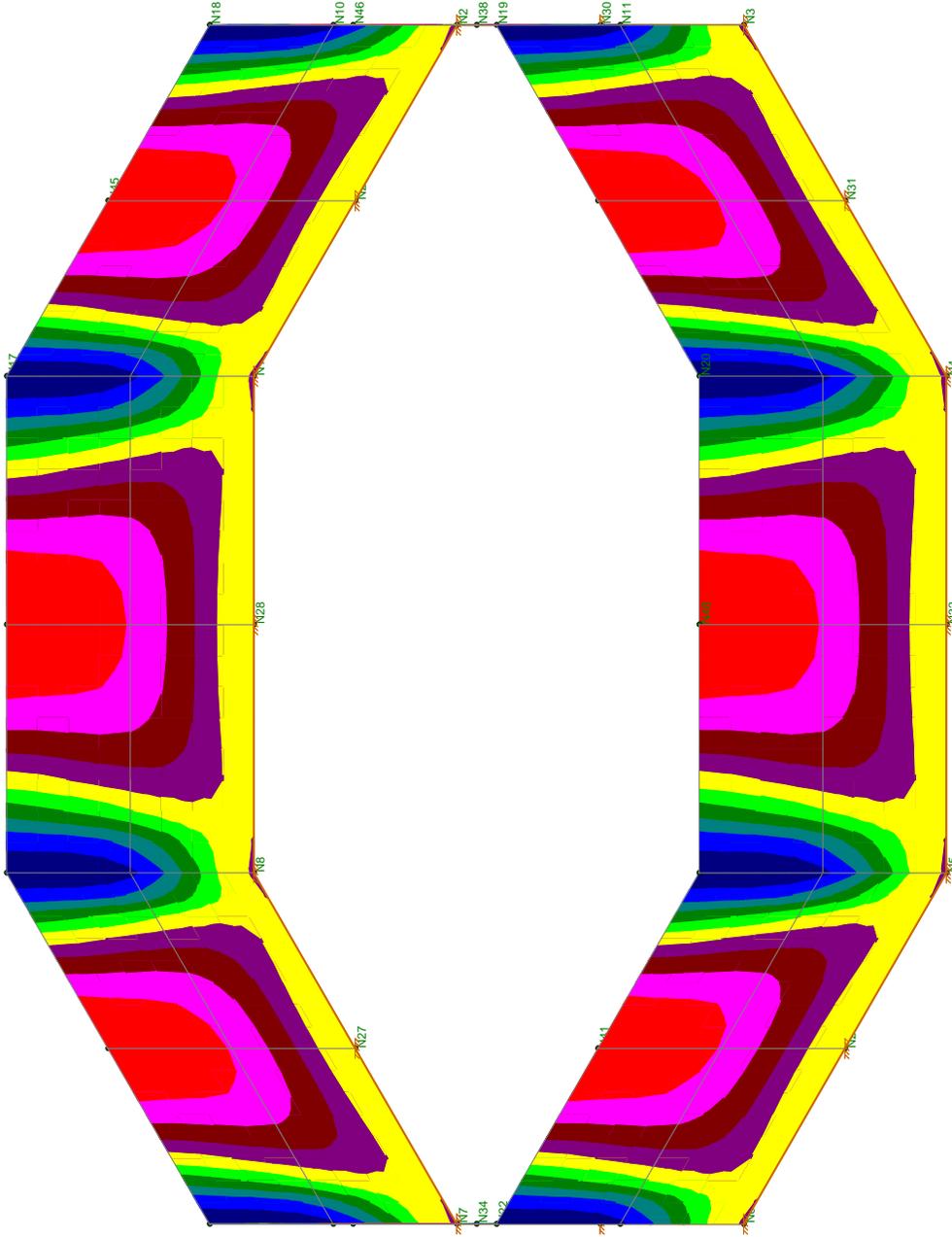
2015-033

SK - 4

Nov 18, 2015 at 11:20 AM

2015-033_Aeration Walls_Risa.r3d

Aeration Basin - Vertical Moments
(Operating Conditions)



Results for LC 8, 9-2d

Winton Engineering, TBPE #F282

NMK

2015-033

SK - 3

Clarifier - Horizontal Moments
(Operating Conditions)

Nov 18, 2015 at 2:36 PM

2015-033_Clarifier Walls_Risa.r3d



AGENDA ITEM

City of Lago Vista

To: **Mayor & City Council** **Council Meeting:** **December 3, 2015**

From: **Melissa Byrne Vossmer, City Manager**

Subject: **Discussion Concerning the Need for the Development of a City of Lago Vista Social Media Policy.**

Request: **Other** **Legal Document:** **Other** **Legal Review:**

EXECUTIVE SUMMARY:

The purpose of this item is to provide the City Council with the opportunity to discuss whether there is a need for the development of a City of Lago Vista Social Media Policy.

On November 20th, Mayor Pro Tem Smith contacted Staff with information concerning the prevalent use of social media by the City and elected officials and possible risks and ramifications. Attached is a chain of emails on this subject. In these emails, Mayor Pro Tem Smith asked that this item be added to the December 3rd City Council agenda.

Also attached is a paper published by the National League of Cities "Building Local Government Social Media Policies". This paper addresses all aspects of the use of social media not only by elected officials but the organization and employees as well.

And finally, when the City brought our Facebook page online earlier this year, we did develop a "Social Media Code of Conduct", copy attached. It is not a written social media policy but outlines expectations of behavior when using the City's Facebook page.

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager

Melissa ByrneVossmer

From: Melissa ByrneVossmer
Sent: Tuesday, November 24, 2015 1:28 PM
To: Melissa ByrneVossmer
Subject: FW: Possible Future Council Agenda Item (Supplemental Data)

From: Ron Smith
Sent: Saturday, November 21, 2015 12:03 AM
To: Melissa ByrneVossmer
Subject: RE: Possible Future Council Agenda Item (Supplemental Data)

Hi Melissa,

Please consider adding the supplemental data for the agenda package within the link:

<http://www.nlc.org/documents/Utility%20Navigation/About%20NLC/SMI/NLC-RISC/RISC-2011-Social-Media-Policies.pdf> (7-pages)

This appears to have a significant legal component. Ron

<snip > pages 6-7

Guidelines for elected official use of social media

Elected officials' use of the government's official social media or their personal or professional social media can raise many of the same risks just discussed with regard to employees. Elected officials who use the city's official social media should be subject to the same requirements as employees. (For open meetings purposes, discussed below, they may not want to use the official social media.) Many local governments have codes of ethics for elected officials, sometimes combined with the code for employees, which can be adopted by reference into the social media policy.

A risk that is different for elected officials is possible violation of the state's open meetings laws through the use of social media. A quorum of lawmakers holding a discussion about public business through social media may constitute a meeting that is subject to the open meetings law. This could happen through the official government social media, and some governments consequently prohibit elected officials from participating in their official social media. Equally problematic is elected officials' use of their own social media to communicate in their official capacity with members of the public. Informal communication with constituents is generally acceptable, but discussion of public business is risky, especially if it involves other elected officials. The dynamic nature of social media and the sheer volume of posts may make it difficult to track who is involved in the discussion and detect when the open meetings line has been crossed.

To address these risks, consider including in the social media policy:

- Recognition that elected official use of social media to discuss public business may violate the open meetings law.
- A prohibition against elected officials using any social media (personal, professional or the government's official social media) to discuss public business.
- A requirement that a social media site used by an elected official to communicate with constituents include a link back to the city's official website for detailed information.
- A requirement that elected officials who use social media for campaigning establish separate social media for that purpose and not access that social media through government technology.

<snip >

From: Melissa ByrneVossmmer
Sent: Friday, November 20, 2015 10:09 AM
To: Ron Smith <councilplace4@lago-vista.org>
Cc: Dale Mitchell <Mayor@lago-vista.org>
Subject: RE: Possible Future Council Agenda Item

Will do.....thanks!

Melissa Byrne Vossmmer, JCMA - CM
City Manager
City of Lago Vista
5803 Thunderbird / P.O. Box 4727
Lago Vista, TX 78646
(W) (512) 267-1166 or (512) 391-9906
Fax: (512) 267-7070

From: Ron Smith
Sent: Friday, November 20, 2015 9:46 AM
To: Melissa ByrneVossmmer
Subject: RE: Possible Future Council Agenda Item

Melissa,

Please add to Dec 3 agenda as a "discussion" item; maybe that is all we need at this point.

My intent is to have all council members direct social media and other communications to the city web/FB pages. Maybe if I can get the council's attention; maybe that is all that is needed.

Below I was thinking about keeping recurring information flow to citizens but may require the staff to be more active.

Ron

From: Melissa ByrneVossmmer
Sent: Friday, November 20, 2015 9:37 AM
To: Ron Smith <councilplace4@lago-vista.org>
Subject: RE: Possible Future Council Agenda Item

Hi Ron – we have a number of items for Dec. 3rd at my count this morning we have 9 items – obviously some much bigger than others.

If you are not expecting any work on the part of Staff we can easily add it for discussion only. If there is research etc. we need to do we don't have the capacity. The agenda goes out early next week due to Thanksgiving as we have to send it out on Wednesday. Your thoughts?

Melissa Byrne Vossmmer, JCMA - CM
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City of Lago Vista
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(W) (512) 267-1155 or (512) 391-9906
Fax: (512) 267-7070

From: Ron Smith
Sent: Friday, November 20, 2015 9:18 AM
To: Melissa ByrneVossmer
Subject: RE: Possible Future Council Agenda Item

Melissa,
How loaded are we for the Dec 3 meeting?
Is the city willing to be more active in the FB space?
Ed did not refer to the city page or the author. So I am left to believe he wrote the article; but I am sure someone at the city did, maybe you.

CoCP Communication Dept Ref: <http://www.cedarparktexas.gov/index.aspx?page=108>
CoCP Facebook: <https://www.facebook.com/cityofcedarparktexas/?fref=ts>

Ron

From: Melissa ByrneVossmer
Sent: Friday, November 20, 2015 8:52 AM
To: Ron Smith <councilplace4@lago-vista.org>
Subject: RE: Possible Future Council Agenda Item

Ron – how soon do you want to have this discussion? We need to spend some time looking for examples from other cities to have anything concrete in terms of a City Council Communication Plan...

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Search for people, places and things

City of Lago Vista Home

Social Media Code of Conduct

Edit

Published by Chris Martinez · April 24, 2015 at 9:42am

This Code of Conduct shall apply to all users of the City of Lago Vista's Facebook page, including City staff, City Council members, and members of City Boards and Committees. Comments are the opinion of the poster only, and publication of a comment does not imply endorsement or agreement by the City of Lago Vista.



City of Lago Vista

Notes by City of Lago Vista

All Notes

Add Tags

Embed Post

- *Posted content must be relevant to City of Lago Vista.*
- *Any pictures posted will be related to the City of Lago Vista.*
- *Comments shall relate to the topic being discussed in the original post, and should be intended to further a civil discussion.*
- *Advertising or promotional announcements are not permitted.*
- *Persons writing more than 250 characters may be asked to rewrite.*
- *Comments shall not use any profane language, racial slurs, derogatory terms or posting any information that could be considered disrespectful dialog.*
- *Comments must not be in support of or opposition to political campaigns or ballot measures; Postings for electoral campaign purposes will not be published.*
- *Content will be removed that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.*
- *Sexual content or links to sexual content is not permitted.*
- *Conduct or encouragement of illegal activity is not permitted.*
- *Users are encouraged not to provide personally identifiable information within your comment.*
- *No attacks on individual character will be permitted.*
- *You are legally responsible for what you write, and it must not breach any law, confidentiality or copyright. Because you are responsible for your statements, be careful about exaggeration, innuendo, etc.*
- *Comments shall not contain random or unintelligible text.*
- *Comments shall not direct users to other websites or Facebook pages.*
- *There is no right to privacy on the City's Facebook page as the page is a public forum.*
- *Comments may be retained by the City of Lago Vista, and may be subject to requests under the Public Information Act.*
- *Anonymous postings, or multiple postings by the same user or individual using a fictitious or different name is not permitted.*

The City reserves the right to restrict or remove any content deemed in violation of the terms outlined in this Code of Conduct. Any content removed based on this Code of Conduct will be retained, including the time, date and identity of the poster when available.

Persons may be permanently excluded from City of Lago Vista social media pages if acting contrary to this Code of Conduct.

The City Manager or his /her designee is hereby empowered to the moderator of all comments and posts to the City's Facebook page.

The City of Lago Vista reserves the right to update these terms of use.

29 people reached

Boost Unavailable



Like

Comment

Share

[Top Comments](#)



Write a comment...



Stephanie Smith AMEN!!! Love this!!! I wish another Facebook site that claims to be news endorsed these same ethics and laws. Way to go [City of Lago Vista](#)!! All of you are truly appreciated. Especially after all that is going on.

[Like](#) · [Reply](#) · [Message](#) · April 24 at 12:24pm

Building Local Government Social Media Policies

Social media is a new world of opportunity for local governments to communicate with citizens and receive feedback. Its risks are similar in nature to those of other types of communication, but with a different twist because material circulates so widely and there are many potential contributors. One recommended tool for addressing these risks is to adopt a social media policy. But what should be in that policy? It is not an easy question to answer.

Many local government social media policies are posted online, but this is an area where one size definitely does not fit all. Social media policies do not stand in isolation. They usually incorporate related policies by reference, and policies that address other issues are often amended to include social media specific provisions. Thus, social media policies are often a web of interrelated policies. Each government must take an individual approach to ensure that all these diverse parts come together to meet its unique needs.

Pools have a strong interest in their members' management of social media risks. They can help their members develop a social media policy by providing suggestions about what a social media policy should do. To assist RISC member pools in this outreach, NLC-RISC has prepared these recommendations about the building blocks for a social media policy. This resource can be used by the pool as a starting point for preparing its own guidelines or can be distributed to pool members under its name.

Control and structure of the government's official social media

Failure to control when and how social media sites are being created and used on behalf of the government sets the stage for losses. The first task for a social media policy is to establish the control structure for the government's official social media program. Three major issues are who has the authority to:

- Establish and terminate official social media accounts.
- Develop and implement the government's social media strategy.
- Develop and enforce a social media policy.

Some governments centralize control over their official social media presence. Centralized programs restrict who can establish an account and require prior review by an identified authority for all posts or comments on behalf of the government. Centralized control has an advantage from the risk control

perspective. It establishes authority and accountability and reduces the chances of a deviation from policy that results in liability.

Other governments decentralize control over their official social media presence to accommodate their operations' different goals and objectives. For example, emergency management may want to tweet alerts and recreation may want to post its activities on a Facebook page. A government might give those operations significant control over their social media presence so they can more nimbly accomplish their goals.

Not all decentralization is the same. The most decentralized approach is a policy that gives some guidelines about acceptable and prohibited use but otherwise allows agencies the freedom to establish social media accounts and pursue their own strategies. A more conservative approach would be a policy that decentralizes day-to-day control subject to general guidelines, but requires prior approval to establish a social media site and designates someone to monitor all the government's social media resources and order necessary changes. For risk control purposes, the more conservative approach offers the advantage of consistent oversight to ensure compliance with policy, combined with a degree of freedom to allow operations to take full advantage of the real-time nature of social media.

Small governments that plan relatively limited use of social media – for example a single Facebook page for the city – will probably use centralized control. Larger governments are likely to have a more decentralized social media program. Both will benefit from a social media policy that outlines the government's official position on social media, identifies who is authorized to participate in the government's official social media sites, and guides them on its implementation. Most of the approaches outlined below are consistent with either a centralized or decentralized approach.

Public records

One of the most difficult issues in local government use of social media is how to comply with the state's public records laws. Some social media posts are akin to casual conversation, but others pertain to official government business. Even comments posted by members of the public may qualify as public records, including those that have been removed as violating the public comment policy. How to draw the line between social media content that does and does not qualify as public records, identify the content that must be retained, and develop an archiving system are all issues of concern to governments using social media.

Many social media policies simply require compliance with the local government's existing public records policy. Three specific social media policy

provisions that an government can consider to facilitate compliance with public records laws are:

- Post all original content to the government's website and use the social media site as a secondary outlet.
- Link back to the official government website for additional information.
- Require employees who post public records to a social media site to ensure that the original document is retained in a manner that complies public record policy.

Guidelines for employee use of the government's official social media

Guidelines for employee use of the government's official social media are a critical part of a social media policy. Even if only one employee posts and responds to comments, that employee must know what is expected and the government must have some way of holding the employee accountable.

The guidelines for use derive from what can go wrong in a social media environment. Some of the major concerns are the following:

- Bad information that misleads the public and causes harm
- Violation of intellectual property rights
- Disclosure of private or confidential information
- Harassment
- Defamation

Any of these can lead to claims and lawsuits. The goal of guidelines is to prevent adverse outcomes.

Guidelines for employee use of the government's official social media encourage some conduct and prohibit other conduct. Some examples of useful positive requirements include:

- Be honest and transparent.
- Post only within one's area of expertise.
- Post only useful information.
- Keep it professional - avoid confrontation.
- Be accurate.
- Correct errors, and if modifying an earlier post, identify the change.
- Be responsive to citizen concerns.
- Adopt a user name that follows a standard format and clearly identifies the user as a city employee.

Employees should be prohibited from posting:

- Information about actual or potential claims and litigation involving the government.
- The intellectual property of others, without written permission.

- Photographs of employees or members of the public, without written permission.
- Defamatory material.
- Any personal, sensitive or confidential information about anyone.
- Obscene, pornographic or other offensive/illegal materials or links.
- Racist, sexist, and other disparaging language about a group of people.
- Sexual comments about, or directed to, anyone.
- Political campaign materials or comments.
- Threatening or harassing comments.
- Other information that is not public in nature.

The policy should also address the sanctions that will be imposed for breach of the policy. Be consistent with, or simply incorporate by reference, the employee discipline policy.

Many of these issues may already be addressed in other policies that can be incorporated by reference or used as a resource. In particular, any code of conduct or ethics should be incorporated by reference. Be consistent with or incorporate by reference website, information technology, communication, media relations, public information and privacy and confidentiality policies should also be considered.

Guidelines for employee use of other social media

Many employees already have purely personal social media accounts they use to interact with friends and family. They also may participate in "professional" social media that are related to their work or profession, but are not their employer's official site and usually are not a part of their job. An example of professional social media is GovLoop, a social networking site for government workers. Another example is LinkedIn. An employee also might establish a page on what is traditionally a personal social media site, such as a Facebook, for purposes of networking with professional colleagues.

Active participants in professional social networks can gain useful information that will help them do their jobs better, but they may also be more likely to discuss the details of their job on those sites. Their identification with a specific employer means that their posts can easily reflect upon the employer.

Personal and professional social media sites pose risks to the government even if employees access them when they are off-duty and using their own personal devices. Major risks include:

- Disclosure of private or confidential information
- Posting photographs of fellow employees or citizens without their permission

- Harassment
- Retaliation
- Defamation

Looking first at purely personal social media, the entity has little control over employees' actions in their free time using their own personal social media accounts and their own devices. Despite this lack of control, the exposures for the government are very real. Employees sometimes use their personal social media to discuss their jobs and post work-related photographs or information that expose the government to liability or compromise its confidential information. Many interact with co-workers, even with their supervisors/subordinates, and real or perceived slights, harassment, retaliation or discrimination can follow them into the workplace.

Many employees also use personal social media during work hours, either through the government's or the employee's personal technology, such as a smart phone. Personal use of social media through government technology has all the same risks identified above, as well as:

- Reduced work performance
- Downloading to government servers and distributing the same inappropriate content that may be accessed through the Internet.
- Inappropriate use of government property for political, commercial or criminal activity.

A government can prohibit social media at work and adopt blocking and/or monitoring programs for its own technology equipment. These techniques likely will not eliminate the use of personal social media at work, as many employees now have access to social media through their smart phones. However, they will help keep inappropriate content off government servers.

Monitoring employee use of social media and disciplining employees for violating a no-use policy have their own risks. Employees may claim that monitoring invades their privacy and constitutes an unreasonable search. Whether or not the government routinely monitors employees, notify employees in writing that they have no expectation of privacy in their use of government technology. Include the notice in the government's technology policy. If the government needs to access the employee's computer, the notice provides a defense. Also avoid taking job action against an employee based solely on monitoring results. Other factors, such as performance, should be considered.

Professional media sites pose many of the same risks as purely personal sites. They are also more likely to be accessed during work time using the government's technology, often with the government's explicit approval or encouragement. Because professional social media specifically relates to

professional interests, the employee is more likely to be identified with the government and discuss its business than on a purely personal social media site. Disclosing confidential information, casting the government in an unfavorable light, and misrepresenting the government's position are all risks.

To address these risks, consider including in the social media policy:

- A requirement that employees include in any post related to the government or their job on a personal or professional site a disclaimer that the posting reflects their own opinion, and not that of the government.
- By reference, policies that relate to conduct and ethics, privacy and confidentiality, harassment, retaliation and other relevant conduct.
- If monitoring employee use of social media at work, written notice of the nature and scope of monitoring.
- Notice that employees have no reasonable expectation of privacy when using government technology.
- If access of personal social media through government technology is permitted, notice that employee use of personal social media at work must be brief, not interfere with performance of the employee's duties or with the workplace, and not involve commercial, political or other prohibited activities.

Guidelines for elected official use of social media

Elected officials' use of the government's official social media or their personal or professional social media can raise many of the same risks just discussed with regard to employees. Elected officials who use the city's official social media should be subject to the same requirements as employees. (For open meetings purposes, discussed below, they may not want to use the official social media.) Many local governments have codes of ethics for elected officials, sometimes combined with the code for employees, which can be adopted by reference into the social media policy.

A risk that is different for elected officials is possible violation of the state's open meetings laws through the use of social media. A quorum of lawmakers holding a discussion about public business through social media may constitute a meeting that is subject to the open meetings law. This could happen through the official government social media, and some governments consequently prohibit elected officials from participating in their official social media. Equally problematic is elected officials' use of their own social media to communicate in their official capacity with members of the public. Informal communication with constituents is generally acceptable, but discussion of public business is risky, especially if it involves other elected officials. The dynamic nature of social media and the sheer volume of posts may make it difficult to track who is involved in the discussion and detect when the open meetings line has been crossed.

Another potential risk associated with elected official use of social media is use of government resources for political purposes. Elected officials are increasingly using social media for campaign purposes. Elected officials who use the same social media for communicating with constituents as they do to campaign risk violating the law against using government resources for political purposes.

To address these risks, consider including in the social media policy:

- Recognition that elected official use of social media to discuss public business may violate the open meetings law.
- A prohibition against elected officials using any social media (personal, professional or the government's official social media) to discuss public business.
- A requirement that a social media site used by an elected official to communicate with constituents include a link back to the city's official website for detailed information.
- A requirement that elected officials who use social media for campaigning establish separate social media for that purpose and not access that social media through government technology.

Public comment on the government's official social media

Some governments use their social media as a one-way communication tool to flow information to members of the public. Those governments disable comment features on their social media. Others view social media as an opportunity to receive information and feedback from the public and enhance operations. For example, members of the public might be encouraged to post a report of potholes, rather than calling.

The benefits of public comments have accompanying risks. A member of the public may post content that is inappropriate by being off-topic, defamatory, harassing, obscene or pornographic, criminal, or commercial. Or a citizen may just post an opinion that is critical about some aspect of the local government.

The risks of permitting public comments include:

- Failure to act on information reported by a member of the public resulting in harm to someone. If a member of the public posts a comment about a dangerous condition on public property, the government has notice. If it does not take action to address the dangerous condition and someone is injured or killed, a lawsuit may result.
- Although it would seem obvious that posts to social media are not private, members of the public who post may be disturbed if their comments are disclosed as public records under the state's open records law.

Other significant risks associated with public comment arise from what the government does (or does not do) to manage it. These include:

- Failing to monitor and remove inappropriate comment.
- Government employees responding inappropriately (in a harassing manner) to public comments.
- Violating the free speech rights of members of the public by removing comment based on the viewpoint or opinion expressed.

To address these risks, consider including in the social media policy:

- A public comment policy for posting on the social media site that does the following:
 - Identifies viewpoint neutral criteria that will be used to determine when a comment or link posted by a member of the public will be removed, which can include comments that are off-topic, obscene or pornographic, defamatory, harassing, commercial, criminal, political, or that violate the intellectual property rights of others.
 - Reserves the right to remove posts that violate the policy.
 - Gives notice that the comments are monitored only during business hours, and thus information conveyed after hours will not be received until the next business day.
 - Gives notice that comments are subject to disclosure as public records.
- Procedures and responsibility for monitoring of public comments and removal of inappropriate comments in accordance with the public comment policy.
- Procedures and responsibility for monitoring, responding to, and taking timely action to act upon information conveyed via public comments.

Conclusion

There are risks to undertaking any new activity, but social media is a powerful tool for local governments looking for new and cost-effective ways to engage their citizens. Just be sure to adopt social media with due consideration and planning. This means having clear objectives, knowing the target audience, selecting the right social media for the task, and taking the time to develop the right policy. Social media evolves quickly, so it is a good practice for the social media policy to remain platform neutral, and to review and revise it frequently to meet the changing environment.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: December 3, 2015

From: Melissa Byrne Vossmer, City Manager

Subject: Discussion on City of Lago Vista Budget

Request: Other Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

The City of Lago Vista is operating in the FY15/16 Budget. Our fiscal year is October 1st to September 30th. The current budget was approved by the City Council on September 29th.

The budget process is a nine month process. This process is kicked off by the annual Council worksession dedicated to discussing goals, objectives, projects and services desired in the upcoming budget. By Charter, the City Manager is charged with submitting a proposed budget prior to August 1st of each year along with a budget message. The Charter is very specific as to what must be included in the proposed budget as well as the format. The proposed budget also includes not only a fiscal year Capital Improvement Program (CIP) but also requires a 5-Year CIP so Council can see future needs.

Staff has not finalized a proposed FY16/17 Budget Schedule at this time but it is anticipated we will be ready to bring this forward at either the December 17th or early January meeting. The Mayor has asked that we work to submit the proposed budget earlier than what we have done the last two years which has been very close to the end of July. As we work to finalize the FY16/17 Budget Schedule we will work to be responsive to this request. In addition, this year we will want to position ourselves to incorporate the final recommendations from the Comprehensive Plan as approved by Council which should be before Council in the April / May timeframe.

Staff will be ready to address any questions you may have about the FY15/16 Budget or the budget process. The budget is a lengthy document but the Executive Summary

will provide a good overview of changes in the budget from the previous year.

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

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Agenda Item Approved by City Manager



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council Council Meeting: December 3, 2015

From: Melissa Byrne Vossmer, City Manager

Subject: Overview and Discussion of the Management of City Property Located at 18001 Marshall's Point Drive.

Request: Other Legal Document: Other Legal Review:

EXECUTIVE SUMMARY:

The City of Lago Vista closed on the purchase of property located at 18001 Marshall's Point Drive on October 23, 2015. This property, formerly belonging to Jim Otwell, was purchased, in the current condition, for \$3.7 M. It was purchased in order to complete the new Water Treatment Plant #3 (WTP#3) by allowing the City to finish construction of the raw water intake infrastructure and construction of the raw waterline from this property to the gate of this subdivision.

The City took possession of the property that afternoon and Chief Smith went out and did a walk through for us to make sure the residence was secured. We then scheduled routine checks by our Police Dept. that still continue. The following week, Chief Smith arranged to have the entire property re-keyed.

As part of the due diligence on the purchase, the City initiated a number of inspections that included general building, air conditioning, electrical, roof, mold testing, septic system, water system, propane, termite and pool. The City also took a video inventory of the furnishings that were left as part of the contract for sale. Since that time, Chief Smith has gone back and done an inventory of serial numbers with additional pictures.

As a result of these inspections, there were a number of items brought to our attention and are as follows:

1. Septic System - failed to pass LCRA inspection.
2. There were two air conditioning units that either had failed or were failing.
3. Mold was found in two locations - the wine cellar and in an upstairs living room

space. The mold will have to be removed and the residence restored.

4. The pool has a variety of issues such as joint cracking / water proofing, booster pumps and replacement of the anti entrapment device.

5. The roof had a number of tiles that needed to be replaced and due to drainage, there was substantial rotten wood and railing problems on the 2nd story balconies.

6. There were a number of smaller items throughout the residence included in the inspection report such as windows that had a broken handle, lack of railings on some stairways, loose spigots etc.

Estimated cost to address these issues could be as much as \$140K. The most expensive items are addressing the mold and restoration - \$50K; repairs to the roof and second floor balconies - \$40K; improvements to the septic system - \$10K and general fixes to the residence - \$25K.

Understanding that the house must be made ready as quickly as possible for availability to rent and/or sell, Staff has been working to solicit a proposal from a Project Manager / Inspector to manage all of the repairs by obtaining bids where necessary, managing all of the work that needs to be done, working with the City's inspector to approve the work and / or gain certificates of successful remediation (mold), coordinating access to the property etc. It is our intention to have this proposal on the December 17th Council agenda for consideration. It is proposed that this person be available and on-site while all of this work is being performed as well.

During this time, Staff has also been working to finalize an agreement for Council to consider that would provide the opportunity to rent this property while it is on the market for sale. Prior to Mr. Otwell residing at this property, he owned it and rented it out. He indicated that he received up to \$2200 / night and had few problems. This may provide an opportunity to begin to receive some revenue from this property to offset the investment in repairs that need to be made as well as on-going maintenance. The City purposely worked to purchase the property furnished so this could be an opportunity to explore. It is our intention to have this proposal on the December 17th Council agenda.

City Staff is currently assigned to mow / maintain the exterior of the property. Chief Smith is working to have the security system installed. The previous owner left a lot of "stuff" that Staff must go through to determine what to do with it. Staff has already performed some work such as cleaning out the refrigerator. We are also getting cost estimates so that we can have a cleaning service available when needed. It should be noted that if the City moves to rent the property, housekeeping services would be included in that contract.

Another task in the management of this property is to position the City to amend the plat. This is necessary since it is the intention of the City to sell the residence and immediate grounds but to carve out the utility easement and maintain ownership of it. This will provide the opportunity to freely access the property as well as be a member of the property owners association. The new survey in support of this plat amendment has been ordered. Once completed, we will work with John Josephs to get the plat amendment filed and approved by Travis County. We have been informed that this can take several months so we are working to get this started.

As Council is aware, the raw water infrastructure contractor will be on-site in the very

near future. Once the contractor has completed the remaining work such as pulling the marine cable, the electrical vault, construction of the electrical building and restoring the property, the City will take bids to construct an eight foot wall along the property line separating the residence and the utility easement.

To assist the City in selling the property, it will be necessary to obtain real estate services to represent the City. It is Staff's intention to develop a Request for Proposal (RFP) to obtain these services. Staff has not yet started to develop this RFP and anticipates that we will have this RFP ready in January. Proposals will be solicited for thirty (30) days and then a recommendation will be brought to Council. There has already been some interest expressed.

The direction to date is to move as quickly as possible in order to put the house back on the market. This is particularly important while the real estate market is strong and there is water in Lake Travis.

Impact if Approved:

Not subject to approval.

Impact if Denied:

Not subject to denial.

Is Funding Required? Yes No **If Yes, Is it Budgeted?** Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to:

Approve Item

Motion to:

Motion to:

Known As:

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: December 3, 2015

From: Sandra Barton, City Secretary

Subject: Appointment of representative to CAPCOG's General Assembly

Request: Appointments

Legal Document: Make Selection

Legal Review:

EXECUTIVE SUMMARY:

This item is for the consideration of the appointment of a representative to CAPCOG's General Assembly.

The General Assembly is composed of Cities, Counties, ISDs, Chambers, Non-Profits and other organizations with interest in COG programs.

The General Assembly meets 2 times per year, in September and December. The next meeting is on Wednesday, December 9, 2015 11:00 am – 1:00 at the Embassy Suites Hotel and Conference Center in San Marcos.

The General Assembly's responsibilities include:

- Establish CAPCOG policies and objectives / approve CAPCOG bylaw amendments
- adopt CAPCOG annual budget
- appoint members to and specify duties of permanent committees of the General Assembly
- elects Nominating Committee that recommends membership to the Executive Committee

Our representative is a voting member and we are allowed one representative based on our population. Any person (Council members, staff members or citizens) may be appointed subject to approval of the Council.

Our current representative is Bob Bradley.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? Yes No If Yes, Is it Budgeted? Yes No N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Agenda Item Approved by City Manager



Capital Area Council of Governments

6800 Burleson Road, Building 310, Suite 165 Austin, Texas 78744-2306

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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM

October 26, 2015

TO: General Assembly Members

FROM: Betty Voights, Executive Director

RE: Report on Nominating Committee Recommendations 2016

At your September 9, 2015 General Assembly meeting, a Nominating Committee was elected to make recommendations for membership on the Executive Committee for the 2016 calendar year. The Nominating Committee elected was Bee Cave Mayor Caroline Murphy, Burnet County Commissioner Joe Don Dockery, Williamson County Commissioner Cynthia Long, Giddings Mayor John Dowell, and Round Rock Council Member Kris Whitfield.

On September 10th, CAPCOG solicited nominations from General Assembly members who are elected officials from a city or county; 25 slots are available and we received 25 nominations from qualified members. We also sought nominations from the State Legislators whose districts serve our region and received four. The Nominating Committee has met twice to make recommendations for the 2016 Executive Committee members as well as the officers. I am attaching those recommendations which also indicate the current members in each category.

Our annual General Assembly meeting has been scheduled for Wednesday, December 9, 2015 at the Embassy Suites Hotel and Conference Center in San Marcos at which time you will be asked to elect the 2016 Executive Committee; that Committee according to the Bylaws elects its officers at its first meeting in January.

If you have any questions, please don't hesitate to contact me at bvoights@capcog.org or call 512-916-6008.

Attachments: Nominations for 2016
Current Roster of General Assembly Members



APPOINTMENT FORM - GENERAL ASSEMBLY REPRESENTATIVE
CAPITAL AREA COUNCIL OF GOVERNMENTS

The governing bodies of CAPCOG's members designate General Assembly representatives.

- Counties: Official appointments are made at Commissioners Court.
- Cities, Towns, Villages: Official appointments are made at City Council meetings.
- Organizations: Official appointments are made by the Board or other governing body.

PLEASE COMPLETE THE FOLLOWING SECTION

Governing Body:

- _____ County Commissioners Court (e.g., Travis County Commissioners Court)
- OR-
- _____ City Council (e.g., Austin City Council)
- OR-
- _____ Other (Board or other governing body)

City, County, or Organization being represented

Name of Representative

Position

Address

City, Zip Code

(_____) _____
Telephone Number

(_____) _____
Fax Number

Email address (General Assembly Reps. will be subscribed to the CAPCOG Connections, Training, & Data Points email lists)

Check One:

- _____ Reappointment
- _____ Filling Vacancy
- _____ Changing Representative

Name of Previous Representative

I confirm our governing body appointed the above individual to serve as a CAPCOG General Assembly Representative for the above entity on _____,
Date of Meeting

Signature of Chief Elected Official

Date

Please fax this form to 512-916-6001 or email to mmooney@capcog.org. Tel. 512-916-6018

MEETING DATE: December 3, 2015

AGENDA ITEM: *EXECUTIVE SESSION*

Comments:

1. Convene into Executive Session pursuant to Sections 551.071 and 551.072 and/or 551.074, Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:
 - a. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ ; **Tidwell** _____ ; **R. Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____

MEETING DATE: December 3, 2015

AGENDA ITEM: Reconvene from executive session into open session to take action as deemed appropriate in the City Council's discretion regarding;

Comments:

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

- a. Consultation with attorney regarding claims or possible claims related to easements, public utility easement and/or public property existing between Lots 1CA, 1CB, 12M-A and 18M, Travis Plaza, Lago Vista, Texas.

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Raley _____ ; **Shoumaker** _____ ; **Tidwell** _____ ; **R Smith** _____ ;

Mitchell _____ ; **S. Smith** _____ ; **Cox** _____

Motion Carried: Yes _____ ; **No** _____