

**AMENDED
OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
FEBRUARY 20, 2014**

BE IT REMEMBERED that on the 20th day of February, A.D., 2014, the City Council held a Regular Meeting at 6:30 P.M., at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL, INVOCATION AND PLEDGE OF ALLEGIANCE

Randy Kruger	Mayor	Joseph S. Portugal	City Manager
Dale Mitchell	Mayor Pro Tem	Danny Smith	Police Chief
Richard Bohn	Council Member	David Harrell	Development Services Director
Ron Smith	Council Member	Christina Buckner	City Secretary
D'Anne Gloris	Council Member	Jan Steele	Library Director
Darrel Hunt	Council Member	Dave Stewart	Assistant Public Works Director
Ed Tidwell	Council Member		

Mayor Kruger called the Regular Meeting to order and recognized that all Council Members were present. Pastor Mark Markham with Travis Oaks Baptist Church gave the Invocation. Mayor Kruger led the Pledge of Allegiance.

The numbering below tracks that of the agenda, whereas the actual order of consideration varied, primarily for the convenience of the guests.

PUBLIC COMMENTS

Mayor Kruger announced that he could not discuss the recent police issue as there is still on ongoing investigation, however, the officer involved is no longer employed at the City of Lago Vista.

Ike Coronis stated his stance was that the City show zero tolerance.

Kristen Gonzales thanked the Council for their action.

Caroline Downbush stated she has concerns regarding signage on 1431 and illegal trash on empty lots and asked the Council to take these items under consideration.

Bill Wilson asked when the Christmas decorations would be coming down.

PRESENTATION

1. Mayor Kruger presented the Lago Vista Volunteers' Volunteer of the Year Award for 2013 to Faye Tessnow.

CONSENT AGENDA

2. On a motion by Dale Mitchell, seconded by D'Anne Gloris, the Council unanimously approved the following minutes:
January 16, 2014 Regular Meeting

EXECUTIVE SESSION

3. At 8:35 p.m. Mayor Kruger announced that the Council will adjourn and convene into Executive Session pursuant to Chapter 551 of the Texas Government Code, to discuss matters as specifically listed on this agenda, with no action taken:
 - a. Pursuant to §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult and confer with the City Attorney regarding status of contract negotiations.
 - b. Pursuant to §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult and confer with the City Attorney regarding status report on pending or threatened litigation pertaining to Cause No. D-1-GN-13-002224, *James Otwell v Brian Atlas et al.*, Travis County District Court.
 - c. Pursuant to §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult and confer with the City Attorney concerning a Development Agreement for the Villa Montechino Planned Development District.
 - d. Pursuant to §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult and confer with the City Attorney concerning the presentation of the Planning & Zoning Commission's recommendation related to a replat request from Villa Montechino LLP.
4. At 10:43 pm the Council reconvened into open session to take action as deemed appropriate in the discretion of the City Council, regarding:

- a. No action was taken regarding the status of contract negotiations.
- b. No action was taken regarding a status report on pending or threatened litigation pertaining to Cause No. D-1-GN-13-002224, *James Otwell v Brian Atlas et al.*, Travis County District Court.
- c. No action was taken regarding a Development Agreement for the Villa Montechino Planned Development District.
- d. No action was taken regarding the presentation of the Planning & Zoning Commission's recommendation related to a replat request from Villa Montechino LLP.

PLANNING AND ZONING

5. On a motion by D'Anne Gloris, seconded by Darrel Hunt, the Council voted unanimously to approve the Montechino Development Agreement with the modifications that were presented.
6. City Attorney Barbara Boulware-Wells stated the developer Brian Atlas is prepared to present some testimony to the Council concerning the replat presented to them as to whether or not it was designed for the purpose of changing any of the conditions or restrictions that might be on the underlying property, because he is seeking a replat without vacating.

Brian Atlas stated he is not going to change any covenants, codes or restrictions on the property whatsoever. He stated they'll be exactly per the CC and Rs that are in place today and nothing is changing.

Barbara Boulware-Wells stated there were also conditions of the replat relating to the construction plans that have been presented to the city. She stated that Tim Haynie would address that.

City Engineer Tim Haynie stated the plans are approved but they need to complete the documentation on the plans, assemble 5 sets, get his and the Mayor's signature on them, establish a preconstruction meeting and a schedule of notices before the construction starts so they can get off on the right foot and cover the inspections properly.

Mayor Kruger calcified that the emphasis is before the construction starts.

Barbara Boulware-Wells stated Development Services Director David Harrell was present to address the issue of the actual Planning and Zoning presentation and the issue of the replat itself as there were some issues on the notes.

David Harrell stated the Planning and Zoning Commission passed the replat in December with three conditions. He stated the conditions were conditional approval of the Mira Lago improvements, approval of the subdivision construction plans, and approval of the Development Agreement, which have all been done. He stated all of the conditions have been carried out and the plat is able to be approved. He then handed out a copy of changes made to the originally submitted plat. He identified the first one in the upper left hand corner of the plat, stating a signature block for the Mayor was added in place of one for the Planning and Zoning Commission, which is a code requirement. He identified the second under General Notes which reads "17. The subdivision or development does not attempt to remove any covenants or restrictions." He stated these have been added to the plat as they are code requirements that and Mr. Atlas has agreed to them.

On a motion by Dale Mitchell, seconded by Darrel Hunt, the Council voted unanimously to approve SUB 1045, Montechino Section 2 Final Plat – Replat of 25.72 acres from the original Marshall's Harbor Subdivision consisting of 30 Lots located along Veranda Walk.

RESOLUTIONS

7. On a motion by Richard Bohn, seconded by Dale Mitchell, the Council unanimously approved Resolution R-04-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Approving The Adoption Of A Safety Record Policy For Prospective Bidders And Criteria For Determining If A Prospective Bidder Is A Responsible Bidder.
8. On a motion by D'Anne Gloris, seconded by Ed Tidwell, the Council unanimously approved Resolution R-05-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Establishing a Utility Confidentiality Policy.
9. On a motion by Ed Tidwell, seconded by Dale Mitchell, the Council unanimously approved Resolution R-06-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Authorizing The Use Of City Streets For The 23rd Annual Lago Vista Primavera Bicycle Race.
10. On a motion by D'Anne Gloris, seconded by Richard Bohn, the Council unanimously approved Resolution R-07-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Creating The Keep Lago Vista Beautiful Board (KLVB), and appointed Sherilyn Beal, Glen Overton, Gordon Stokes, Faye Tessnow, Tom Roznowski, Margaret Leitko and Mike Leitko to serve as charters members of the Board for two (2) year terms.
11. On a motion by Dale Mitchell, seconded by Ron Smith, the Council unanimously approved Resolution R-08-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Adopting A City Council Mission Statement.

12. On a motion by D'Anne Gloris, seconded by Darrel Hunt, the Council unanimously approved Resolution R-09-14, A Resolution Of The City Council Of The City Of Lago Vista, Texas Authorizing The Mayor To Sign The Development Agreement For The Montechino Planned Development District (PDD).

APPOINTMENTS

13. On a motion by Ed Tidwell, seconded by D'Anne Gloris, the Council voted unanimously to table consideration of the appointment of members to the Building Committee.

ITEMS FOR INDIVIDUAL CONSIDERATION

14. On a motion by Richard Bohn, seconded by Darrel Hunt, the Council reconsidered the bid award for the 2013 Street Overlay Project and voted unanimously to award the ~~Contract For The 2013 Street Overlay Project~~ revised Base Bid items 1-19, Add/Alternate items 23 through 25 and 27, Change Order Add Item 33, and 2014 Capital Metro Add Items 34-36, as presented to Ramming Paving for a total contract amount of ~~\$523,565.00~~ \$712,805.00.
15. On a motion by Dale Mitchell, seconded by Darrel Hunt, the Council voted unanimously to award the bid for The Hollows Restoration and Improvements Project to Beck Reit & Sons, Ltd. In the amount of \$387,677.80.
16. The City Secretary announced that one bid had been received in response to the Notice of Exchange of City Owned Property. She opened the bid and read it out loud for the record. On a motion by Darrell Hunt, seconded by Richard Bohn, the Council voted unanimously to accept the bid submitted by James L. Otwell to exchange his property located at 20552 Highland Lake Drive with the City's property advertised for exchange.
17. The Council discussed and considered action on the LCRA Emergency Order. No action was taken with regard to the LCRA Emergency Order.

CITY MANAGER REPORTS

18. January, 2014 Departmental Reports

A. Finance

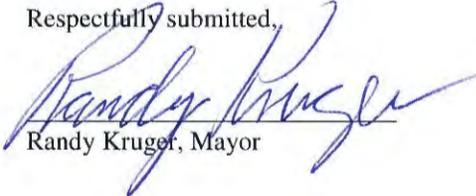
FUTURE MEETINGS

19. The Council considered and scheduled items for future Council Meetings.

ADJOURNMENT

Mayor Kruger adjourned the meeting at 10:53 p.m.

Respectfully submitted,


Randy Kruger, Mayor

ATTEST:


Christina Buckner, City Secretary

On a motion by Council Member D'Anne Gloris, seconded by Ron Smith, the above and foregoing instrument was passed and approved this 20th day of March, 2014.

On a motion by Mayor Randy Kruger, seconded by Council Member D'Anne Gloris, the above and foregoing amended instrument was passed and approved by a vote of 5 ayes (Randy Kruger, D'Anne Gloris, Ed Tidwell, Dale Mitchell and Darrel Hunt) and 1 nay (Ron Smith) this 15th day of May, 2014.