

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
APRIL 17, 2014**

**BE IT REMEMBERED** that on the 17<sup>th</sup> day of April, 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	Danny Smith	Police Chief
Dale Mitchell	Mayor Pro Tem	David Harrell	Development Services Director
Richard Bohn	Council Member	Christina Buekner	City Secretary
Ron Smith	Council Member	Barbara Boulware-Wells	City Attorney
Ed Tidwell	Council Member		
Darrel Hunt	Council Member		

Mayor Kruger called the Regular Meeting to order and recognized that all Council Members were present except D'Anne Gloris. Mayor Pro Tem Dale Mitchell gave the Invocation. Mayor Kruger led the Pledge of Allegiance.

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

**PUBLIC COMMENTS**

Brian Atlas questioned what happened today in executive session with Mr. Portugal.

Mayor Kruger stated Mr. Portugal is no longer employed by the City of Lago Vista.

Brian Atlas questioned for what reason.

Mayor Kruger stated he could not speak to that as it was a personnel issue.

**PROCLAMATION**

1. Mayor Kruger presented a Proclamation declaring May 3, 2014 Firewise Day to the North Shore Firewise (NSFW) Group.

**CONSENT AGENDA**

2. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council unanimously denied approval of the following minutes:
  - A. August 1, 2013 City Council and Planning and Zoning Commission Joint Public Hearing
  - B. September 5, 2013 Regular Meeting
  - C. September 5, 2013 City Council and Planning and Zoning Commission Joint Town Hall Meeting
  - D. September 19, 2013 Regular Meeting
  - E. February 1, 2014 Special Meeting
  - F. March 20, 2014 Regular Meeting

**PUBLIC HEARINGS:**

Mayor Kruger stated the purpose of the public hearings is to receive testimony, comments, and written evidence from the public on the following:

3. A request to recodify the City's Board of Adjustment and Planning and Zoning Commission within the City's Zoning Code; modify the numbers of members of the Board of Adjustment and the Planning and Zoning Commission; modify selection of chairperson, notice requirements for special exceptions, posting dates of notice signs, and locations of posting of notice signs.

Development Services Director David Harrell gave a presentation regarding the request.

Mayor Kruger opened the floor for comments from the audience.

There were no comments from the audience.

4. A request to amend the City's Zoning Ordinance for the City of Lago Vista to establish an Airport Overlay District; promote the regulation of land uses and heights in the vicinity of the airport.

David Harrell announced that this public hearing has been rescheduled for the May 8, 2014 Planning and Zoning Commission meeting at 7:00 p.m. and the May 15, 2014 City Council meeting at 6:30 p.m.

5. A request to amend Ordinances 09-12-17-01 and 12-07-19-01, Tessera on Lake Travis Planned Development District; to allow changes in signage requirements; height of the entry tower; development within the project to conform with the 2014 Texas Department of Licensing and Regulations Code (Title 16, Chapter 68, Texas Administrative Code); and, to permit schools, public or private.

Development Services Director David Harrell gave a presentation regarding the request. He stated the Planning and Zoning Commission voted 3 to 2 to recommend approval to include the addition of a 5 year staff review of items 27 and 28.

Applicant Duke Kerrigan gave a presentation regarding the request.

Mayor Kruger opened the floor for comments from the audience.

There being none, Mayor Kruger closed the public hearings at 7:10 p.m.

## **ORDINANCES**

6. On a motion by Dale Mitchell, seconded by Darrel Hunt, the Council unanimously adopted Ordinance O-07-14, an Ordinance of the City Council of the City of Lago Vista, Texas, amending the Zoning Ordinances 09-12-17-01 and 12-07-19-01 by amending the Tessera on Lake Travis Planned Development District (PDD) Zoning; making findings of fact; and providing for related matters, to include the Planning and Zoning Commission's recommended changes.
7. On a motion by Dale Mitchell, seconded by Richard Bohn, the Council unanimously adopted Ordinance O-08-14, an Ordinance of the City Council of the City of Lago Vista, Texas, amending and moving both Article 9.1800, Planning and Zoning Commission, Sections 9.1801 through 9.1806, and Article 9.1900 Board of Adjustment, Sections 9.1901 through 9.1906, to Chapter 14 Zoning, Article 14.200 Zoning Ordinance, Exhibit A; to amend the number of members of the Planning and Zoning Commission, remove the provision pertaining to alternates and establish the Airport Zoning Commission; to clarify that all members vote and what constitutes a quorum; to amend the number of members for the Board of Adjustment, remove the provision pertaining to alternates and establish the Airport Board of Adjustment; providing a severability clause; providing an effective date; and, providing an open meetings clause, to include the Planning and Zoning Commission's recommended changes.
8. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council unanimously adopted Ordinance O-09-14, an Ordinance of the City Council of the City of Lago Vista, Texas, amending the Code of Ordinances, Chapter 13, "Utilities" and repealing Article 13.1000 "Utility Bill Payments" in its entirety; relative to establishing a new article 13.1000 "Utility Billing"; Providing for Rules, Regulations and Solid Waste Services for the City; providing a savings clause; providing a severability clause; and, providing an effective date.
9. On a motion by Darrel Hunt, seconded by Dale Mitchell, the Council voted unanimously to table consideration of Ordinance O-10-14, an Ordinance of the City Council of the City of Lago Vista, Texas, amending the Code of Ordinances, Chapter 8: Offenses and Nuisances; and Repealing Article 8.300 "Noise" in its entirety; relative to establishing a new article 8.300 "Noise Regulations"; to preserve the public peace and comfort from unreasonably loud and disturbing noises; providing a savings clause; providing a severability clause; and, providing an effective date.

## **RESOLUTIONS**

10. On a motion by Darrel Hunt, seconded by Ron Smith, the Council unanimously approved Resolution R-11-14, a Resolution of the City Council of the City of Lago Vista, Texas adopting an Investment Policy in compliance with the Public Funds Investment Act.

## **APPOINTMENTS**

11. On a motion by Dale Mitchell, seconded by Richard Bohn, the Council voted unanimously to appoint Tara Griffin, Vernon Reher, Gary Zaleski, Paul Smith, Jim Moss, Richard Brown and Andy White as members of the Planning and Zoning Commission and to appoint Tara Griffin as the Chairperson of the Planning and Zoning Commission.
12. On a motion by Ed Tidwell, seconded by Ron Smith, the Council voted unanimously to appoint Michael Hurosky, Robert Durbin, Bob Vance, Bill Selph, and Michael Gray as members of the Board of Adjustment and to appoint Michael Hurosky as the Chairperson of the Board of Adjustment.
13. On a motion by Dale Mitchell, seconded by Richard Bohn, the Council voted unanimously to appointment Linda Bush as an alternate member of the Airport Advisory Board with a term expiring January, 2016.

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

14. On a motion by Darrel Hunt, seconded by Richard Bohn, the Council voted 5 ayes (Randy Kruger, Darrel Hunt, Richard Bohn, Dale Mitchell and Ed Tidwell) to 1 nay (Ron Smith) to accept Yamaha's proposal, listed as Option #2, for the lease of 130 golf carts.
15. On a motion by Darrel Hunt, seconded by Dale Mitchell, the Council voted unanimously to table consideration of bid award for Highland Lakes Golf Course Cart Path Repaving Project.
16. On a motion by Dale Mitchell, seconded by Darrel Hunt, the Council voted unanimously to approve the re-plot of Lago Vista High School Subdivision.

## **CITY MANAGER REPORTS**

17. Financials
18. Keep Texas Beautiful "Trash-Off"

19. Water Treatment Plant #1

#### FUTURE MEETINGS

20. The Council scheduled items for future meetings.

#### EXECUTIVE SESSION

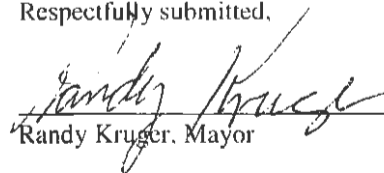
21. At 8:24 p.m. Mayor Kruger announced the Council will convene into executive session pursuant to Chapter 551 of the Texas Government Code, to discuss matters as specifically listed on this agenda, with no action taken:
- Pursuant to §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult and confer with the City Attorney regarding status of contract negotiations, Interlocal Agreement, Memorandum of Understanding (MOU) or items to be considered for contract negotiations, and demands or possible demands against the City.
  - 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.
  - Pursuant to § 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to Consult with legal counsel regarding the negotiations, options and possible necessity for and to authorize the commencement of eminent domain proceedings concerning two (2) tracts of real property for water and wastewater easements only, being .78 acres and .519 acres, more or less, located at or near intersection of Lakeshore Blvd. and Lakeshore Point, all within Travis County, for the public use of extension and expansion of water and wastewater line projects.
  - Pursuant to Sec. 551.071, Tex. Gov't. Code, to consider the evaluation, performance and employment of the City Manager.

#### ACTION ITEMS:

22. At 9:18 p.m. the City Council reconvened into open session.
- No action was taken regarding Contract negotiations and directions thereto.
  - No action was taken regarding Interlocal Agreement.
  - No action was taken regarding MOU or items to be considered for contract negotiation.
  - No action was taken regarding Demands and/or possible demands against the City.
  - No action was taken regarding Direction on or related to pending or threatened litigation pertaining to Cause No. D-1-GN-13-002224, *James Otwell v Brian Atlas et al.*, Travis County District Court.
23. On a motion by Ron Smith, seconded by Darrel Hunt, the Council voted 5 ayes (Ed Tidwell, Darrel Hunt, Randy Kruger, Richard Bohn and Ron Smith) to 1 nay (Dale Mitchell) to authorize, the commencement of and use of eminent domain proceedings and the actual filing of the Petition for Condemnation concerning two (2) tracts of real property for water and wastewater line easements, being .78 acres and .519 acres, more or less, located at or near the intersections of Lakeshore Blvd. and Lakeshore Point, all within Travis County, for the public use of extension and expansion of water and wastewater line projects.
24. No action was taken regarding the evaluation, performance and employment of the City Manager.

Mayor Kruger adjourned the meeting at 9:20 p.m.

Respectfully submitted,

  
Randy Kruger, Mayor

ATTEST:

  
Christina Buckner, City Secretary

On a motion by Council Member Ron Smith, seconded by Council Member Dave Pearson the above and foregoing instrument was passed and approved this 15<sup>th</sup> day of May, 2014.