

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
MAY 19, 2011**

BE IT REMEMBERED that on the 19th day of May, A.D., 2011, 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:

Randy Kruger	Mayor	Bill Angelo	City Manager
D'Anne Gloris	Mayor Pro Tem	Frank Robbins	Assistant City Manager
Dale Mitchell	Council Member	Danny Smith	Police Chief
Ron Smith	Council Member	Christina Buckner	City Secretary
Darrel Hunt	Council Member		
Bob Bradley	Council Member		
Richard Bohn	Council Member		

Mayor Kruger called the Regular Meeting to order and recognized that all Council Members were present. Reverend Dale Chrisman gave the Invocation and 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.

CITIZEN INQUIRY: none

PRESENTATIONS:

1. At this time, the City Secretary administered Oaths of Office to Randy Kruger – Mayor; Dale Mitchell – Council Member Place 1; Darrel Hunt – Council Member Place 3; and D'Anne Gloris - Council Member Place 5.
2. At this time the City Secretary administered Oaths of Office to Robert Thompson as Municipal Judge and Dennis Jones, Hugh Farmer and Arthur Sedillo as Associate Municipal Judges.

PUBLIC HEARINGS:

3. Mayor Kruger stated the purpose of the public hearing is to receive citizen input on and consider action to be taken regarding an Ordinance amending Exhibit A, Zoning Ordinance, Chapter 14, Zoning, Code of Ordinances concerning definitions, accessory buildings and uses, conditional use provisions, landscape standards, and parking standards; providing for conflicting ordinances, severability, and open meetings; and providing for related matters.

Frank Robbins stated the original recommendation from the Planning and Zoning Commission is listed as Alternative 1 and the packet includes another document listed as Alternative 2 which tries to address the list of concerns that resulted from the joint work session.

Dale Mitchell stated the schedule for these public hearings had already been put together and notice had already been made so the Planning and Zoning Commission did not discuss Alternative 2 at their last meeting. He stated the Commission would like to meet jointly with the Council to discuss the two alternatives and try to educate as well as understand some of the Council's objections.

Mayor Kruger opened the floor for comments from the Council.

There was a brief discussion by the Council.

Mayor Kruger stated Alternative 2 looks good but expressed concern with regard to the 18' height recommendation for accessory buildings. He stated that on level lots, the accessory structure could potentially be higher than the house.

Dale Mitchell acknowledged that this is something that may need to be considered when they discuss height limits of houses, adding that it is a very sensitive issue.

Dale Mitchell referred to a photo of an accessory building which he believes resulted in the 1998 ordinance which reads "same architecture and materials". He stated it is a commercial metal structure which caused a lot of concern in the community.

There was a discussion regarding the language "same architectural style and material" with regard to accessory building aesthetic requirements in comparison to the principal structure.

Frank Robbins clarified that the Commission's recommendation uses the word "similar" whereas the current ordinance uses the word "same". He stated Alternative 2 attempts to address the Council's concerns, in which he understood that metal was wanted, so the aesthetics of larger accessory buildings didn't need to be regulated. He added that the Commission's recommendation also provides for additional standards such as 25% masonry and screening.

Dale Mitchell added that the Commission's recommendation has a conditional use application process to allow changes for particular situations.

Mayor Kruger expressed concern with regard to not allowing metal. He stated, in his opinion, in addition to the masonry requirements, metal is a very acceptable and attractive building material and should not be taken out of the ordinance. He stated in many cases smaller accessory structures, boat sheds and hangars will be constructed of metal.

Dale Mitchell stated he believes the intent is that accessory structures should not detract from the residential nature of the property or adjacent properties, so the thought was that accessory structures should look like the house so they will blend in. He stated most people do not think of metal as a proper material for a house.

Darrel Hunt stated there have been improvements in metal materials since 1998 and that the masonry requirement changes the concept.

Dale Mitchell referred to a photograph of an accessory structure that was permitted but not built to code. There was discussion that this occurred several times in the past.

Mayor Kruger opened the floor for comments from the Audience.

Greg Billings referred to some particular accessory structures that are not near the principal structure and appear to be on individual lot. He suggested the Council and Commission give some thought as to where accessory structures can be placed in relationship to the residence.

Dale Mitchell suggested this be put on a future agenda as a joint work session item.

Mayor Kruger agreed.

Ron Smith expressed concern with regard to the screening requirement for accessory structures if they comply with the house aesthetics.

Mayor stated that was dropped in Alternative 2.

Frank Robbins stated it was his and Bill Angelo's understanding that if the accessory structure looks like the house it doesn't need to be screened. He stated that is not in the alternative.

There being no further comments Mayor Kruger closed the public hearing.

4. Mayor Kruger stated the purpose of the public hearing is to receive citizen input on and consider action to be taken regarding an Ordinance replacing Section 10, Planned Development Districts, Exhibit A, Zoning Ordinance, Chapter 14, Zoning, Code of Ordinances with a new Section 10; providing for conflicting Ordinances, Severability, and Open Meetings; and providing for related matters.

Mayor Kruger opened the floor for comments from the Council.

There was a brief discussion by the Council.

Ron Smith questioned whether the language "more restrictive" refers to adding one condition which then makes it more restrictive.

Frank Robbins answered in the affirmative.

There was discussion with regard to the affect of the proposed ordinance.

Frank Robbins clarified that if someone applies for straight zoning, like C1-A, and they do anything that's more restrictive, like add a condition, they do not have to start over a gain with new notice, they could keep the case going on the same time frame but change it to a PDD. He referred back to a previous case in which the applicant came in requesting C1-A, but then based on suggestions, decided to go to a PDD and had to start over with new notifications. This draft is written to allow someone to apply for a zoning and then change to a PDD.

Mayor Kruger expressed concern with regard to the Commission's ability to ask for a recall or a site development plan.

Bill Angelo stated a distinction needs to be made in the ordinance with regard to the plan required for the Council and Commission's review versus a detailed Site Development Plan. He stated there is a very firm definition of Site Development Plan, and referred to an example of one. He noted that they can be extremely detailed. He stated they need to make sure they are not opening up a situation where an opposition group can make demands for information, reports or studies that would make a project not effective cost wise before it ever gets going.

Mayor Kruger expressed concern that the original Commission recommendation gave them too much control with regard to aesthetics, stating he is in favor of the alternative.

Darrel Hunt questioned whether the underlined portion in item C under the process would be deleted.

There was discussion as to whether the Council wanted to delete the second step.

Frank Robbins was directed to amend the draft ordinance to define what type of plan is required and eliminate the second step.

Mayor Kruger clarified his understanding that the plan required by the Council and Commission is more of a concept plan and layout and that a detailed Site Development Plan would be required later in the process.

There was further discussion and clarification regarding the language of the ordinance and with regard to the requirements of a plan and second step.

Mayor Kruger opened the floor for comments from the Audience.

There being none Mayor Kruger closed the public hearing at 7:16 P.M.

Mayor Kruger stated he would like to have another work session with the Planning and Zoning Commission.

ACTION ITEMS:

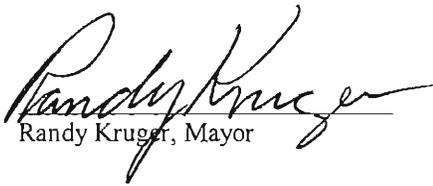
5. On a motion by Darrel Hunt, seconded by Bob Bradley, the Council unanimously adopted Ordinance 11-05-19-01 amending the Zoning Ordinance and the official zoning map by rezoning about 4.45 acres, from the R-2 and C-3 zoning districts to the R-1G zoning district; and providing for related matters.
6. On a motion by Darrel Hunt, seconded by D'Anne Gloris, the Council unanimously approved a plat for Lisa Lago Estates.
7. On a motion by Darrel Hunt, seconded by Bob Bradley, the Council unanimously approved a Partial Assignment and Assumption Development Agreement between Hines Lake Travis Land Limited Partnership, a Texas limited partnership and Hines Lake Travis Land II Limited Partnership, a Texas limited partnership.
8. On a motion by D'Anne Gloris, seconded by Darrel Hunt, the Council unanimously approved a revision to the Rodger's Ranch Second Amended and Restated Development and Annexation Agreement.
9. On a motion by Darrel Hunt, seconded by Dale Mitchell, the Council unanimously approved Resolution 11-1513 concerning Texas Colorado River Floodplain Coalition (TCRFC) Hazard Mitigation Plan Update.
10. On a motion by Dale Mitchell, seconded by Bob Bradley, the Council unanimously approved an extension to the Sun Hardware Site Development Permit.
11. On a motion by Richard Bohn, seconded by D'Anne Gloris, the Council voted unanimously to implement Stage 1 – Mild Water Shortage Conditions (Voluntary Measures).
12. On a motion by Mayor Randy Kruger, seconded by Darrel Hunt, the Council unanimously voted to instruct the City Manager to make a demand letter with a date sometime in July for the Hollows to move forward on the Wastewater Service Agreement between MDR Hollows, LP and the City of Lago Vista, and post letters of credit supporting the projects.

WORK SESSION:

13. The Council discussed the budget calendar and priorities.
14. The City Manager updated the Council on the following:
 - a. Commercial Development
 - Activity going at both of the new restaurants, Lago Grill is hiring and doing drywall work inside, Maria's has furniture inside
 - b. Residential Development
 - Brian Atlas is talking about moving forward with some of his development
 - Bar K golf course has been bought out, they are looking at re-platting into larger (2 to 3 acre) residential lots, there is a substantial utility cost, have concern about losing that property for effluent disposal, currently putting about 100,000 gallons per day on that course, Mayor Kruger stated reports don't reflect that, Frank Robbins reported developer wants to continue to use effluent, Dale Mitchell stated he thought restrictions on golf courses did not allow them to be developed as residences, there was discussion that that had been looked at previously and could not be verified, Bill Angelo stated the City is not in the position to enforce deed restrictions
 - As far as we know The Village is under new ownership
15. The Council scheduled items for future Council meetings.
16. Reports:
 - Report from the Emergency Services District concerning monthly activity;
 - Report from the Airport Manager concerning monthly aviation activity;
 - Report from the Municipal Court concerning monthly court cases, fines and revenues;
 - Report from the Utility Department concerning water usage and sewer plant treatment capacity;
 - Report from the Street Department concerning monthly activity of street patching, crack seal program, landscaping, mowing, traffic control, and drainage maintenance;
 - Report from the Building Department concerning number of permits issued for the fiscal year to date and the calendar year to date;
 - Report from Code Enforcement;
 - Report from the Police Department concerning violations for the fiscal year to date;
 - Report from the City Manager concerning revenues and expenditures for the fiscal year to date;
 - Report from the Library regarding monthly activities;
 - Report from the Golf Course

Mayor Kruger adjourned the meeting at 8:48 p.m.

Respectfully submitted,


Randy Kruger, Mayor

ATTEST:


Christina Buckner, City Secretary

On a motion by Council Member Ron Smith, seconded by Council Member Dale Mitchell, the above and foregoing instrument was passed and approved this 4th day of August, 2011.