

**OFFICIAL MINUTES OF THE CITY COUNCIL  
LAGO VISTA, TEXAS  
JULY 7, 2011**

**BE IT REMEMBERED** that on the 7<sup>th</sup> day of July, 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
Bob Bradley	Council Member	Danny Smith	Police Chief
Ron Smith	Council Member	Christina Buckner	City Secretary
Dale Mitchell	Council Member	Jan Steele	Library Director
Darrel Hunt	Council Member		
Richard Bohn	Council Member		

Mayor Kruger called the Regular Meeting to order and recognized that all Council Members were present.

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

**CITIZEN INQUIRY:**

Dan Olson expressed concerns questioning the validity of the current sign ordinance as it relates to the concept of content neutral restrictions. He requested the City review the sign ordinance in reference to court decisions regulating signs of free speech. He further requested that an interim resolution be drafted to allow signs on private property while they are working on amending the ordinance. He submitted his comments in writing for the record.

**CONSENT AGENDA:**

1. Dale Mitchell requested a correction to the minutes of the May 5, 2011 Joint Public Hearing and Work Session with the Planning and Zoning Commission. He stated, in the sentence "...having a 15' and 17' building height maximum for homes", on the last page, third bullet under "Concerns addressed included:", the "17'" should be "18' ". On a motion by Dale Mitchell, seconded by Bob Bradley, the Council unanimously approved the following minutes to include the correction requested by Dale Mitchell:  
May 5, 2011 City Council and Planning and Zoning Commission Joint Public Hearing and Work Session  
May 5, 2011 Special Meeting and Executive Session  
May 5, 2011 Regular Meeting

**ACTION ITEMS:**

2. On a motion by Mayor Randy Kruger, seconded by Darrel Hunt, the Council unanimously approved Resolution 11-1515 electing Bob Bradley as Mayor Pro-Tem.
3. On a motion by D'Anne Gloris, seconded by Darrel Hunt, the Council voted unanimously to execute a new Interlocal Agreement with the Capital Metropolitan Transportation Authority relating to the Build Central Texas – Suburban Communities Program.
4. On a motion by Darrel Hunt, seconded by Richard Bohn, the Council voted 6 ayes (Mayor Randy Kruger, Bob Bradley, D'Anne Gloris, Darrel Hunt, Ron Smith and Richard Bohn) to one nay (Dale Mitchell) to approve Resolution 11-1516 repealing and replacing Resolution 11-1513, concerning the Texas Colorado River Floodplain Coalition (TCRFC) Hazard Mitigation Plan Update, to include revisions requested by FEMA.
5. On a motion by Bob Bradley, seconded by Richard Bohn, the Council voted unanimously to table consideration of an Ordinance amending the City of Lago Vista Code of Ordinances, Article 9.400 Roads and Grounds Committee, Section 9.403 Terms of Office; providing a savings clause, providing a severability clause and providing an effective date.

**WORK SESSION:**

6. The Council discussed amending the current sign ordinance to authorize banners in the Lohman Ford right-of-way.

Bill Angelo stated this item was put on the agenda at the request of Stan Miller. He stated PEC will no longer put up advertising banners across roadways due to the time and effort required to do it and the liability involved in doing so. He stated a lot of groups have invested in banners and do not have a place to put them. One of the thoughts is to make use of the cliffs along Lohman Ford Road. He stated the City could hang them with no real out of pocket or equipment cost. It has previously been suggested that the City purchase a bucket truck to put the banners up but that's a huge investment for a single purpose and there would be huge liability issues. They are looking at alternatives to allow for advertising for some of these special events.

Stan Miller stated a lot of organizations spent \$600 - \$800 for the over the road banners which was an effective way to advertise. He stated he was not sure how it would work putting them on the cliffs on Lohman Ford Road. He

stated non-profit organizations need a way to advertise. He stated he does not particularly like yard signs, however, suggested they be allowed for a limited amount of time before and after an event.

D'Anne Gloris stated she thought the City's response to PEC's discontinuation of putting up banners was the community event sign.

Bill Angelo stated the community event sign was a result of PEC's discontinuation of hanging banners but it is widely used. He stated there is a waiting list for it and it can only advertise so many events at a time.

D'Anne Gloris stated many organizations use the community event sign as well as street signs which our Code Enforcement does not pick up.

Bill Angelo and Stan Miller clarified that Code Enforcement does pick up off premise signs.

Stan Miller expressed his concern with the Chamber President's proposal to put poles for banners along side the Lago Vista entrance sign.

Bob Bradley questioned who would put the banners up.

Bill Angelo stated the City could erect the banners, stating that they would drive iron stakes into the sides of the cliffs where the banners could be tied off. He stated there are a few locations on Lohman Ford Road, where the road curves that would have decent visibility. He stated the City could issue license agreements for the signs to be in the right-of-way so they would not violate the sign ordinance. He stated using a license agreement would allow the city to discriminate between commercial entities and non-profits.

Ron Smith questioned whether it was possible to have a pulley system erect the over the street banners.

Bill Angelo stated the roads would have to be closed and the poles are owned by PEC. He stated it was a liability issue.

Stan Miller stated he understood PEC's biggest issue was safety.

Ron Smith questioned the street light banners.

Bill Angelo stated PEC will also no longer erect those. He stated the City has budgeted to lease a lift to replace those four times per year.

Bob Bradley stated attention should be given to the language "the message shall not be of a political or religious nature" stating it was determined that was unconstitutional and that that should be removed from the ordinance.

Mayor Kruger and Ron Smith expressed concerns with regard to hanging banners on the cliffs.

Mayor Kruger stated they could use suggestions from the various organizations. He asked Stan Miller whether he thinks yard and right-of-way signs would be adequate.

Stan Miller stated his issue with those is that there's been nonconformity of when signs are taken down, stating it's a Code Enforcement problem.

Darrel Hunt suggested choosing a few places in town and erecting a nice oversized temporary sign that people could contract to use and remove it when it's not in use.

Bill Angelo stated the City had previously talked about the possibility of allocating two or three spots on Lohman Ford Road for a stretch of yard signs.

D'Anne Gloris stated this more in deference to those organizations that have already purchased the large banners.

Darrel Hunt stated he was not really concerned about them stating those would eventually have to be replaced.

Dale Mitchell expressed his favor in trying to assist those organizations that have already invested in banners.

Darrel Hunt suggested using the fence along the water tank property.

Bill Angelo stated that was a possibility and added that he has thought about using the wall of the PEC sub station.

Stan Miller stated they have a meeting in September and requested Bill or Frank attend.

Randy Kruger suggested the Building Committee meet to discuss this. He stated he would like to get input from Mr. Miller's group and stated a representative would attend their meeting in September.

Joy Webb expressed her favor for yard signs.

D'Anne Gloris expressed her favor for yard signs if they are regulated.

Dale Mitchell suggested the Building Committee look at this and the items brought up by Dan Olson.

7. The Council discussed the Airport water line.

Bill Angelo stated there is a project in the CIP listed for \$195,000 which has been approved for the airport water line. Dave Stewart and David Walden have looked at how to get water throughout airport property and they have suggested extending an 8" line up Bar K Ranch Road to the airport then reducing to 3" and 4" lines on both sides of the runway going east and west. He stated the project costs are about \$222,000 to do this and they have determined they need a minimum of 15 customers to tie on to keep from having to flush the water constantly. He stated they prefer to have everyone at the airport tie on and become a customer. He stated the issues are the spending of additional money and establishing rules about connecting to the utility system. He stated they cannot afford to make the capital investment and not have people use the services. He stated there will be no extension costs to the airport residents, just tap and impact fees.

D'Anne questioned whether an ordinance change is needed in order to require a tie in.

Bill Angelo stated there is nothing on the books that requires a customer to tie on to the City's system if they are within 70'. He stated there is a provision, which has been included on all recent plats, which requires that they be served by city water and waste water services. If someone wants to put in a well or an alternate system they have to get the City's permission. He stated requiring people to tie on is a common practice in most communities with utilities and protects the overall customer base.

Mayor Kruger stated if we don't have the customers we shouldn't do it.

Bill Angelo stated the airport customers have asked for water for years and now no one wants it. He stated there are other locations in town where water extensions could stimulate housing development.

D'Anne Gloris stated there are lots on the ridge with unstoppable million dollar views and believes a water line will stimulate construction.

Bill Angelo stated an alternate route, going down Bronco and up Bison, where there are some lots with tremendous views, would also stimulate development.

Mayor Kruger stated the provisions regarding mandatory tie ins needs to be addressed for the entire city.

Darrel Hunt questioned whether there were some commercial possibilities or prospective businesses relating to extending water to the airport.

D'Anne Gloris answered in the affirmative and stated fire protection is needed.

Bill Angelo stated there are only 3 fire hydrants at the airport. He stated fire hydrants can only be put at the end of an 8" line and added that aircraft fires aren't usually fought with water.

8. The Council received a report regarding the traffic signal at Lohman Ford Road and FM 1431.

Bill Angelo stated new traffic signals have been put up on 1431 at Lohman Ford Road unbeknown to and not approved by the City. He stated this is a TxDOT project and they were insensitive to the fact that we have our City sign there. He stated he contacted TxDOT and was looking into the possibility of having them relocate the poles dependent on where they were to be placed in relation to the sign. He stated the response from TxDOT was one of disconcern to the city's position. He suggested sending a letter to the higher ups in TxDOT about their insensitivity towards local concerns. He stated it is in their right-of-way, but he found it hard to believe that they did not provide us with any notification whatsoever.

D'Anne Gloris questioned whether they said this was for a safety issue.

Bill Angelo stated the old ones were on wires and the new ones are on poles and there was nothing wrong with the old ones.

Danny Smith stated there had been several instances with the old lights where the wind had blown the lights where they couldn't be seen. He stated the Police Department had to respond several times tie them to a pick-up truck to keep them from swinging into the roadway.

Randy Kruger stated it was insensitive of them not to contact the City but stated that the pole doesn't block the view of the sign too bad and he likes the arms better than the suspended lights.

Dale Mitchell stated he requested this item be put on the agenda. He stated they noticed the project starting 6 weeks ago and it took Bill weeks to find anyone who knew anything about the project. He expressed concern with regard to the fact that they didn't talk to the city and that as a State agency, when the State doesn't have money, is doing a modernization program for stop lights. He stated a pole was put in front of our sign but if they had talked to us we could've given them some City right-of-way.

Bill Angelo stated the only way the City knew anything about it was because they called to get line locations.

Mayor Kruger suggested Bill Angelo send a follow up letter to TxDOT requesting better communication.

Dale Mitchell suggested copying Donna Howard on the letter.

Mayor Kruger stated it was on their property.

9. The Council discussed the annexation of certain property along Lohman Ford Road and Alfalfa Drive.

Bill Angelo stated the Council has discussed the possibility of annexing property down Alfalfa Drive and along Lohman Ford Road. He stated the property owners take advantage of city services but don't pay city taxes. He stated they use our library, our streets and our police. He stated the City handles all the calls there on an assistance basis to the Sheriff's Department and feels it would be justified to annex these properties. He stated we have water service adjacent to most of the areas and sewer services will probably be in in the next year, so it is an easy to serve area. One of the big issues is the condition of some of the properties down Alfalfa. He stated the City would have their work cut out for them as far as Code Enforcement is concerned, as there are some really junky areas and code violations that need to be dealt with. He stated there are two or three individuals who would welcome annexation in order to receive city services and have the road paved but he believes the majority of the owners will be opposed to the annexation stating we are sure to get some out cry from some of those individuals.

D'Anne Gloris stated that she doesn't know if they take advantage of our services but they certainly enjoy them. She said the fact that the citizens of Lago Vista have been paying for the police protection that is usually called upon when Travis County gets a call for that property and the fact that the citizens have been paying for the roadways. Lohman Ford Road specifically, which is the only way in and out of Alfalfa. She questioned whether all of the property adjacent to these properties is in Lago Vista. She questioned whether the property is contiguous to the City besides Lohman Ford Road.

Bill Angelo stated there is some property to the North and South that is not in the City. Bill Angelo stated information was provided to Council as to the total tax values of the properties stating they are kind of low, especially once water and sewer is extended to the area. He stated Steve Frick has expressed the most interest in being annexed.

Randy Kruger stated it is his general feeling that the Council is ready to make a move on this.

Bob Bradley expressed concern with the disparity in the appraised values and questioned whether there would be an automatic re-evaluation if the property is annexed and water and sewer are extended.

Bill Angelo stated they would ask the Tax Appraiser to reassess that. He stated the property and improvements of the PEC substation are valued at \$160,000 and one transformer is worth one half million dollars. He stated a sewer line will be going down Alfalfa and they will be re-building the road and he hates to do that for non-taxpayers.

Stan Miller asked how many people live on that road.

Bill Angelo stated it is all commercial businesses and there are no residences.

Danny Smith stated there are few residences.

D'Anne Gloris asked how often Travis County has called the City on Police calls in that area.

Danny Smith stated it depends on how many people they have in the area.

Bill Angelo stated there was a fire there a few weeks ago and the fire department was tied up on a call in Jonestown. He stated the City water department laid out the fire hose all the way back to the city limits and the city supplied the water for the fire to be extinguished.

D'Anne Gloris asked where this was.

Bill Angelo stated it was on Alfalfa.

Stan Miller stated it was a storage unit.

Christina Buckner stated it belongs to her father.

Ron Smith questioned whether the City would also have to put in fire plugs.

Bill Angelo stated the requirement on annexations is that the City's obligated to provide all standard city services as in the rest of the city with the exception of water and sewer services, which will be extended on the same basis as we do for any of our existing customers. He stated properties wanting water will have to pay for the extension. He stated the City will have water lines immediately adjacent to the annexed area which makes it cost effect for them and the sewer is probably going to run right down Alfalfa. He stated fire hydrants will be put in as the line is extended.

Ron Smith questioned whether the property on the east side of Lohman and south side of Alfalfa is in the city limits.

Christina Buckner answered yes, stating that property was annexed with the Centex annexation in order to be contiguous to the city.

Mayor Kruger asked what the process would be.

Bill Angelo stated the City Attorney would draft an annexation schedule and a Resolution starting the process.

Mayor Kruger asked whether all of the customers will be notified.

Bill Angelo stated yes.

Ron Smith asked how long the process takes.

Bill Angelo stated it takes 45 to 90 days.

D'Anne Gloris stated, of the 24 potential land owners affected, they are aware of two in favor, and asked who else we knew of that would be in favor of it.

Christina Buckner stated number 6 (on the list of owners).

Bill Angelo stated they could probably get Ann Murrow.

Christina stated the owner of the machine shop came in a few weeks ago asking about city services but didn't know whether he was for or against the annexation.

10. The Council discussed moving the City's General Election date to November.

Bill Angelo stated a senate bill was approved by the legislature in this last Legislative Session which attempts to move general elections all to the November date and gives entities a choice of doing so. He stated it appears that Travis County will go with the November date so in order to continue to contract with them to conduct our elections we will need to move our election date from May to November. He stated the legislation set up a process that overrides all existing city charters that will automatically extend the terms of office of anyone affected by it from the May time frame to November. He stated the question for us is whether we want to conduct our own elections and incur additional expenses or stay with the County and go with the November date. He stated all Council terms would be extended to November through a Resolution. Bill Angelo stated contracting with the County costs us approximately \$4,000 but if we had to do it ourselves it could cost \$50,000 due to the requirement for electronic voting machines. He stated with all elections being on the same day turnout should be higher.

11. The Council discussed Resolutions to be submitted at the 2011 TML Annual Conference.

Current suggestions:

- requiring DPS to work fatality accidents in small municipalities
- funding of the 911/PSAP system and the special tax

12. The Council discussed the budget calendar and priorities.

13. The City Manager updated Council on the following:

a. Commercial Development

- New shopping center sale did not go through and it's back on the market
- two new restaurants, Maria's and Vista Grill are open, fried chicken place opened in Oski's

b. Residential Development

- Bill and Frank met with Barney Knight and Centex/Pulte representatives on the waste water issue yesterday, no real conclusion, Pulte seems interested in getting back in the process

14. The Council scheduled items for future Council meetings.

15. 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;

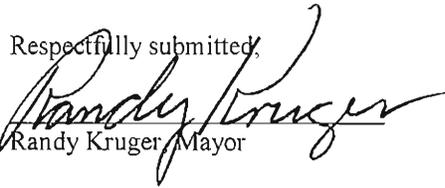
Report from the Police Department concerning violations for the fiscal year to date;

Report from the City Manager concerning revenues and expenditures for the fiscal year to date;

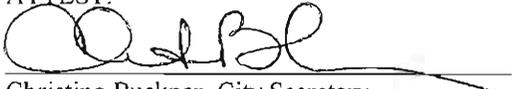
Report from the Library regarding monthly activities;  
Report from the Golf Course

Mayor Kruger adjourned the meeting at 8:32 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 4<sup>th</sup> day of August, 2011.