

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
MARCH 7, 2013**

BE IT REMEMBERED that on the 7th day of March, A.D., 2013, the City Council held a Regular Meeting and Executive Session 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
Richard Bohn	Mayor Pro Tem	Frank Robbins	Assistant City Manager
Dale Mitchell	Council Member	Danny Smith	Police Chief
Ron Smith	Council Member	Christina Buckner	City Secretary
D'Anne Gloris	Council Member	Dave Stewart	Assistant Public Works Director
Darrel Hunt	Council Member	Barney Knight	City Attorney
Ed Tidwell	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:

Mr. Leonard Timoshenko stated he was not notified that the Council considered the disannexation of his property at 6300 La Paloma Lane on March 7, 2013. He stated it was his understanding that a decision has been made and he feels he had a right to be present. Mayor Kruger stated the agenda was posted at City Hall and on the internet. Frank Robbins stated he told Mr. Timoshenko when it would be on Council agenda. Mr. Timoshenko asked if he could appeal the decision. Mayor Kruger stated he could work with Frank Robbins to try to get it back on the agenda but noted that it was a unanimous decision and it was very unlikely that the decision would be changed. Mr. Timoshenko stated it might be if all of the facts were known. Frank Robbins stated it could be reconsidered at the March 21, 2013 Council Meeting. D'Anne Gloris stated her concern regarding disannexation of the property was that he is currently on City water. Mr. Timoshenko stated he had City water before he was annexed and he had to pay to have it run across Lohman Ford Road. He stated he was paying double for the meter and double for the water. D'Anne Gloris asked if that was for hooking onto to Bam's. Mr. Timoshenko stated yes it is one line that is coming across the street. Mayor Kruger stated they were concerned that Mr. Timoshenko was not aware of the ramifications if his property were disannexed, and that discontinuation of water to his property was one of them. Mr. Timoshenko questioned whether there was a grandfather clause. Mayor Kruger stated no. Mayor Kruger directed staff to put it on the next Council agenda. Frank Robbins advised Mr. Timoshenko that the meeting would take place on March 21, 2013, and stated he would send him a letter. Mr. Timoshenko stated he can't afford to pay City taxes and not get services for it.

John Weldon expressed concerns with regard to the fire damaged property at 2913 Patriot Drive. Mayor Kruger informed Mr. Weldon that that item was on this evening's agenda and asked him to hold his comments until that portion of the agenda.

CONSENT AGENDA:

1. On a motion by D'Anne Gloris, seconded by Ron Smith, the Council unanimously approved the following minutes:
February 7, 2013 Special Meeting and Executive Session
February 7, 2013 Regular Meeting

ACTION ITEMS:

2. On a motion by Darrel Hunt, seconded by Ed Tidwell, the Council voted unanimously to table consideration of a Resolution awarding bids for the 400,000 gallon elevated storage tank at the LVISD High School site.
3. On a motion by Dale Mitchell, seconded by Darrel Hunt, the Council unanimously adopted Ordinance 13-03-07-01 repealing Ordinance 13-02-07-02; amending Chapter 3, Building Regulations, Chapter 6, Health and Sanitation, and 13, Utilities, Code of Ordinances, requiring new construction to connect to a public water supply if the water supply is within 300 feet of the public water supply, providing for water well fees; providing a severability clause; providing a conflict clause, and providing an effective date.
4. On a motion by Richard Bohn, seconded by Ed Tidwell, the Council unanimously adopted Ordinance 13-03-07-02 amending the City's Building Code, deleting Article 3.100, Section 3.105, Part 8 of the City's Code of Ordinances and Ordinance No. 09-11-05-01 in their entirety; adding a new chapter 3.5, substandard and dangerous buildings and structures; providing definitions; establishing penalty and enforcement provisions; providing an effective date, savings, and open meetings clauses; and providing for related matters; adopting amendments to the 2006 International Property Maintenance Code; adopting Subchapter A, Chapter 214, Tex. Loc. Gov't. Code by reference; amending sections of the code as adopted; providing for inspections of buildings and structures within the City; providing for notice to owners and persons with interests in substandard and dangerous buildings and structures; providing for hearings to determine if a building complies with the minimum standards set out in this ordinance; providing for appeals; requiring the owner(s) or persons with an interest in a dangerous or substandard

building or structure to repair, remove or demolish such building or structure; providing for repair and demolition of dangerous and substandard buildings and structures; providing for the assessment of expenses on the property on which the dangerous or substandard building or structure is located; providing penalties; providing for the repeal of conflicting ordinances; and providing severability, effective date and open meetings clauses.

5. On a motion by D'Anne Gloris, seconded by Mayor Randy Kruger, the Council unanimously approved Resolution 13-1570 appointing Ron Smith as a Primary Member to the Executive Committee, and Linda Alger as a Primary Member and Frank Robbins as an Alternate member to the Technical Committee, of the Texas Colorado River Floodplain Coalition.
6. On a motion by Ed Tidwell, seconded by Darrel Hunt, the Council unanimously approved Resolution 13-1571 re-appointing Robert Durbin as Regular Member, Place 1, Bob Vance as Regular Member, Place 3, and Bill Selph as a Regular Member, Place 5 of the Board of Adjustment with terms expiring January 1, 2015; and appointing Michael Gray as Regular Member, Place 4 to the Board of Adjustment to fill the position vacated by John Vohs, with a term expiring January 1, 2014; and re-appointing James Speckmann as an Alternate Member of the Board of Adjustment, with a term expiring January 1, 2015; and appointing Bob Graff as an Alternate Member of the Board of Adjustment, with a term expiring January 1, 2015; and appointing Michael Hurosky as Chairperson of the Board of Adjustment.
7. On a motion by Ed Tidwell, seconded by Dale Mitchell, the Council unanimously approved Resolution 13-1572 re-appointing Harold McCreary as a Regular Member to the Building Committee with a term expiring January, 2015; and appointing Robert Durbin and Gerald Fenley as Regular Members and Robert Swanson as an Alternate Member to the Building Committee with terms expiring January, 2015; and appointing Rodney Cox as an Alternate Member to the Building Committee with a term expiring January, 2014; and appointing Harold McCreary as the Chairperson of the Building Committee.
8. On a motion by Darrel Hunt, seconded by Ron Smith, the Council unanimously approved Resolution 13-1573 declaring various property and/or equipment to be surplus property and authorizing the City Manager to dispose of such property in a manner which is beneficial to the City of Lago Vista.

WORK SESSION:

9. The Council discussed the status of the fire damaged home at 2913 Patriot Drive.

John Weldon expressed concern regarding the status of the fire damaged home at 2913 Patriot Drive. He expressed concerns regarding the home and issues related to the new FEMA floodplain and insurance, stating these need to be considered. He stated the solution is to allow the home to be rebuilt or demolished.

Dale Mitchell stated he asked for this item to be on the agenda considering the concerns that seem to be consuming the neighbors and the period of time the home has been a damaged. He stated he was hoping to get some idea as to where we are and asked Mr. Gray if he has reached a settlement with the insurance company that determines how much of the house is damaged and whether it can be rebuilt. He questioned whether there is a process in place for that to occur and to find out if Mr. Gray's in a position to rebuild if that is his desire.

Michael Gray stated he was angry at how things were handled behind his back. He stated their insurance settlement isn't anyone's business but theirs and their insurance company's. He stated Linda Alger advised him that her office insists on seeing that information. He expressed understanding that it must be an ordeal for the neighbors to live in the neighborhood with this mess on their property. He referenced another fire damaged home on Boggy Ford Road that sat untouched for years. He stated he endured the inconvenience of construction a few feet from his front door for 13 years during the construction of Mr. Riley's development project and almost a year during the construction of Mr. Weldon's home. He stated their house burned approximately 8 months ago and asked for forbearance stating he can't imagine the city would bulldoze his house because they've run out of patience.

Jacque Gray stated the fire was a life altering event and there was more to deal with than she could have ever imagined. She stated her son was also ill during that time and he required her care and had to go to Austin for treatment three times per week. She stated her first priority was her son so they purchased a new home in order to provide stability for him. She stated they have been working with the insurance company but it takes time and they told her it was common for it to take six months to one year before they would be whole again. She stated most of the house is still there but the roof is caved in. She stated she has been salvaging items from the home but it is labor intensive. She stated it is their desire to repair the house and they have been focusing their attention towards the house and dealing with the insurance company to try to get figures to Linda Alger. She stated the roof virtually needs to be replaced.

Mayor Kruger stated the City is interested in seeing the house rebuilt if that is their desire. He stated there is an issue with the 50% rule and he thinks we can work through that but there are neighbors up in arms due to the debris around the house.

Jacque Gray stated the debris has been removed as of 5:00 p.m. today and showed the Council photos and apologized for the eyesore.

Mayor Kruger questioned the trailer in the yard.

Jacque Gray stated it was loaned to them and they are using it for storage.

Mayor Stated he is sympathetic to the situation, but the situation does need to be addressed.

Jacque Gray stated they are working with Mike Faulk, an architect, to help them determine what needs to be torn and what can be salvaged, and they are also working with Hugh Beadles who is going to be the foreman for the repairs. She stated they can't really move forward until they get a detailed analysis on everything and some problems may not be visible or discovered until they start tearing things down. They are trying to follow the 50% rule, which came about a year before their house burned, but there are new criteria they have to meet in order to be grandfathered.

Mayor Kruger asked staff to work cooperatively with the Grays toward the objective of rebuilding the house in complete compliance with FEMA's 50% rule. He advised Mrs. Gray to keep the property clean and mowed to help the appearance of the property, and to keep the property secure. He asked her to provide the City with a timeline as to when they can start and move forward. He asked Mrs. Gray if they have the funds for the repair.

Jacque Gray stated they will be getting a loan for the work. She stated she would report back to the Council next month with a detailed plan.

John Weldon stated he is behind them rebuilding the home because a new house would have to have to be on stilts or have a \$60,000 foundation due to the way it's situated. He stated the roof has been exposed for months. He stated they need a temporary roof and questioned whether that required a building permit.

Jacque Gray stated their first priority is to tear off the roof and rebuild it. She stated their priority is for the house to look like nothing happened from the outside, then they would work on the interior.

John Weldon stated he's speaking on behalf of Bill May as well and requested Council allow the Gray's to rebuild their home.

10. The Council discussed a recommendation from the Building Committee concerning garbage and recycling cart regulation.

Ed Tidwell reported that the Building Committee looked at the ordinance to see if changes were needed for new construction and if there were any recommendations to change the existing ordinance. He stated the Committee came up with three different points. He stated they did not recommend changing the current ordinance with regard to requiring homeowners to build something or requiring landscaping or fences to hide their trash cans. He stated they recommended strengthening the current ordinance by removing the words "adjacent properties" and "as far as possible". He stated they did not recommend a new ordinance for new construction within the existing city, but did recommend requirements for new construction, that could be applied as a whole, in new subdivisions.

Mayor Kruger asked Frank Robbins to take a look at screening requirements for new construction. He suggested leaving the ordinance where it is but taking a shot at it in the building area.

Dale Mitchell suggested making sure the builders are aware of the screening requirements.

Frank Robbins stated they will probably end up amending the existing ordinance in some way, other than what the Building Committee recommended, to allow for screening but they need to look at how the existing ordinance reads now. He stated there will be a joint public hearing with the Planning and Zoning Commission because they'll be working on the zoning ordinance too.

11. The Council discussed and provided staff direction concerning a request from The Island and Nature's Point for a series of wayfinding signs.

Dale Mitchell expressed concern that the Building Committee recommended a new wayfinding program that violated the existing ordinance. He stated we already have wayfinding signs made of limestone pillars and wood panels and the ordinance says all wayfinding signs shall look the same except for the panels. He stated there are some existing signs that do not have the limestone pillars. He stated there is no provision in the current ordinance for there to be a single panel sign. He stated the ordinance only allows for a single panel sign for directions to the golf course. He stated in order to comply with the ordinance we would also need to put the city logo or some sort of embellishment on top of the current wayfinding signs. He stated the American Girl Grill is a commercial establishment and their signs on top of our golf course directional signs are against the ordinance as well. He suggested having two different wayfinding sign situations. He suggested we continue with the limestone and wood panel signs (or consider synthetic panels), dedicated to points of interest such as ball fields, parks, city facilities, K-Oaks Clubhouse, etc., and then adopt a program for commercial use. He suggested amending the panel requirement from a minimum of 6 to 3. He recommended the Building Committee revise the ordinance to accommodate two types of wayfinding signs and clarify it before they enact acceptance of a program that is in violation of our ordinance.

Mayor Kruger suggested the Building Committee work on this in the direction suggested by Dale Mitchell.

12. The Council received and discussed the Impact Fee Advisory Committee semi-annual report.

13. The Council received and discussed the Master Plan Annual Report from the Planning and Zoning Commission.
14. The Council received and discussed the 1st Quarter FY 12-13 Capital Improvement reports.
15. The City Manager updated the Council on the following:
 - a. Commercial Development
 - The Lago Vista Village Retail Center owners are actively marketing their facility.
 - b. Residential Development
 - Atlas has been in discussing his development, there are still major issues there, may meet with him tomorrow
 - c. PID Activity

Duke Kerrigan with Hines was present to answer questions and updated the Council on their activities

 - finished center line clearing last week
 - working with staff and the city engineer to get plans to a point where they can submit them for bid, next submittals will be bridge crossings followed by offsite utilities and grading , it's a lot of work and they're working very hard to get all of that pushed through
 - have 209 lots under contract, working with 2 builders
 - under current schedule trying to have lots on the ground by March or April, 2014, maybe sooner if they can get the City to help push some plans through
 - Mayor Kruger asked how interactions with City have been going. Mr. Kerrigan stated good so far. He stated they are on a tight time frame due to the habitat season which started last week and it is critical they stay in motion and on schedule so they are not shut down and unable to develop on site until September 1. If that happens it will blow out their schedule and have some ramifications with their builders.
 - Richard Bohn asked if bids went out with TxDOT for the entries. Duke Kerrigan stated TxDOT let the bid on February 5th and it came back \$56,000 over. He stated they submitted almost \$700,000 out of the PID proceeds to TxDOT in November or December. He stated they had a bid of \$500,000 so there was engineering and additional costs in there, yet TxDOT has asked for an additional amount to be funded.
 - Mayor Kruger questioned whether the funding was going fast enough. Duke Kerrigan stated it is a lot of detail overall. He stated they hit a little snag this week but they are working through it to get everyone paid on time. He stated the trustee was provided an incorrect version of the financial agreement between the City and Hines which resulted in a technical question. They have been in discussions with the trustee all day to make sure she has everything she wants to get it processed through.
16. The Council scheduled items for future Council meetings.
17. 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 Development Services concerning monthly inspection, permit, Certificate of Occupancy, code enforcement, zoning and subdivision activity;
 - 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

EXECUTIVE SESSION:

18. At 8:38 p.m. Mayor Kruger announced the Council will convene into executive session pursuant to Secs. 551.071, 551.072 and 551.074, Tex. Gov't. Code and Rule 1.05 Texas Code of Professional Conduct to consider:
 - (a) negotiations and acquisition of real estate; and
 - (b) to consult with legal counsel regarding contemplated settlement involving The Hollows Subdivision and legal issues regarding utilities contracts; and
 - (c) short term and long term duties of the City Manager.

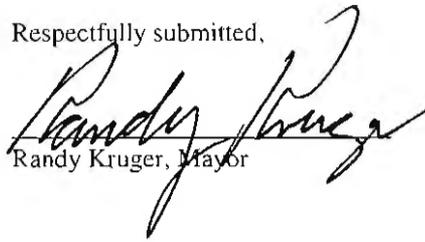
ACTION ITEMS:

19. At 10:24 p.m. the Council reconvened from Executive Session. Mayor Kruger announced that no action was taken in Executive Session.
 - (a) On a motion by D'Anne Gloris, seconded by Richard Bohn, the Council voted unanimously to approve an agreement for an easement as discussed in Executive Session; and
 - (b) No action was taken regarding contemplated settlement involving The Hollows Subdivision and legal issues regarding utilities contracts; and

(c) No action was taken regarding short term and long term duties of the City Manager.

Mayor Kruger adjourned the meeting at 10:25 p.m.

Respectfully submitted,



Randy Kruger, Mayor

ATTEST:



Christina Buckner, City Secretary

On a motion by Council Member, seconded by Council Member, the above and foregoing instrument was passed and approved this 21st day of March, 2013.