

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, April 16, 2012, 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

1. **Establish Quorum and Call to Order.** Present: Mayor Dave DeOme, Mayor Pro Tem Bruce Harris, Councilmembers Joe Bain, Dee Ann Burns-Farrell, Dave Taylor, Alan Tye, and Dennis Wallace.
2. **Pledge of Allegiance** was led by Mayor DeOme.
3. **Citizens Participation** – No one spoke.
4. **Financial Report.**
 - Staff report by Al Tyson, City Treasurer
5. **Presentation: Municipal Court Traffic Safety Programs and 2012 Traffic Safety Initiatives Award.**
 - Lakeway Municipal Court Judge Kevin Madison presented Mayor DeOme with a plaque honoring the court's 2012 Traffic Safety Initiatives Award. Judge Madison also gave a presentation on the various teen safety programs he has implemented at the court, such as the Teen Driving Contract, the Bumper Sticker Program, and the "Alive at 25" classes.
6. **Road Improvement Agreement: Lakeway Regional Medical Center.** Consider approving a resolution authorizing an agreement for a traffic signal at RM 620 at Flint Rock Road.
 - Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – No one spoke.
 - Council discussion/action – After inquiring as to the project's completion date which City Manager Jones confirmed to be within a timely period of the executed agreements, **Councilmember Taylor moved to approve the resolution authorizing an agreement for a traffic signal at RM 620 at Flint Rock Road. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**
7. **Advance Funding Agreement: Texas Department of Transportation.** Consider approving a resolution relating to an Advance Funding Agreement with the Texas Department of Transportation regarding a traffic signal at RM 620 and Flint Rock Road Improvement Project.
 - Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – No one spoke.
 - Council discussion/action – **Councilmember Wallace moved to approve the resolution relating to an Advance Funding Agreement with the Texas Department of Transportation regarding a traffic signal at RM 620 and Flint Rock Road Improvement Project. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 7-0.**
8. **Special Use Permit: Recovery Ways.** A request from RW Austin Properties, LLC., for approval of a Special Use Permit to operate an addiction rehabilitation facility at the Lakeway Medical Village campus located at 3000 RR 620 South.
 - Staff report by Chessie Blanchard, Deputy City Manager.

Mayor DeOme stated that the Council had received two petitions requesting denial of the Special Use Permit requested by Recovery Ways; the first petition had 400 signatures and the second petition had 31 signatures.

Recovery Ways Consultant Cindy Morphew and Legal Counsel Dan Richards spoke as on behalf of Recovery Ways, applicants requesting a Special Use Permit.

- Citizen participation/public hearing – The following people spoke in opposition to a Supplemental Use Permit for Recovery Ways: Leslie Smithwick, 103 Sebastians Run; Lori Nines, 110 Lakota Pass; Bret Sanders, 201 Hensley Drive; Pearl Jones, 148 Lakota Pass; Kenneth Barnett, 124 Vailco Lane; Diane Dee, 1525 Chipmonk; Nelissa Torres, 146 Sebastians Run; Lori Mitchell Barnett, 124 Vailco; John McElroy, 418 Dasher Drive; Rodrigo Vaca, 108 Whitley Drive; Andy Zhao, 104 Burgess Lane; Jorge Guerrero, 133 Sebastians Run; Kay Sconci, 15005 Mettle Drive; Nina Hagen, 223 The Hills Drive; Bob Schooler, 100 Lido Circle #G-4.
 - Council discussion/action – After each Councilmember and the Mayor stated their personal views opposing Recovery Ways, **Councilmember Taylor moved to deny a request from RW Austin Properties, LLC., for approval of a Special Use Permit to operate an addiction rehabilitation facility at the Lakeway Medical Village campus located at 3000 RR 620 South. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 7-0.**
9. **Hotel Occupancy Tax.** Consider approval of an ordinance establishing and imposing a hotel occupancy tax within the Lakeway city limits and extraterritorial jurisdiction.
- Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – Steve Zbranek, Z Custom Homes, spoke as a business owner in support of a hotel occupancy tax; Robby Armitage, TexArts, views the hotel occupancy tax as a way of promoting the performing arts.
 - Council discussion/action – After a few of the Councilmembers and the Mayor spoke of the benefits having a hotel occupancy tax, **Councilmember Tye moved to approve an ordinance establishing and imposing a hotel occupancy tax within the Lakeway city limits and extraterritorial jurisdiction, with start date of July 1, 2012 as recommended by City Manager Jones. Councilmember Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.**
10. **Lakeway Visitors Commission.** Consider approval of an ordinance establishing a Lakeway Visitors Commission to promote tourism and provide oversight of the hotel occupancy tax.
- Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing.
 - Council discussion/action – At the request of City Manager Jones, **Councilmember Tye moved to defer until next month the consideration of an ordinance establishing a Lakeway Visitors Commission to promote tourism and provide oversight of the hotel occupancy tax. Councilmember Wallace seconded the motion, and it passed by unanimous vote, approved 7-0.**
11. **Preliminary Plan: Lakeway Highlands Phase 1.** A request from Las Ventanas Land Partners, Ltd., the owner of approximately 32.033 acres located north of Highlands Boulevard and east of Peninsula Way for approval of a revision to the previously approved Preliminary Plan for Lakeway Highlands Phase 1 to include a revised layout of the property.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – After Council established that this revision would be an improvement to the area creating larger lots and more green space, **Councilmember Burns-Farrell moved to approve a request from Las Ventanas Land Partners, Ltd., the owner of approximately 32.033 acres located north of Highlands Boulevard and east of Peninsula Way for approval of a revision to the previously approved Preliminary Plan for Lakeway Highlands Phase 1 to include a revised layout of the property. Councilmember Taylor seconded the motion, and it passed by unanimous vote, approved 7-0.**

12. Final Plat: Lakeway Highlands Section 7A. A request from Las Ventanas Land Partners, Ltd., the owner of approximately 32.033 acres located north of Highlands Boulevard and east of Peninsula Way for approval of the final plat of the property.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – **Councilmember Tye moved to approve a request from Las Ventanas Land Partners, Ltd., the owner of approximately 32.033 acres located north of Highlands Boulevard and east of Peninsula Way for approval of the final plat of the property. Councilmember Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.**

13. Permanent Zoning: Cardinal Hills Units 4, 4A, 5 and 6. Proposed permanent zoning of “R-1 (Single Family Residential)” for 27 properties that are currently zoned “R-1 Temporary” on Barrie Drive, Joseph Drive, Dorothy Drive, Warbler Drive, Rail Street, Delsie Drive, and Dave Drive (Cardinal Hills Units 4, 4A, 5 and 6).

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – After questions on the circumstances of the original zoning and the reasons for the addressing permanent zoning at this time, **Councilmember Burns-Farrell moved to approve the proposed permanent zoning of “R-1 (Single Family Residential)” for 27 properties that are currently zoned “R-1 Temporary” on Barrie Drive, Joseph Drive, Dorothy Drive, Warbler Drive, Rail Street, Delsie Drive, and Dave Drive (Cardinal Hills Units 4, 4A, 5 and 6). Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**

14. Permanent Zoning: Cardinal Hills Unit 6. Proposed permanent zoning of “R-6 (Single Family Residential – Rural)” for the four properties that are currently zoned “R-1 Temporary” on Sledge Drive (Cardinal Hills Unit 6).

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – **Councilmember Tye moved to approve the proposed permanent zoning of “R-6 (Single Family Residential – Rural)” for the four properties that are currently zoned “R-1 Temporary” on Sledge Drive (Cardinal Hills Unit 6). Councilmember Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.**

15. Permanent Zoning: 1111 Delsie Drive. Proposed permanent zoning of “R-4 (Duplex)” for 1111 Delsie Drive (Cardinal Hills Unit 6, Lot 18) which is currently zoned “R-1 Temporary”.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – **Councilmember Bain moved to approve the proposed permanent zoning of “R-4 (Duplex)” for 1111 Delsie Drive (Cardinal Hills Unit 6, Lot 18) which is currently zoned “R-1 Temporary”. Mayor Pro Tem Harris seconded the motion, and it passed by unanimous vote, approved 7-0.**

16. Subdivision Code Amendment: Parkland. A proposed amendment to Section 28.05.003 of the Lakeway Code of Ordinances amending the standards and requirements related to public dedications and improvements of public parks and parkland.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – After thanking staff and suggesting some changes to the language of the amendment, **Councilmember Tye moved to approve a proposed amendment to Section 28.05.003 of the Lakeway Code of Ordinances amending the standards and requirements related to public dedications and improvements of public parks and parkland subject to modifications to paragraphs (a)(3) and (c)(2) under Section 28.05.003 as recommended. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**

CONSENT AGENDA: All items may be approved by one Council vote. Members of the Council may pull items from the consent agenda for discussion.

17. Approve Minutes: Regular Council Meeting of March 19, 2012.

END CONSENT AGENDA

Councilmember Wallace moved to approve Consent Agenda item 17 as stated above. Councilmember Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.

Councilmember Burns-Farrell commended the administrative staff, and other staff members as well, for a great job!

Mayor DeOme read into the record that PEC paid the City \$43,118.08 in franchise fees on April 16, 2012 for the billing period of January 1, 2012 – March, 31, 2012.

Councilmember Wallace announced that the April 14, 2012 Work Session is now available online.

Councilmember Bain asked for the amount of the franchise fees paid by Austin Energy to the City. Finance Director Julie Oakley responded that the City received a payment of \$57, 750 in franchise fees from Austin Energy for October to December, 2011.

Meeting adjourned at 8:45 p.m.

Donna Boyle

Donna Boyle, City Secretary



David P. DeOme

David P. DeOme, Mayor