

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, May 21, 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** – Greg Clay, 223 Corinthian, congratulated the incumbents on the recent election and thanked them for their support of Prop 1, even though it did not pass. Bill Chandler, former Lakeway resident, congratulated the Council on the outcome of the recent election and announced that the residents of Longhorn Village are planning to enter the July 4th Parade. Retired Major General Rod Kelly, 104 Black Wolf Run, previewed the Memorial Day celebration being held in collaboration with the Lohman's Ford Chapter of DAR and taking place at the Heritage Center on Monday, May 28, 2012; all were invited to attend.
4. **Financial Report.**
 - Staff report by George Kimes, Assistant City Treasurer
5. **Proclamation: National Missing Children's Day.** Mayor DeOme proclaimed May 25, 2012 as National Missing Children's Day in Lakeway and presented the proclamation to Police Chief Todd Radford who, at the Mayor's request, explained the Take 25 Initiative in which parents and guardians are encouraged to take 25 minutes on May 25th to talk to their children about ways to stay safe.
6. **Resolutions: Results of the May 12, 2012 Election.**
 - Consider approving a resolution canvassing the returns and declaring the results of a General Election; and other matters in connection therewith.
 - Consider approving a resolution canvassing the returns and declaring the results of a Special Proposition Election; and other matters in connection therewith.
 - Council discussion/action – **Councilmember Tye moved to approve the resolution canvassing the returns and declaring the results of a General Election; and other matters in connection therewith. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**
Councilmember Burns-Farrell moved to approve a resolution canvassing the returns and declaring the results of a Special Proposition Election; and other matters in connection therewith. Mayor Pro Tem Harris seconded the motion, and it passed by unanimous vote, approved 7-0.
7. **Oath of Office: Newly Elected City Councilmembers,** administered by Judge Kevin Madison.
 - Judge Kevin Madison swore in Councilmembers Dee Ann Burns-Farrell, Bruce Harris, and Dave Taylor to another term in office. City Secretary Donna Boyle presented each councilmember with a Certificate of Election.
8. **Resolution: Appointment of Mayor Pro Tem.** Consider approving a resolution appointing a

Mayor Pro Tem, pursuant to City Charter Section 3.06.

- Citizen participation – No one spoke.
- Council discussion/action – **Councilmember Wallace moved to approve a resolution appointing Councilmember Bain as Mayor Pro Tem, pursuant to City Charter Section 3.06. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 7-0.**

9. **Resolution: City of Lakeway Investment Policy.** Consider a resolution approving the City's Investment Policy.

- Staff report by Julie Oakley, Finance Director.
- Citizen participation – No one spoke.
- Council discussion/action – After a brief discussion of CD interest rates and terms, **Mayor Pro Tem Bain moved to approve the City's Investment Policy by resolution. 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 – Lakeway Resort and Spa General Manager Troy Matthews recommended to Council that the rest of the commission be made up of individuals from hospitality-related industries; Lakeway Resort and Spa Sales & Marketing Director Jack Bickart made the same recommendation to Council; Resident Bob Weest, 206 Hurst Creek Road, proposed a service to prospective Lakeway home buyers, which would include a tour of the area, and he offered his services as tour guide.
- Council discussion/action – After some discussion of what would constitute membership in the commission, **Councilmember Wallace moved to approve an ordinance establishing a Lakeway Visitors Commission to promote tourism and provide oversight of the hotel occupancy tax. Councilmember Taylor seconded the motion, and it passed by unanimous vote, approved 7-0.**

11. **Resolution: Lower Colorado River Authority's 2012 Water Management Plan.** Consider approving a resolution supporting the timely approval of the Lower Colorado River Authority's 2012 Water Management Plan by the Texas Commission on Environmental Quality.

- Staff report by Steve Jones, City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action – **Councilmember Burns-Farrell moved to approve a resolution supporting the timely approval of the Lower Colorado River Authority's 2012 Water Management Plan by the Texas Commission on Environmental Quality. Councilmember Harris seconded the motion, and it passed by unanimous vote, approved 7-0.**

12. **Annexation: Lakeway Highlands Phase 2 Section 2.** A request from Las Ventanas Land Partners, Ltd., the owner of approximately 32.707 acres located north of Highlands Boulevard and west of Peninsula Way, adjacent to Sections 5 and 6, for annexation of the property.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – No one spoke.
- Council discussion – Council had no questions during the first of two public hearings.

13. **Replat: Fox Creek Estates.** A request from Garry Baker, the owner of the property located at 17008 Flint Rock Road, for approval of the Resubdivision of Lot 4, Block "A", Fox Creek Estates, into two lots.

Pursuant to the Texas Government Code Chapter 551.071, Mayor DeOme announced that Council would go into executive session at 7:24 p.m. to seek the advice of the City Attorney and that no action would be taken. At 7:52 p.m., the City Council reconvened in open session, and Mayor DeOme stated that no action was taken during the closed session.

- Staff report by Chessie Blanchard, Deputy City Manager.
- Citizen participation/public hearing – Don Woodward, 17110 Flint Rock Road protested the resubdivision of the 17008 Flint Rock Road by property owner Garry Baker without consideration of the original plat notes and the location of proposed driveway. Robert Cummins, 17012 Flint Rock Road also protested the resubdivision of the sited property and asked a series of questions for further consideration by Council. Mike Myer, 17204 Flint Rock Road, also spoke in opposition to the resubdivision.

Mayor DeOme asked City Attorney Patty Akers to address any legal issues involved with this matter. The City Attorney responded by saying that just because the City may not have the ability to enforce plat notes does not mean that landowners that live within a subdivision do not have the legal ability to enforce plat notes; plat notes are deed restrictions, and cities rarely get involved in landowner disputes over plat notes.

- Council discussion/action – **Councilmember Harris moved to approve a request from Garry Baker, the owner of the property located at 17008 Flint Rock Road, for approval of the Resubdivision of Lot 4, Block "A", Fox Creek Estates, into two lots. Mayor Pro Tem Bain seconded the motion, and it passed by unanimous vote, approve, 7-0.**
14. **Zoning Change: 15100 Gebron Drive.** A request from SAN-GEB, Ltd., the owner of approximately 2.373 acres located at 15100 Gebron Drive, for approval of a change in zoning of the property from R-6 (Single Family Residential – Rural) to C-1 (Office/Retail).
- Staff report by Chessie Blanchard, Deputy City Manager.
 - Citizen participation/public hearing – Terry Irion, 1250 Capital of Texas Highway, represented property owner Mr. Walters in support of rezoning the referenced property.
 - Council discussion/action – After Councilmembers discussed C-1 zoning with its potential problems for surrounding property owners when and if the property goes on the market for resale, **Councilmember Taylor offered to do some work with Mr. Walter's lawyer to make the property saleable when the time comes but moved to deny the request from SAN-GEB, Ltd., the owner of approximately 2.373 acres located at 15100 Gebron Drive, for approval of a change in zoning of the property from R-6 (Single Family Residential – Rural) to C-1 (Office/Retail) and. Mayor pro Tem Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**
15. **Variance: Estates of Flintrock.** A request from R2 Development Properties, Ltd., the owner of approximately 40.537 acres located south of Flint Rock Road and east of Navajo Trail for approval of a variance of the Code of Ordinances to have lots within the property with less than the minimum street frontage required by Code. **This item has been postponed to the June 18th meeting.**

16. **Preliminary Plan: Estates of Flintrock.** A request from R2 Development Properties, Ltd., the owner of approximately 40.537 acres located south of Flint Rock Road and east of Navajo Trail for approval of a proposed Preliminary Plan for the property. **This item has been postponed to the June 18th meeting.**

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 Quarterly Investment Report** for the second quarter of Fiscal Year 2012 submitted by Julie Oakley, Finance Director.
18. **Approve Resolution:** Appointment to Boards and Commissions.
- Lori Nines, Board of Ethics, Member
19. **Approve an amendment** to the City's Personnel Policies and Procedures Manual.
20. **Approve Minutes:** Special Council Meeting of April 14, 2012.
21. **Approve Minutes:** Regular Council Meeting of April 16, 2012.

END CONSENT AGENDA

Councilmember Wallace pulled item 18 from the Consent Agenda. Councilmember Burns-Farrell moved to approve the Consent Agenda items as listed above without item 18. Councilmember Harris seconded the motion, and it passed by unanimous vote, approved 7-0. Councilmember Wallace addressed item 18 by introducing Lori Nines as his nominee to the Board of Ethics, who attended the meeting; he then moved to approve item 18 on the Consent Agenda. Councilmember Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.

Councilmember Tye thanked City Secretary Donna Boyle for her services on Election Day, May 12, 2012. He also requested consideration for video streaming of City Council meetings to improve communication with residents.

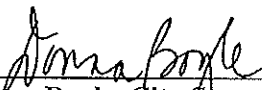
Councilmember Harris asked for both personal and monetary support of the LCRA, TECQ, and Highland Lakes Coalition for their efforts on behalf of the City regarding water use.

Councilmember Taylor raised concerns about the campaign practices during early voting at Randall's with an expressed interest in how to avoid a similar situation in the future.


Councilmember Burns-Farrell thanked her fellow Councilmembers for their support during the election.

Police Chief Todd Radford gave an update on the medical condition of Officer Slade Fisher who had just been released from the hospital after being involved in an accident on his patrol motorcycle while in pursuit of a speeding vehicle.

Meeting adjourned at 8:38 p.m.


Donna Boyle, City Secretary




David P. DeOme, Mayor