

THE CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
MONDAY, September 17, 2018, 6:30 P.M.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

AGENDA

1. **Establish Quorum and Call to Order** – Present: Mayor Cox, Mayor Pro Tem Massa, Councilmember Bertram, Councilmember Haley, Councilmember Smith and Councilmember Trecker.
2. **Pledge of Allegiance.**
3. **Financial Report.**
 - Staff report by Assistant City Manager Julie Oakley.
4. **Report on status of previous business.**
 - Knowledge transfer for new volunteers - Mayor Cox
 - Remaining committee appointments - Heritage Commission - Mayor Cox
 - Discussion regarding complaint of property maintenance and code enforcement – Mayor Cox
5. **Report on Police Station project.**
6. **Fiscal Year 2019 Budget.** Consider adopting Ordinance No. 2018-09-17-01 adopting Fiscal Year 2019 Budget.
 - Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – No one spoke.
 - Council discussion/action – moved to approve the ordinance adopting the FY 2019 budget as drafted. Councilmember Haley seconded the motion. VOTE: Councilmember Bertram: Aye, Councilmember Trecker: Aye, Councilmember Haley: Aye, Mayor Cox: Aye, Mayor Pro Tem Massa: Aye, and Councilmember Smith: Aye.
7. **Ad Valorem tax rate for 2018:** Consider adopting Ordinance No. 2018-09-17-02 adopting Ad Valorem tax rate for 2018.
 - Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve the ordinance adopting the 2018 tax rate, which is \$.01201 for the purpose of funding the City's maintenance and operations (M&O) and \$.0444 for the payment of principal and interest (I&S) on the City's debt for a total tax rate of \$.1645. Mayor Pro Tem Massa seconded the motion. VOTE: Councilmember Bertram: Aye Councilmember Trecker: Aye, Councilmember Haley: Aye, Mayor Cox: Aye, Mayor Pro Tem Massa: Aye, and Councilmember Smith: Aye.

- 8. Zoning Change – Bee Creek Road, Ordinance No. 2018-09-17-03:** Consider a request from 360 Professional Services, Inc., the agent for the owner of approximately 1.24 acres of land located on Bee Creek Road situated north of the private drive for 4932 Bee Creek Road, for a zoning change from AG (Agricultural) to C-1 (Commercial - Office/Retail).
- Staff report by Interim Director of Building & Development Services Erin Carr.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve the zoning change from AG to C1. Councilmember Haley seconded and the motion passed unanimously.
- 9. Special Use Permit – Bee Creek Road.** Consider a request from 360 Professional Services, Inc., the agent for the owner of approximately 1.24 acres of land located on Bee Creek Road situated north of the private drive for 4932 Bee Creek Road, for a Special Use Permit to operate a daycare facility.
- Staff report by Interim Director of Building & Development Services Erin Carr.
 - Citizen participation – No one spoke.
 - Council discussion/action – Mayor Pro Tem Massa moved to approve the special use permit. Councilmember Haley seconded and the motion passed unanimously.
- 10. Special Use Permit – Blue Sprig.** Consider a request from Blue Sprig Pediatrics, Inc., the tenant of the property at 107 Ranch Road 620 South, Suite 300, for approval of a Special Use Permit to operate a medical office for autism therapy.
- Staff report by Interim Director of Building & Development Services Erin Carr.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Smith moved to approve the special use permit. Councilmember Haley seconded and the motion passed unanimously.
- 11. Special Use Permit – PureWash.** Consider a request from Masterplan, the agent for the owner of approximately 1.0742 acres of land located at 100 Birrell Street, for approval of a Special Use Permit to operate a carwash.
- Staff report by Interim Director of Building & Development Services Erin Carr.
 - Citizen participation – John Caporal spoke.
 - Council discussion/action – Convened to executive session under 551.071, Consultation with City Attorney. Reconvened to open session at 7:33 p.m. No action was taken in Executive Session. Councilmember Trecker moved to approve the request for the special use permit. Mayor Pro Tem Massa seconded. Motion failed 0-6 with all members voting nay.
- 12. Preliminary Plan Revision – Lake Travis Transitional Medical Center, Resolution No. 2018-09-17-01:** Consider a request from Masterplan, the agent for the owner of approximately 1.0742 acres of land located at 100 Birrell Street, for a revision to the Lake Travis Transitional Medical Center preliminary plan.
- Staff report by Interim Director of Building & Development Services Erin Carr.

- Citizen participation – Shelly Mitchell with Pape Dawson Engineering requested to postpone the request.
- Council discussion/action – Mayor Pro Tem moved to postpone the preliminary plan revision. Councilmember Haley seconded and the motion passed unanimously.

13. Final Plat – Highlands Phase 2, Section 6 Re-plat, Ordinance No. 2018-09-17-04:
Consider a request from Carlson, Brigrance & Doering, Inc., the agent for the owner of 2.999 acres of land, for a re-plat of lots 1, 2 and 5, block D, Lakeway Highlands Phase 2, Section 6.

- Staff report by Interim Director of Building & Development Services Erin Carr.
- Citizen participation – No one spoke.
- Council discussion/action – Councilmember Smith moved to approve the final plat. Mayor Pro Tem Massa seconded and the motion passed unanimously.

14. Final Plat – Bee Creek Elementary Subdivision, Ordinance No. 2018-09-17-05:
Consider a request from Malone Wheeler, Inc., the agent for the owner, Lake Travis Independent School District, of approximately 12.21 acres of land located at 4219 Bee Creek Road, for a final plat approval of Bee Creek Elementary Subdivision.

- Staff report by Interim Director of Building & Development Services Erin Carr.
- Citizen participation – No one spoke.
- Council discussion/action – Councilmember Haley moved to approve the request for a final plat. Mayor Pro Tem Massa seconded and the motion passed unanimously.

15. Special Use Permit - (Lakeway World of Tennis Condominiums, BLD 16, UNT A-159), for approval of a Special Use Permit to allow for a short-term rental use to operate at this location.

- Staff report by Interim Director of Building & Development Services Erin Carr.
- Citizen participation – No one spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the request for a special use permit. Councilmember Trecker seconded and the motion passed 5-1, Councilmember Bertram opposed.

16. Contract: Request for Qualifications for Facility Needs Assessment.

Award contract to the successful respondent and authorize the City Manager to execute contract.

- Staff report by City Manager Steve Jones.
- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Bertram moved to award the contract to Huitt-Zollars and authorize the city manager to execute a contract. Councilmember Trecker seconded and the motion passed unanimously.

17. Discuss and consider a request from the Wildlife Advisory Committee to hire a wildlife biologist and authorize the City Manager to execute a contract.

- Staff report by Councilmember Dwight Haley.
- Citizens participation – The following persons spoke: Pam Bilderback, Dodie Davis, Rita Cross, Dennis Hogan, Cindy Bermudez and Tammy Stanley.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the hiring of Warren Bluntzer at the request of the Wildlife Advisory Committee. Councilmember Trecker seconded and the motion passed 5-1 with Councilmember Bertram opposed.

18. Proposal for public feedback regarding future development projects.

- Report from Councilmember Haley and Councilmember Smith.
- Citizens participation – Louis Mastrangelo spoke. John Hoopingarner spoke. Wendi Severance spoke. Dennis Hogan spoke.
- Council discussion/action - Mayor Pro Tem Massa moved to approve moving forward with the process of developing the survey and FAQ and timeline presented. Councilmember Haley seconded and the motion passed unanimously.

19. Request for approval of proposed survey from the Public Engagement Advisory Committee.

- Report by Mike LaRocca.
- Citizens participation – Tom Kilgore spoke.
- Council discussion/action – Councilmember Smith moved to have the Public Engagement Advisory Committee move forward with the process of developing the survey and FAQ and timeline presented in item 18 (above) and to include in the survey one part related to engagement and one part regarding development, to be prefaced with an introduction about the survey. Mayor Pro Tem Massa seconded and motion passed unanimously.

Mayor Cox called for a ten minute recess. Meeting reconvened at 9:22 p.m.

20. Sign Ordinance – Amendments: Consider Ordinance No. 2018-09-17-06 adopting proposed amendments to Chapter 26 (Signs) Lakeway Municipal Code pertaining to permitted signs within the City of Lakeway and its Extraterritorial Jurisdiction (ETJ).

- Enter into executive session for discussion as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session. Action, if any, will be taken in open session.
- Staff report by City Manager Steve Jones.
- Citizens participation – Tom Kilgore spoke. Richard Mays spoke.
- Council discussion/action - Convened to executive Session at 9:34 p.m under section 551.071, consultation with city attorney. Reconvened to open session at 10:34 p.m. No action was taken in executive session. Mayor Pro Tem Massa moved to table the item to allow time for further review by the city attorney. Councilmember Haley seconded and the motion passed unanimously.

21. Citizens Participation for topics not on this agenda – Elizabeth Etheridge spoke. Louis Mastrangelo spoke. Tom Kilgore spoke.

22. **Executive Session.** Enter into executive session to consult with the city attorney on the following topic(s), as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken by the Council in the Executive Session. Action, if any, will be taken in open session.

1. Discuss Pending Litigation
 - a. Kilgore v. City of Lakeway, et al., Cause No. 03-18-00598-CV
 - b. City of Lakeway v. Cherry Knoll, LLC, Cause No. D-1-GN-17-002896
2. Legal Consultation
 - a. Possible Reimbursement of Mayor Cox for Legal Expenses Incurred in the Lawsuit Styled In Re Tiffany McMillan
 - b. Update on Legal Issues Regarding ROR Real Estate Holdings Project

Convened to Executive Session at 10:39 p.m. Mayor Pro Tem Massa chaired the meeting and reconvened to open session at 11:20 p.m. No action was taken in Executive Session. Mayor Cox recused herself from executive session item 2 a.

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

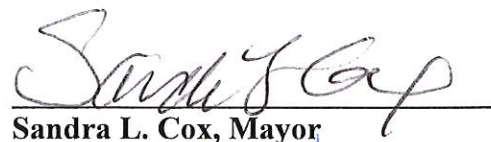
23. **Approve Minutes:** Special Council Meeting of August 20, 2018.
24. **Approve Minutes:** Regular Council Meeting of August 20, 2018.
25. **Approve Minutes:** Special Council Meeting of September 10, 2018.
26. **Approve Ordinance No. 2018-09-17-07:** An ordinance of the City of Lakeway, Texas, amending the code of ordinances, chapter 2, article 2.023 boards, commissions, and committees; heritage commission; and providing for severability, repealer, and an effective date.
27. **Approve Resolution No. 2018-09-17-02:** Appointing a chair to the Arts Committee.
28. **Approve Resolution No. 2018-09-17-03:** Reappointing a member to the Board of Ethics.
29. **Receive** Treasurer's monthly report.
30. **Approve Ordinance No. 2018-09-17-08:** FY 2018 Budget Amendment # 1.
31. **Approve** Incumbency Certificate for new Treasurer.

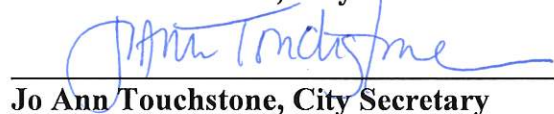
Councilmember Trecker moved to approve the consent agenda. Councilmember Haley seconded and the motion passed unanimously.

END CONSENT AGENDA

32. **Adjourn** – Meeting adjourned at 11:24 p.m.

Signed this 16 day of October, 2018.


Sandra L. Cox, Mayor


Jo Ann Touchstone, City Secretary

