

CITY OF LAKEWAY CITY COUNCIL MEETING
Action minutes of Regular Session
Monday, October 15, 2018 at 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 Haley, Councilmember Smith and Councilmember Trecker. Absent: Councilmember Bertram.
2. **Pledge of Allegiance.**
3. **Financial Report.**
 - Staff report by Assistant City Manager Julie Oakley.
4. **Report on status of previous business.**
 - None to report this meeting.
5. **Report on Police Station project.**
6. **Amendment to an SUP – Serene Hills Independent Living.** Serene Hills, LTD, the owner of the property located at the NE Corner of Bee Creek Road and Hwy 71 W, is requesting an amendment to an existing Special Use Permit for an assisted living facility.
 - Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizens participation – No one spoke.
 - Council discussion/action – Mayor Pro Tem Massa moved to approve the amendment as requested including the parking recommendation from the Zoning and Planning Commission. Councilmember Haley seconded and the motion passed unanimously.
7. **Ordinance No. 2018-10-15-01 - Final Plat – Lakeway Estates.** A request from Perales Engineering, LLC, the agent for the owner Lakeway Estates LLC., for the final plat of a 46.01 acre tract located off of Serene Hills Pass for a proposed subdivision into eleven single-family lots. *Item withdrawn by applicant.*
 - Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizens participation -
 - Council discussion/action – Item withdrawn by applicant.
8. **Ordinance No. 2018-10-15-02 - Re-Plat – Highland Village.** A request from Carlson, Brigance & Doering, Inc., the agent for the owner, RH Lakeway Development, LTD., is requesting a re-subdivision of the Lakeway Highlands Village plat into two separate lots.
 - Staff report by Building & Development Services Director Charlotte Hodges.

- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Trecker moved to approve the final plat subdividing the lot into 1A and 1B. Mayor Pro Tem Massa seconded and the motion passed unanimously.

9. Ordinance No. 2018-10-15-03 - Zoning Change – Rupen Drive. A request from Drenner Group, the agent for the owner of approximately 5.464 acres of land located at 570 Rupen Drive, for a zoning change from R-1 (Single Family Residential) to R-3 (Single-Family Residential - Zero Lot Line-Modified).

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizens participation – Rick Jones, Al Lagenour, Tom Crider, Hal Jacobs, Kyle Smith, James Groth, David McDonald and John Hoopingarner spoke.
- Council discussion/action - Mayor Pro Tem Massa moved to table the request until the city attorney and applicant can work out terms of restrictive covenants.

10. Special Use Permit – Short Term Rental – 161 World of Tennis. Consider a request from Jennifer Jamison, the owner of the property at 161 World of Tennis Square (Lakeway World of Tennis Condominiums, UNT D-172, BLD 21), for approval of a Special Use Permit to allow for a short-term rental use to operate at this location.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Trecker moved to approve the special use permit. Councilmember Haley seconded and the motion passed unanimously.

11. Resolution No. 2018-10-15-01 – Supporting participation in the 2019-2023 Austin-Round Rock MSA Regional Air Quality Plan.

- Report by Andrew Hoekzema, Director of Regional Services – Mayor Pro Tem Massa gave report.
- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Haley moved to approve the resolution. Councilmember Trecker seconded and the motion passed unanimously.

12. Resolution No. 2018-10-15-02 – A resolution seeking Legislative action to amend Texas law regarding municipal regulation of signs.

- Report by City Attorney Cobby Caputo.
- Citizens participation – Richard Mays and Tom Kilgore spoke.
- Council discussion/action – Councilmember Smith moved to approve the resolution. Mayor Pro Tem Massa seconded and the motion passed unanimously.

13. Resolution No. 2018-10-15-03 – A resolution adopting the city donation and

grant policy.

- Report by Assistant City Manager Julie Oakley.
- Citizens participation – John Hoopingarner spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the resolution with the addendum to add “health, safety and environmental issues” to 1.8. Councilmember Haley seconded and the motion passed unanimously.

14. Ordinance No. 2018-10-15-04 - Amend Code – An ordinance amending the definition of “Restaurant” and “Restaurant, Fast Food” in Article 22.02 of Chapter 22 of the Code of Ordinances.

- Staff report by City Manager Steve Jones.
- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Trecker moved to approve the ordinance. Mayor Pro Tem Massa seconded and the motion passed unanimously.

15. Ordinance No. 2018-10-15-05 – An ordinance amending Section 28.09.017 of the Code of Ordinances regarding Landscaping.

- Staff report by City Manager Steve Jones.
- Citizens participation – Betty Haley spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the ordinance. Councilmember Smith seconded and the motion passed unanimously.

16. Results of Community Survey and council determination of next steps.

- Report Mike LaRocca.
- Citizens participation – Louis Mastrangelo and Kyle Smith spoke.
- Council discussion/action – No action was taken.

17. Citizens Participation for topics not on this agenda – Tom Kilgore and John Hoopingarner spoke.

Convened to Executive Session at 9:13 p.m. Reconvened to Regular Session at 9:39 p.m. No action was taken in Executive Session.

18. 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

- Koshnick v. City of Lakeway, et al., Cause No. D1:17-CV-852-LY, in the United States District Court for the Western District of Texas, Austin Division,
- City of Lakeway v. Cherry Knoll, LLC, Cause No. D-1-GN-17-002896

ADDENDUM - Approve an interlocal contract for network connectivity with the Capital Area Emergency Communications District.

- Staff report.
- Citizens participation – No one spoke.
- Council discussion/action - Mayor Pro Tem Massa moved to approve the agreement. Councilmember Haley seconded and the motion passed unanimously.

19. Resolution No. 2018-10-15-04 – A resolution authorizing reimbursement of attorney fees incurred by Mayor Sandra Cox in the litigation styled In re: Tiffany McMillan, Cause No. 03-18-00356-CV, in the Third Court of Appeals, Austin, TX

- Report by City Attorney Cobby Caputo.
- Citizens participation – Tom Kilgore spoke.
- Council discussion/action – Council adjourned to executive session at 9:49 p.m. Reconvened to regular session at 10:06 p.m. No action was taken in Executive Session. Councilmember Trecker moved to approve the resolution. Councilmember Haley seconded and the motion passed unanimously. City Attorney Cobby Caputo stated the city would pay any reimbursements until after a temporary injunction hearing.

Mayor Cox stepped down from the dais and recused herself from the meeting. Mayor Pro Tem Massa chaired the 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.

- 20. Approve Minutes:** Regular Council Meeting of September 17, 2018.
- 21. Approve Resolution No. 2018-10-15-05:** Appointing members to the Heritage Committee.
- 22. Approve Resolution No. 2018-10-15-06:** Appointing a member to the Parks and Recreation Committee.
- 23. Approve Resolution No. 2018-10-15-07:** Appointing the Board of Ethics Chair.
- 24. Approve Resolution No. 2018-10-15-08:** Appointing the Comprehensive Plan Steering Committee Chair.
- 25. Approve Quarterly Investment Report:** Investment report for quarter ended September 30, fiscal year 2018, submitted by Julie Oakley, Assistant City Manager.
- 26. Receive** Treasurer’s monthly report.

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

END CONSENT AGENDA

- 27. Adjourn** – Meeting adjourned at 10:12 p.m.

Signed this 7 day of December, 2018.



Sandra L. Cox, Mayor



Jo Ann Touchstone, City Secretary

