

CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Regular Session on Monday, November 19, 2018 at 6:30 p.m.
MINUTES
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

AGENDA

- 1. Establish Quorum and Call to Order** – Present: Mayor Cox, Councilmember Haley, Councilmember Higginbotham, Mayor Pro Tem Massa, Councilmember Mastrangelo, Councilmember Smith and Councilmember Trecker. Absent: Councilmember Bertram.
- 2. Pledge of Allegiance.**
- 3. Financial Report.**
 - Staff report by Assistant City Manager Julie Oakley.
- 4. Approve Resolution No. 2018-11-19-01** canvassing the returns and declaring the results of the City of Lakeway special election held on November 6, 2018 and other matters in connection therewith – Mayor Pro Tem Massa moved to approve Resolution No. 2018-11-19-01 canvassing the returns and declaring the results of the City of Lakeway special election held on November 6, 2018 and other matters in connection therewith. Councilmember Haley seconded and the motion passed unanimously.
- 5. Oath of Office: 2018 Elected Officials.** Administer the oaths of office to Newly Elected Councilmembers – Judge Oakley administered the oaths of office to Laurie Higginbotham and Louis Mastrangelo. Mayor Cox presented the certificates of election.
 - Presentation to Outgoing Councilmember Dwight Haley.
- 6. Report** on status of previous business.
 - Update on Building & Development Services notifications – Building and Development Services Director Charlotte Hodges gave an update on notification processes.
- 7. Report** on Police Station project.
- 8. Report** to City Council regarding proposed improvements to code enforcement ordinance and internal processes.
 - Staff report by City Manager Steve Jones.
 - Citizen participation – Stacy Bray spoke. Tom Kilgore spoke.
 - Council discussion/action – No action taken.

- 9. Ordinance No. 2018-11-19-01: Amendment – Sec. 30.03.006** – City staff is requesting an amendment to Sec. 30.03.006, District R-6 (Single-Family Residential – Rural) of the Zoning Ordinance to clarify regulations for properties located in the FEMA Floodplain including but not limited to the height of buildings.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve Ordinance No. 2018-11-19-01. Councilmember Smith seconded and the motion passed unanimously.
- 10. 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). – *Item postponed at request of applicant.*
- 11. Ordinance No. 2018-11-19-02: Re-Plat – Lakeway Highlands** – A request from Carlson, Brigance & Doering, Inc., the agent for the owner of 0.890 acres of land, to re-plat Lot 54, Block A, Lakeway Highlands Phase 1, Section 8D.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizens participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve Ordinance No. 2018-11-19-02: Re-Plat – Lakeway Highlands to re-plat Lot 54, Block A, Lakeway Highlands Phase 1, Section 8D. Mayor Pro Tem Massa seconded and the motion passed unanimously.
- 12. Ordinance No. 2018-11-19-03: Zoning Change – Lakeway Highlands** – A request from Carlson, Brigance & Doering, Inc., the agent for the owner of 0.890 acres of land, for a zoning change from R-5 (Condominium) to R-1 (Single Family Residential) for lot 1 Lakeway Highlands, Phase 1, Section 8E.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizens participation – No one spoke.
 - Council discussion/action – Councilmember Smith moved to approve Ordinance No. 2018-11-19-03 for a zoning change from R-5 (Condominium) to R-1 (Single Family Residential) for lot 1 Lakeway Highlands, Phase 1, Section 8E. Mayor Pro Tem Massa seconded and the motion passed unanimously.

13. Special Use Permit – Short Term Rental – 104 World of Tennis – Consider a request from Maggie Ann 104 Management Service, the owner of the property at 104 World of Tennis Square (Lakeway World of Tennis Condominiums, Unit 104A, Building 2), 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 Smith moved to approve the special use permit at 104 World of Tennis Square (Lakeway World of Tennis Condominiums, Unit 104A, Building 2), to allow for a short-term rental use to operate at this location. Mayor Pro Tem Massa seconded and the motion passed unanimously.

14. Special Use Permit – 4936 Bee Creek Road – Ellis Oglesby, the owner of 4936 Bee Creek Road, is requesting a Special Use Permit for a Health Exercise Club.

- 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 for 4936 Bee Creek Road. Councilmember Higginbotham seconded and the motion passed unanimously.

15. Contract: FY 2018 Request for Proposals for Comprehensive Plan Consulting Services. Award contract to the successful respondent and authorize the City Manager to execute a contract.

- Staff report by Assistant City Manager Julie Oakley.
- Citizens participation – No one spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the committee going forward to negotiate terms with Design Workshop, Inc. and bring terms to council for approval to have the city manager execute a contract. Councilmember Mastrangelo seconded and the motion passed unanimously.

16. Ordinance No. 2018-11-19-04: Discuss and consider an ordinance amending Article 18.07 of the Code of Ordinances - Handheld Mobile Communication Devices.

- Staff report by City Manager Steve Jones.
- Citizens participation – No one spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve Ordinance No. 2018-11-19-04 amending Article 18.07 of the Code of Ordinances. Mayor Pro Tem Massa seconded and the motion passed unanimously.

17. Ordinance No. 2018-11-19-05: Discuss and consider an ordinance amending Article 6.03 of the Code of Ordinances – Solicitors.

- Staff report by City Manager Steve Jones.
- Citizens participation – Tom Kilgore spoke.
- Council discussion/action – Councilmember Higginbotham moved to table the item. Mayor Pro Tem Massa seconded and the motion passed unanimously.

18. Citizens Participation – Earl Foster spoke regarding the recent flood and acknowledged the efforts of MUD employees. Beverly Banfield spoke. Evelyn (student) spoke. Dennis Hogan spoke. Carol Ferree spoke.

Convened to Executive Session for item 19 at 8:35 p.m. Reconvened to open session at 9:14 p.m. No action was taken in Executive Session. Mayor Cox recused herself from the dias and exited the meeting. Mayor Pro Tem Massa chaired the meeting and announced to convene to Executive Session for item 20 at 9:16 p.m. Reconvened to open session at 10:22 p.m. No action was taken in Executive Session.

19. 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. *City of Lakeway v. Cherry Knoll, L.L.C.*, Cause No. D-1-GN-17-002896 (Travis County District Court) and *Cherry Knoll, L.L.C. v. City of Lakeway, et al.*, Cause No. 1850494 (United States Court of Appeal for the Fifth Circuit)

20. 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. *Kilgore v. City of Lakeway, et al.*, Cause No. D-1-GN-18-006225

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

21. Approve Minutes: Regular Council Meeting of October 15, 2018.

22. Approve Minutes: Special Council Meeting of November 7, 2018.

23. Approve Resolution No. 2018-11-19-02: Resolution appointing Wildlife Advisory Committee Chair.

24. Approve Resolution No. 2018-11-19-03: Resolution appointing members to the Zoning and Planning Commission.

- 25. Approve Resolution No. 2018-11-19-04:** Casting of the City's ballot for the election of Travis Central Appraisal District Board Member.
- 26. Receive** Treasurer's monthly report.

Councilmember Smith moved to pull item number 21.

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

Councilmember Trecker moved to approve item 21 with the addition of attorney comments being added. Councilmember Smith seconded and the motion passed unanimously.

END CONSENT AGENDA

27. Adjourn – Meeting adjourned at 10:19 p.m.

Signed this 21 day of Dec, 2018.


Sandra L. Cox, Mayor


Jo Ann Touchstone, City Secretary

