

THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Regular Session on Tuesday, January 22, 2019 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 Sandy Cox, Mayor Pro Tem Massa, Councilmember Higginbotham, 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. Report on status of previous business.**
 - Code Enforcement Policy Update - Building & Development Services Director Charlotte Hodges
 - Lakeway Drive speeding – Chief Radford
 - Update on Solid Waste & Recycling Service Contract – Assistant City Manager Julie Oakley
- 5. Report on Police Station project.**
- 6. Approve Ordinance 2019-01-22-03: Appointing an Associate Municipal Judge.**
 - Staff report by City Manager Steve Jones.
 - Citizen participation – No one spoke.
 - Council discussion/action – Mayor Pro Tem Massa moved to approve ordinance number 2019-01-22-03 appointing an associate municipal judge. Councilmember Trecker seconded and the motion passed unanimously.
- 7. Administer Oath of Office** to Associate Judge Michele Locke – Judge Kevin Madison.
- 8. Ordinance No. 2019-01-22-02** – An ordinance amending the code of ordinances of the City of Lakeway, Section 12.02.113 from “Reserved” to “Juvenile Case Manager Fund”.
 - Staff report by Municipal Judge Kevin Madison.
 - Citizens participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve ordinance number 2019-01-22-03 - an ordinance of the city of Lakeway, Texas, amending the code of ordinances, title I general ordinances; chapter 12: law enforcement and court; article 12.02: municipal court; division 3: fees, costs and special expenses; sec. 12.02.113: reserved; and providing for severability, repealer, and an effective date and modifying the ordinance to

require city council approval for expenditure of excess funds. Councilmember Mastrangelo seconded and the motion passed unanimously.

- 9. Resolution No. 2019-01-22-01: Consenting to the creation,** subject to voter approval, of Travis County Emergency Services District No. 16.
- Staff report by City Manager Steve Jones.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Higginbotham moved to approve Resolution No. 2019-01-22-01- a resolution granting the consent of the City Council of the City of Lakeway, Texas, to the creation, subject to voter approval, of Travis County Emergency Services District No. 16. And adding after the first whereas, “Whereas, creation of the new district is also contingent upon voter approval at an election of the qualified voters within the boundaries of the proposed district; and Whereas, if the voters within the city reject creation of the district then the jurisdiction of Lakeway would be carved out of the proposed district and Lakeway would not be included; and Whereas, ESD # 16 would be authorized to assess homeowners up to ten cents per 100 valuation.” Councilmember Smith seconded and the motion passed unanimously.
- 10. Preliminary Plan Revision- Lakeway Towne Centre.** A request from Lakeway Plaza Partners, representing New Braunfels Plaza & Antoine, the owner of the property located at 2111 Lohmans Crossing Road, for approval of a revised preliminary plan for the subject property.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Higginbotham moved to approve the preliminary plan for Lakeway Town Centre. Councilmember Mastrangelo seconded and the motion passed unanimously.
- 11. Re-Plat – 15502 S. Flamingo Drive.** A request from John McArdle, owner of 2.1348 acres of land located at the northwest corner of S. Flamingo Drive and S. Meadowlark Street for a Re-Plat of Lot 30-A, Plat Amendment of Lots 30-34 Cardinal Hills Subdivision, Unit 2 and Lot 35, Cardinal Hills Subdivision Unit-2.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve the replat of 15502 S. Flamingo Drive. Mayor Pro Tem Massa seconded and the motion passed unanimously.
- 12. Special Use Permit- 108 World of Tennis.** A request by Guadalupe (Lupita) Grimaldo, owner of 108 World of Tennis, for a Special Use Permit for Home Occupation in order to operate a food vending and catering business.
- Staff report by Building & Development Services Director Charlotte Hodges.

- Citizen participation -
- Council discussion/action – *Item postponed.*

13. Ordinance No. 2019-01-22-01 – Zoning Change – 4440 Bee Creek Road. A request from the City of Lakeway to rezone approximately 70 acres west of Bee Creek Road south of Sean Avery Path. intersection, locally known as 4440 Bee Creel Road, from AG (Agricultural) to P1 (Park) for the purpose of developing a public sports complex.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – No one spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve ordinance no. 2019-01-22-01. Councilmember Smith seconded and the motion passed unanimously.

14. Ordinance No. 2019-01-22-02 – Zoning Change – 4528 Bee Creek Road. A request from the City of Lakeway to rezone 30.179 acres west of Bee Creek Road south of Sean Avery Path, locally known as 4528 Bee Creek Road, from AG (Agricultural) to C1 (Commercial).

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – No one spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve ordinance no. 2019-01-22-05 to rezone 30.179 acres west of Bee Creek Road south of Sean Avery Path, locally known as 4528 Bee Creek Road, from AG (Agricultural) to C1 (Commercial). Mayor Pro Tem Massa seconded and the motion passed 4-2 with Councilmember Trecker and Mayor Cox opposed.

15. May 4, 2019 General Election. Consider approving Ordinance 2019-01-22-04 calling a General Election in the City of Lakeway on May 4, 2019, for the purpose of electing the mayor and three (3) Councilmembers, and authorizing the Mayor to issue a Notice of Election.

- Staff report by City Secretary Jo Ann Touchstone.
- Citizen participation – Tom Kilgore spoke.
- Council discussion/action – Mayor Cox called for executive session at 8:04 p.m. under section 551:071. Reconvened to regular session at 8:34 p.m. No action was taken in executive session. Councilmember Higginbotham moved to approve ordinance number 2019-01-22-04 with additional whereas’: “Whereas, in 2014 voters approved a charter amendment to move to three year terms for city officials in the city of Lakeway. Whereas, in 2014 voters did not consider creating a place system for those positions. Whereas, in 2014 voters did not consider changing city elections to go from a plurality system to a majority vote system. Whereas, Lakeway City Council cannot change the voting system from a plurality to a majority without voter approval. Whereas, council adopted ordinances 2018-04-23-01 and 2018-05-16-01 suspending the charter provisions making three year terms of office.” And adding to Section 2: “ ...a general election for the purpose

of electing the mayor and three councilmembers to two year terms by the qualified voters of the City of Lakeway.” Mayor Pro Tem Massa seconded and the motion passed unanimously.

4 de Mayo de 2019 Elección General. *Considerar aprobación de Ordenanza 2019-01-22-04 cual convoca una Elección General en la Ciudad de Lakeway el 4 de Mayo de 2019, con el propósito de elegir al alcalde y tres (3) Miembros del Consejo, y autorizar al Alcalde para emitir un Aviso de Elección.*

- *Informe del personal municipal por la secreteria de la ciudad, Jo Ann Touchstone.*
- *Patricipacion ciudadana.*
- *Discusión/acción del consejo.*

16. Request for approval of proposed survey from the Parks & Recreation Committee.

- Report by Parks & Recreation Committee Chair Erwin Boettcher.
- Citizens participation – Jerry Heitpas spoke. Dennis Hogan spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve the proposed survey from the Parks and Recreation Committee with the following changes: clarify age of person responding to survey (i.e. child/parent of child) and add question regarding support of park use by outside entities for state or regional events. Councilmember Trecker seconded and the motion passed unanimously.

17. Accept donation to Parks & Recreation Department from Lakeway Civic Corporation for Swim Center Improvements and Heritage Committee mini movies.

- Staff report from Parks & Recreation Director Andra Bennett
- Council discussion/action – Mayor Pro Tem Massa moved to accept the donations from the Lakeway Civic Corporation for \$28,668.00 for Swim Center improvements and \$13,480.00 for two HD Mini Movies. Councilmember Trecker seconded and the motion passed unanimously.

18. Citizens Participation - The following persons spoke: Holly Burgeson, Sheryl Kinlaw, Jeff Lawson, Josh Shivers, Candyce Landon, Kevin Brown, Eric Burgeson, Jill Johnson, Joanie Rivera, Melissa Duran, Shelia Niles, Kelly Kodus, Jill Kelley,

19. Discussion on 86th Legislative Priorities and consideration of potential bills – No action taken.

Convened to executive session at 10:10p.m. Reconvened to regular session at 10:40 p.m. No action was taken in executive session.

20. Executive Session. Enter into executive session to discuss pending litigation or other matters on which the City Attorney has a duty to engage in confidential consultation with the Council, as authorized by Texas Government Code Section 551.071 (Consultation with

Attorney). No action will be taken in Executive Session, and action to be taken on these items will occur in open session.

1. Cherry Knoll L.L.C. v. City of Lakeway, et al., Cause No. 18-50494, in the U.S. Court of Appeals for the Fifth Circuit
2. City of Lakeway v. Cherry Knoll L.L.C., Cause No. 03-18-00837 in the Court of Appeals, Third District of Texas, Austin, Texas
3. Kilgore v. City of Lakeway, Cause No. 03-18-00598-CV, in the Court of Appeals, Third District of Texas, Austin, Texas
4. "Discussion of Legal Issues Relating to the 2014 Charter Election and Resulting Issues Related to Former City Attorney."

Mayor Cox recused herself from the meeting. Mayor Pro Tem Massa chaired the meeting. Mayor Pro Tem Massa called for Executive Session to consider item 21 under 551.071. Convened to executive session at 10:41 p.m. Reconvened to regular session at 11:08 p.m. No action was taken in executive session.

- 21. Executive Session.** Enter into executive session to discuss pending litigation or other matters on which the City Attorney has a duty to engage in confidential consultation with the Council, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session, and action to be taken on these items will occur in open session.

1. Kilgore v. City of Lakeway, Cause No. D-1-GN-18-006225, in the District Court of 459th Judicial District, Travis County, Texas

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

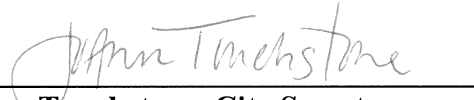
- 22. Approve Minutes:** Regular Council Meeting of December 17, 2018.
- 23. Approve Minutes:** Special Council Meeting of December 17, 2018.
- 24. Approve Resolution No. 2019-01-22-03:** Appointing ZAPCO member to the Comprehensive Plan Steering Committee.
- 25. Approve Resolution No. 2019-01-22-04:** Appointing ADA coordinator.
- 26. Approve Solicitation Award:** FY 2019 Invitation to Bid for Police Motorcycles. Recommendation to award to the successful bidder meeting all specifications.
- 27. Approve Special Use Permit for Short Term Rental - 4 Casa Verde.**
- 28. Approve Quarterly Investment Report** for First Quarter Fiscal Year 2019, submitted by Julie Oakley, Assistant City Manager.
- 29. Receive** Treasurer's monthly report.

END CONSENT AGENDA

30. Adjourn – Meeting adjourned at 11:09 p.m.

Signed this 21 day of February, 2019.


Sandra L. Cox, Mayor


Jo Ann Touchstone, City Secretary

