

NOTICE IS HEREBY GIVEN THAT
THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Will meet in Regular Session on Tuesday, February 19, 2019 at 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

AGENDA

1. **Establish Quorum and Call to Order – Present:** Mayor Sandy Cox, Councilmember Higginbotham, Councilmember Mastrangelo, Councilmember Smith and Councilmember Trecker. **Absent:** Councilmember Bertram and Mayor Pro Tem Massa.
2. **Pledge of Allegiance.**
3. **Financial Report.**
 - Staff report by Assistant City Manager Julie Oakley.
4. **Report on status of previous business.**
 - Code Compliance Policy Update – Building & Development Services Director Charlotte Hodges
 - Lakeway Drive Traffic Control Devices - Chief Todd Radford
 - Solid Waste & Recycling Services Contract Update – Assistant City Manager Julie Oakley
5. **Report on Police Station project.**
6. **Resolution 2019-02-19-01 – A resolution declaring a vacancy on the City of Lakeway City Council.**
 - Staff report by City Manager Steve Jones.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve Resolution No. 2019-01-01 declaring a vacancy on the city council. Councilmember Mastrangelo seconded and the motion passed unanimously.
7. **Special Use Permit- Wellmed Clinic-** A request from Trimbuilt Construction, on behalf of Vista Lohmans Crossing, LTD, owner of property located at 1921 Lohmans Crossing, Suite 150 for a Special Use Permit allowing a medical office.
 - Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – Michael Holland was present and available for questions.
 - Council discussion/action - Councilmember Smith moved to approve the special use permit for Wellmed Clinic- A request from Trimbuilt Construction, on behalf of Vista Lohmans Crossing, LTD, owner of property located at 1921 Lohmans Crossing, Suite 150 for a Special Use Permit allowing a medical office. Councilmember Trecker seconded and the motion passed unanimously.

- 8. Special Use Permit- Mira Belle Face and Body-** A request from Wellspring Aesthetics, LLC, owner of property located at 1411 S RR 620 for a Special Use Permit allowing a medical spa.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Trecker moved to approve the special use permit for Mira Belle Face and Body - A request from Wellspring Aesthetics, LLC, owner of property located at 1411 S RR 620 for a Special Use Permit allowing a medical spa. Councilmember Smith seconded and the motion passed unanimously.
- 9. Preliminary Plan Revision-** A request from Optimized Engineering on behalf of Lee Jackson, owner of 6.145 acres of land locally known as Lakeway Medical Village, 101 Medical Parkway for a Preliminary Plan Revision.
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Smith moved to approve the preliminary plan revision - A request from Optimized Engineering on behalf of Lee Jackson, owner of 6.145 acres of land locally known as Lakeway Medical Village, 101 Medical Parkway for a Preliminary Plan Revision. Councilmember Trecker seconded and the motion passed unanimously.
- 10. Ordinance No. 2019-02-19-01** – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 28: subdivision and site development; article 28.09: standards and specifications by adding sec. 28.09.019 (deployment of network nodes in public rights-of-way).
- Staff report by City Attorney Cobby Caputo.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Higginbotham moved to approve ordinance No. 2019-02-19-01 striking (i) notice for other work. Councilmember Smith seconded and the motion passed unanimously.
- 11. Ordinance No. 2019-02-19-02** – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 30: zoning; article 30.03 zoning use regulations; sec. 30.03.009: district c-1 (office/retail).
- Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Smith moved to approve Ordinance No. 2019-02-19-02 – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 30: zoning; article 30.03 zoning use regulations; sec. 30.03.009: district c-1 (office/retail). Councilmember Trecker seconded and the motion passed unanimously.
- 12. Ordinance No. 2019-02-19-03** – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter

30: zoning; article 30.04, sec. 30.04.001; uses and acts prohibited in the city.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – Sean Sutton spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve ordinance no. 2019-02-19-03 - An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 30: zoning; article 30.04, sec. 30.04.001. Councilmember Trecker seconded and the motion passed unanimously.

13. Ordinance No. 2019-02-19-04 – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 24: article 24.02 building code; division 12: fences, additions and accessory structures; sec. 24.02.433: fences.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – Mel Neese spoke. Nina Davis spoke. Rita Cross spoke. John Caplan spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve Ordinance No. 2019-02-19-04 – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 24: article 24.02 building code; division 12: fences, additions and accessory structures; sec. 24.02.433: fences, with the amendments striking under “a” “general standards”, section one c, and in section 13 on page 2 amending to read “all fences including wood, wrought-iron, and ornamental fencing, shall be continuous flat topped without spikes or sharp points”. Councilmember Mastrangelo seconded and the motion passed unanimously.

14. Ordinance No. 2019-02-19-05 – An ordinance of the city of Lakeway, Texas, amending the code of ordinances, building and development regulations; chapter 30: zoning; article 30.04; sec. 30.04.001; uses and acts prohibited in the city.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – John Willsey spoke. Dan Byron spoke. Ronald Burns spoke. Gina Molitor spoke. John Caplan spoke. Marvin Mead spoke. Buck Henderson spoke.
- Council discussion/action - Councilmember Higginbotham moved to table the item. Councilmember Smith seconded and the motion passed unanimously. Councilmember Mastrangelo offered a friendly amendment to include table the item until the March city council meeting. Councilmember Higginbotham accepted and Councilmember Smith seconded and the amendment passed unanimously.

15. Ordinance No. 2019-02-19-08 - An ordinance of the city of Lakeway, Texas, adding to and amending the code of ordinances sections regarding right of entry for city officials for inspection and enforcement, general ordinances; chapter 1: sec. 1.01.010: entry into private property; and amending general ordinances; chapter 14: offenses and additional provisions; sec. 14.03.005: powers and duties of noise control officer; building and development regulations; chapter 22: sec. 22.02.001: definitions; chapter

24: building regulations; sec. 24.02.044: right of entry; sec. 24.02.081: work requiring permit; sec. 24.02.492: authority to enforce; right of entry; search warrants; chapter 28: subdivision and site development; sec. 28.09.008: drainage; 28.13.007: authority to enter property.

- Staff report by City Attorney Cobby Caputo.
- Citizen participation – Sean Sutton spoke. Robert Burns spoke. Marvin Mead spoke. Diane Dee spoke. John Caplin spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve Ordinance No. 2019-02-19-08 - An ordinance of the city of Lakeway, Texas, adding to and amending the code of ordinances sections regarding right of entry for city officials for inspection and enforcement, general ordinances; chapter 1: sec. 1.01.010: entry into private property; and amending general ordinances; chapter 14: offenses and additional provisions; sec. 14.03.005: powers and duties of noise control officer; building and development regulations; chapter 22: sec. 22.02.001: definitions; chapter 24: building regulations; sec. 24.02.044: right of entry; sec. 24.02.081: work requiring permit; sec. 24.02.492: authority to enforce; right of entry; search warrants; chapter 28: subdivision and site development; sec. 28.09.008: drainage; 28.13.007: authority to enter property. Councilmember Mastrangelo seconded and the motion passed unanimously.

16. Ordinance No. 2019-02-19-06 – An ordinance of the city of Lakeway, Texas, amending the code of ordinances; chapter 20: utilities; article 20.02: solid waste; sec. 20.02.006: duties of residential customers.

- Staff report by Assistant City Manager Julie Oakley.
- Citizen participation – Marvin Mead spoke.
- Council discussion/action – Councilmember Smith moved to approve ordinance number 2019-02-19-06. Councilmember seconded and the motion passed unanimously.

17. Consider a request for funding for Lakeway City Park improvements and renovations.

- Staff report by Parks & Recreation Director Andra Bennett.
- Citizen participation – Hamil Cooper spoke. Gretchen Vance spoke. Sean Sutton spoke. David Logan spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve funding the park improvements. Councilmember Mastrangelo seconded and the motion passed unanimously.

18. Ordinance No. 2019-02-19-07 – FY 2019 Budget Amendment #1.

- Staff report by Assistant City Manager Julie Oakley.
- Citizen participation – No one spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve with addition of the \$38,623.19 for the city park improvements as designated by the assistant city manager. Motion passed 4-1 with Councilmember Mastrangelo opposed.

19. Resolution No. 2019-02-19-02 - A resolution authorizing defeasance and redemption of certain maturities of the City's outstanding bonds and other related matters.

- Staff report by Assistant City Manager Julie Oakley.
- Citizen participation – Morgan Milligan spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve resolution number 2019-02-19-02. Councilmember Smith seconded and the motion passed unanimously.

20. Resolution No. 2019-02-19-03 – A resolution approving the submittal of a grant for a victims of crime act to the office of the Governor for the purpose of hiring a Victim Services Coordinator.

- Staff report by Police Chief Todd Radford.
- Citizen participation – Annette Brown spoke. Sean Sutton spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve resolution number 2019-02-19-02. Councilmember Smith seconded and the motion passed unanimously.

21. Discussion on 86th Legislative Priorities and consideration of potential bills.

22. Citizens Participation – Nina Davis spoke. John Hoopingarner spoke. Sean Sutton spoke.

Adjourned to executive session at 11:14 p.m. Reconvened to open session at 11:48 p.m. No action was taken during executive session. Councilmember Higginbotham moved to approve authorizing the city manager and city attorney to engage the services of an outside law firm to advise the city on issues related to agenda item 23-1. Councilmember Smith seconded and the motion passed unanimously. Mayor Cox recused herself from the meeting and handed the gavel to Councilmember Trecker. Councilmember Trecker adjourned to executive session for agenda item 24-1 at 11:49 p.m. Reconvened to open session at 12:03 a.m. on February 20, 2019. No action was taken in executive session. Councilmember Higginbotham moved to have city council make a settlement offer to Mr. Kilgore (related to the litigation in agenda item 24-1) based on comments publicly made at a town hall meeting by Mr. Kilgore that he would be willing to accept these terms. He stated he would drop his request for his attorney fees to be compensated other than one dollar if the city dropped the appeal in this pending litigation. At this time the city has not filed a notice of appeal. Councilmember Higginbotham moved to have city pay one dollar of Mr. Kilgore's attorney fees and drop the appeal in exchange for Mr. Kilgore accepting one dollar as the sum total of attorney fees as the city's settlement offer. Councilmember Trecker seconded and the motion passed unanimously.

23. Executive Session. Enter into executive session to discuss pending or contemplated 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), and to consider the evaluation of a public employee, as authorized by Texas government Code Section 551.074

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

1. Discussion of Legal Issues Relating to the 2014 Charter Election and Resulting Issues Related to Former City Attorney.
2. Consider request by city employee for indemnification.

24. 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.

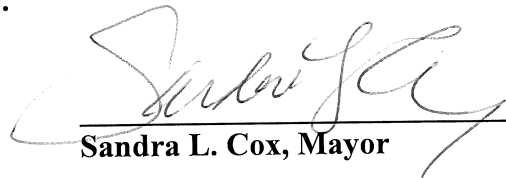
25. **Approve Minutes:** Regular Council Meeting of January 22, 2019.
26. **Approve Minutes:** Special Session Meeting of February 4, 2019.
27. **Approve Resolution No. 2019-02-19-04:** Approve resolution appointing an alternate member to the Board of Adjustment.
28. **Receive** Treasurer's monthly report.

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

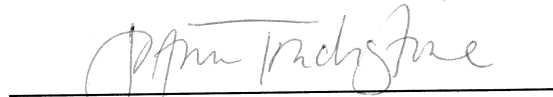
END CONSENT AGENDA

29. **Adjourn** – Meeting adjourned at 12:06 a.m.

Signed this 20 day of March, 2019.



Sandra L. Cox, Mayor



Jo Ann Touchstone, City Secretary

