

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, October 15, 2007, 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

1. **Establish Quorum and Call to Order.** Mayor Steve Swan, Mayor Pro Tem Dave DeOme and Councilmembers Bob Neighbors, Don Karges and Alan Tye were present. Absent were Councilmembers Glenda Foreman and Bill Rhue.
2. **Pledge of Allegiance was led by Mayor Swan.**
3. **Citizens Participation.** No one spoke during citizens participation
4. **Presentation and Proclamation** honoring Jack MacDonald for 25 years of service as an employee of the City of Lakeway. Mayor Steve Swan read the proclamation declaring October 15th as Jack MacDonald Day in Lakeway. City Manager Steve Jones then presented Jack with an engraved gold pocket watch and wished him well.
5. **Reports of Officers.**
 - Bill Chandler, Treasurer, presented the year end financial report.
 - Steve Jones, City Manager, presented his monthly report.
6. **Pedernales Electric Cooperative:** A Quarterly Update was given by Leslie West.
7. **Final Plat: Estates of Flintrock Phase 1.** A request from R2 Development Properties, Ltd., for approval of the final plat of the Estates of Flintrock Phase 1 residential subdivision located south of Flint Rock Road and east of Hennig Drive. ZAPCO unanimously recommends approval.
 - Staff report was presented by Building and Development Services (BDS) Director Shannon Burke.
 - Citizen participation/public hearing – No one spoke.
 - Council discussion/action. **Councilmember Don Karges made a motion, which was seconded by Mayor Pro Tem Dave DeOme, to approve. Motion passed by unanimous vote. Approved (5-0).**
8. **Final Plat: Resubdivision of Lot 148 North Lakeway Village Section 6.** A request from RH of Texas, Ltd., for approval of the Resubdivision of Lot 148 North Lakeway Village Section 6. ZAPCO unanimously recommends approval.
 - Staff report was presented by BDS Director Shannon Burke.
 - Citizen participation/public hearing - No one spoke.
 - Council discussion/action - **Councilmember Bob Neighbors made a motion, which was seconded by Mayor Pro Tem Dave DeOme, to approve. Motion passed by unanimous vote. Approved (5-0).**
9. **Rezoning: Lot 148B North Lakeway Village Section 6.** A request from Larry Niemann, Trustee, and RH of Texas, Ltd., for approval of the Rezoning of Lot 148B

North Lakeway Village Section 6 from GB (Greenbelt) to GUI (Governmental, Utility and Institutional). ZAPCO unanimously recommends approval.

- Staff report was presented by BDS Director Shannon Burke.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action - **Mayor Pro Tem Dave DeOme made a motion, which was seconded by Councilmember Bob Neighbors, to approve. Motion passed by unanimous vote. Approved (5-0).**

10. Rezoning: Lot 151 North Lakeway Village Section 6. A request from Larry Niemann, Trustee, and RH of Texas, Ltd., for approval of the Rezoning of Lot 151 North Lakeway Village Section 6 from GUI (Governmental, Utility and Institutional) to GB (Greenbelt). ZAPCO unanimously recommends approval.

- Staff report was given by BDS Director Shannon Burke.
- Citizen participation/public hearing – No one spoke for or against this agenda item.
- Council discussion/action - **Councilmember Don Karges made a motion, which was seconded by Councilmember Bob Neighbors, to approve. Motion passed by unanimous vote. Approved (5-0).**

11. Special Use Permit: Penske Truck Rental. A request from American Mini Storage Austin, the owner of the property located at 15616 Stewart Road (Hill Country Professional Park), for a Special Use Permit to operate a Penske Truck Rental business on the property. ZAPCO unanimously recommends approval with conditions.

- Staff report was presented by BDS Director Shannon Burke.
- Citizen participation/public hearing – 1) Bob Weest, 206 Hurst Creek Road, asked that no tractor/trailers be allowed. 2) Cathy Smith, 15616 Stewart Road, was present to answer questions of council and audience.
- Council discussion/action - **Mayor Pro Tem Dave DeOme made a motion to approve the request, with conditions discussed and approved by ZAPCO. Motion was seconded by Councilmember Bob Neighbors. Motion passed by unanimous vote. Approved (5-0).**

12. Annexation: Madrone Canyon. A request from Linda Vista of Lakeway, LLC, to annex a 46.01 acre tract west of Serene Hills Drive into the City of Lakeway. ZAPCO unanimously recommends approval.

- Staff report was presented by BDS Director Shannon Burke.
- Citizen participation/public hearing – No one spoke.
- Council discussion/action - **Councilmember Bob Neighbors made a motion, which was seconded by Mayor Pro Tem Dave DeOme, to approve. Motion passed by unanimous vote. Approved (5-0).**

13. Final Plat: Fairlake. A request from BBR Ltd., the owner of the property located at the 1300 block of Lakeway Drive, for approval of the Final Plat of Fairlake (a condominium project on 2.626 acres). ZAPCO unanimously recommends approval.

- Staff report was presented by BDS Director Shannon Burke.
- Citizen participation/public hearing – Janice Campbell 120 Cross Creek, asked for more information regarding the project.
- Council discussion/action - **Mayor Pro Tem Dave DeOme made a motion, which**

14. Final Plat: Heard Ranch Phase 1A. A request by Serene Hills Ltd., the owner of the property located at 13719 Flint Rock Road, for approval of the Final Plat of Heard Ranch Phase 1A. ZAPCO unanimously recommends approval.

- Staff report was given by BDS Director Shannon Burke.
- Citizen participation/public hearing – Aaron Googins was present to answer questions.
- Council discussion/action - **Councilmember Alan Tye made a motion to approve. Motion was seconded by Councilmember Bob Neighbors and passed by unanimous vote. Approved (5-0).**

15. Executive Session, pursuant to Texas Government Code, Section 552.071, Consultation with City Attorney:

- a) Discuss authorizing the City Attorney to provide a joint defense for the Board of Adjustment and the members of the Board of Adjustment sued in their official capacities in Case No. D-1-GN-07-003263 styled, Winborn et al vs. The Board of Adjustment of the City of Lakeway et al.
- b) Discuss approval of payment by the City of the cost of defense of individual members of the Board of Adjustment sued in their official capacities in Case No. D-1-GN-07-003263 styled, Winborn et al vs. The Board of Adjustment of the City of Lakeway et al.

Council went into Executive Session at 7:25 p.m. to discuss Items 15 a) and 15 b) listed above.

16. Reconvene in open session and consider action, if any, on items discussed in executive session. Council reconvened in open session at 7:51 p.m. and made the following motions:

Mayor Pro Tem Dave DeOme made a motion, pursuant to Executive Session discussion, to authorize the City Attorney to provide a joint defense for the Board of Adjustment and the members of the Board of Adjustment sued in their official capacities in Case No. D-1-GN-07-003263 styled, Winborn et al vs. The Board of Adjustment of the City of Lakeway et al. Councilmember Don Karges seconded the motion and it passed by unanimous vote. Approved (5-0).

Mayor Pro Tem Dave DeOme made a motion, pursuant to Executive Session discussion, to approve payment by the City of the cost of defense of individual members of the Board of Adjustment sued in their official capacities in Case No. D-1-GN-07-003263 styled, Winborn et al vs. The Board of Adjustment of the City of Lakeway et al. Councilmember Bob Neighbors seconded the motion and it passed by unanimous vote. Approved (5-0).

17. Consider approving a resolution providing for the continued taxation of “goods-in-transit.”

- Staff report was presented by City Manager Steve Jones.

- Public hearing – No one spoke during the public hearing.
- Council discussion/action – **After discussion, Councilmember Bob Neighbors made a motion, which was seconded by Councilmember Don Karges, to approve. Motion passed by unanimous vote. Approved (5-0).**

18. Consider approving an ordinance consenting to annexation of certain territory by Travis County Water Control & Improvement District #17. (This item was pulled from Executive Session for discussion and possible action.)

City Manager Steve Jones presented information regarding the request from Travis County Water Control & Improvement District #17. After discussion, the following motion was made: **Councilmember Bob Neighbors made a motion to approve. Councilmember Don Karges seconded the motion and it passed with the following vote count: For: Mayor Steve Swan and Councilmembers Bob Neighbors, Don Karges, and Alan Tye. Against: Mayor Pro Tem Dave DeOme. Approved (4-1).**

CONSENT AGENDA: All items may be approved by one Council vote. NOTE: Mayor Pro Tem Dave DeOme asked to pull Agenda Item 18 from the consent agenda for discussion.

19. Consider approving an ordinance authorizing the use of credit cards for payment of city fees, fines and other charges.

20. Consider resolution appointing early voting election clerks for November 6th election.

21. Consider a request approving a twelve minute firework display at Lakeway Resort and Spa for a wedding on Saturday, November 3, 2007.

22. Approve Action Minutes: Regular Meeting of September 17, 2007.

END CONSENT AGENDA

Councilmember Bob Neighbors made a motion to approve Consent Agenda Items 19 through 22 listed above. Mayor Pro Tem Dave DeOme seconded the motion and it passed by unanimous vote. Approved (5-0).

23. Comments by Mayor and Councilmembers. Councilmember Alan Tye requested that a discussion item be added to the council work session in December regarding zoning cases such as Item 13 on this agenda. City Manager Steve Jones and Deputy City Manager Chessie Blanchard suggested this would be a good item to discuss during a review of the Comprehensive Plan and Future Land Use Map.

24. Meeting adjourned at 8:12 p.m.

Steve Swan, Mayor

Attest:

Linda Winn, City Secretary