

THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Regular Session on Monday, April 15, 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 Cox, Mayor Pro Tem Massa, Councilmember Higginbotham, Councilmember Mastrangelo, Councilmember Smith and Councilmember Trecker.
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
 - Solid Waste & Recycling Services Contract Update – Assistant City Manager Julie Oakley
 - Police Facility Fencing Update – Police Chief Todd Radford
5. **Report** on Police Station project.
6. **Annexation Request-** A request from Carlson, Brigance & Doering, Inc., on behalf of RH Lakeway Development LTD., owner of approx. 33.061 acres of land located south of the Crosswind Dr. and Hornsby Ln. intersection for annexation into the City of Lakeway with proposed zoning of R-1 (Single-Family Residential). – *Item postponed at request of applicant.*
7. **Final Plat-** A request from Carlson, Brigance & Doering, Inc., on behalf of RH Lakeway Development LTD., owner of approx. 33.061 acres of land located south of the Crosswind Dr. and Hornsby Ln. intersection for approval of Final Plat- Lakeway Highlands Ph. 3, Sec. 6B. - *Item postponed at request of applicant.*
8. **Special Use Permit-** A request from Lake Travis ISD, for a Special Use Permit allowing for portable buildings at Lake Travis Educational Development Center located at 607 RR 620 N.
 - Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – Stephanie Fitzharris spoke.

- Council discussion/action – Councilmember Smith moved to approve a request from Lake Travis ISD, for a Special Use Permit allowing for portable buildings at Lake Travis Educational Development Center located at 607 RR. 620 N. Mayor Pro Tem Massa seconded and the motion passed unanimously.

9. Special Use Permit- Short Term Rental. A request from John Reger, owner of 219 Corinthian Dr. for a Special Use Permit to operate a Short Term Rental.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – No one spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the request from John Reger, owner of 219 Corinthian Dr. for a Special Use Permit to operate a Short Term Rental. Councilmember Mastrangelo seconded and the motion passed unanimously.

10. Special Use Permit- Short Term Rental. A request from Little La Jolla LLC., owner of 1300 Sparrow Lane for a Special Use Permit to operate a Short Term Rental.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – No one spoke.
- Council discussion/action – Mayor Pro Tem Massa moved to approve the request from Little La Jolla LLC., owner of 1300 Sparrow Lane for a Special Use Permit to operate a Short Term Rental. Councilmember Smith seconded and the motion passed unanimously.

11. Special Use Permit- Convenience Store. A request from Quick Trip Corp., on behalf of the owner of approx. 2 acres of land located at the southeast intersection of RR 620 and Debba Drive, Lakeway, TX for a Special Use Permit to allow for a convenience store.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – The following persons spoke: Stacy Suits, Sarah Tuthill, Stephanie Fitzharris, Ross Frie, Marvin Mead, Julie Reichert, Sanjeev Kumar, Peggy Shamel, Wendy Severance and Tom Kilgore.
- Council discussion/action – Councilmember Mastrangelo moved to table the item for a period of sixty days during which time the city would work with developer on a traffic impact analysis and improvements to Debba Drive. Councilmember Higginbotham seconded and motion passed unanimously.

12. Special Use Permit- Medical Office. A request from Bee Creek Stables LP., owner of 17.505 acres of land located at 4900 Bee Creek Road, Lakeway, TX for a Special Use Permit to allow for medical office use.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation – Gretchen Vance spoke.

Council discussion/action – Councilmember Higginbotham moved to approve a request from Bee Creek Stables LP., owner of 17.505 acres of land located at 4900 Bee Creek Road, Lakeway, TX for a Special Use Permit to allow for medical office use for dentist, orthodontist, and ophthalmologist and general practice family (GP) doctor, striking the language for general/specialize medical use. Keith Trecker offered friendly amendment to include a right in right out driveway off of Bee Creek road. Councilmember Mastrangelo seconded and the motion carried unanimously.

13. PUD Amendment- A request from Carlson, Brigance & Doering, Inc., on behalf of Lakeway M.U.D., owner of 17.431 acres of land located off of Lohmans Crossing Rd. west of Lohmans Spur for an amendment to Tuscan Village Planned Unit Development (PUD) regarding a change in land use from office/retail to storage unit for Parcel F, 1.486 acres. - *Item has been withdrawn from consideration by the applicant. No action will be taken.*

14. Resolution No. 2019-04-15-01 – A Resolution appointing members to the Comprehensive Plan Steering Committee.

- Staff report by Assistant City Manager Julie Oakley.
- Citizen participation – No one spoke.
- Council discussion/action – Councilmember Higginbotham moved to approve numbers one through four and correcting language from “seven” to “eight” on the last whereas and number 2. Councilmember Smith seconded and the motion passed 5-1. Mayor Pro Tem Massa abstained.

Councilmember Higginbotham moved to approve number 5 in Resolution 2019-04-15-01 appointing Louis Mastrangelo. Mayor Pro Tem Massa seconded and the motion passed 5-0-1. Councilmember Mastrangelo abstained.

Councilmember Higginbotham moved to approve number 6 in Resolution 2019-04-15-01 appointing Steve Smith. Mayor Pro Tem Massa seconded and the motion passed 5-0-1. Councilmember Smith abstained.

Councilmember Higginbotham moved to approve number 6 in Resolution 2019-04-15-01 appointing Ron Massa as a resident member. Mayor Pro Tem Massa seconded and the motion passed 5-0-1. Mayor Pro Tem Massa abstained.

Councilmember Higginbotham moved to approve number 6 in Resolution 2019-04-15-01 appointing Keith Trecker as a resident member. Councilmember Smith seconded and the motion passed 5-0-1. Councilmember Trecker abstained.

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

16. Citizens Participation – Richard Jaeschke spoke.

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

- 17. **Approve Minutes:** Regular Council Meeting of March 18, 2019.
- 18. **Approve Minutes:** Special Council Meeting of April 8, 2019.
- 19. **Approve Resolution 2019-04-15-02** - Approving the Travis Central Appraisal District's purchase of real estate located at 850 East Anderson Lane, Austin, Texas
- 20. **Receive** Treasurer's monthly report.

Mayor Pro Tem Massa moved to approve the consent agenda. Councilmember Trecker seconded and the motion passed unanimously.

END CONSENT AGENDA

Mayor Cox called for executive session for item 21 at 9:09 p.m. Reconvened to open session at 10:11 p.m. Councilmember Higginbotham moved to direct the city attorney to draft a resolution for the May council meeting creating a committee to audit development agreements/planned unit developments. Councilmember Trecker seconded and the motion passed unanimously.

- 21. **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. Deliberation regarding legal issues related to PUDs and Development Agreements

Mayor Cox recused herself from the meeting and Mayor Pro Tem Massa chaired the meeting at 10:12. Convened to executive session for item 22. Reconvened to open session at 10:42 p.m.

- 22. **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.

Reconvened to open session at 10:42 p.m. No action was taken in executive session. Councilmember Higginbotham made a motion to direct the city attorney to draft a Rule 11 agreement for the signature of Mr. Kilgore/Attorney Terrazas, that includes these terms:

1. That the City will not appeal the final judgment entered by the Travis County District Court in that lawsuit; 2. that the City will never seek to pay Sandra Cox or any other person for the fees charged by the Gober Group that was the subject of the lawsuit; 3. An affirmation that Mr. Kilgore was justified in bringing his suit and, as the court found, the City had wrongfully opposed it; 4. That the City will pay Mr. Kilgore \$1 in lieu of the judgment of attorneys' fees of \$32,772.11. That counsel will seek modification of the judgment to include waiver of the award for attorneys' fees to Kilgore.

This Rule 11 must be signed by Kilgore/Terrazas by 5:00 p.m. on April 23, 2019 or we have directed the city attorney to file a notice of appeal in this cause of action.

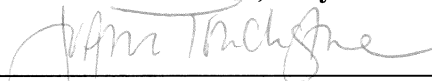
Councilmember Mastrangelo seconded. VOTE: 5-2. Those in favor: Mayor Cox, Councilmember Higginbotham and Councilmember Smith. Those opposed: Mayor Pro Tem Massa and Councilmember Trecker.

23. Adjourn – Meeting adjourned at 10:46 p.m.

Signed this 22 day of May, 2019.



Sandra L. Cox, Mayor



Jo Ann Touchstone, City Secretary

