

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, August 17, 2009, 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

1. **Establish Quorum and Call to Order.** Present: Mayor Dave DeOme and Councilmembers Joe Bain, Dee Ann Burns-Farrell, Bruce Harris, Dave Taylor, Alan Tye, Dennis Wallace, Patty Akers, City Attorney.
2. **Pledge of Allegiance was led by Mayor DeOme.**
3. **Citizens Participation** - No one spoke during citizen participation.
4. **Financial Report.**
 - Staff report was given by Nancy Klingman, Finance Director.
5. **Select a firm to perform the city's year-end financial audit.**
 - Staff report was given by City Manager Steve Jones. He stated that four proposals were received and that staff recommends Singleton, Moore & Co. LLP.
 - Citizen participation - No one spoke during citizen participation.
 - Council discussion/action – **Councilmember Burns-Farrell made a motion to accept Singleton, Moore & Co. LLP as the city's auditor. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 7-0.**
6. **Hear an appeal from Crosswater Yacht Club** relating to the city's determination under Chapter 245, Local Government Code.
 - Staff report was given by City Manager Steve Jones. He stated that staff recommends against approving Crosswater's request.
 - Citizen participation – Bob Weest, 206 Hurst Creek Rd.; Diane Crumley Dee, 1525 Chipmonk Rd.; Cindy Shindler, 1421 Oakhurst Rd.; Alex Greystone, Brooks Hollow Rd.; Susan Brown, 1413 Oak Hurst Rd.; Ilene Alton, 1400 Hurst Creek Rd.; and Robert Burns, 1525 Chipmonk Rd., all spoke opposing the project.
 - Council discussion/action – Patty Akers, City Attorney, reviewed Chapter 245 of the Building Code. Brad Young of Bickerstaff Heath, stated that Crosswater had submitted evidence that they had made progress prior to May 11, 2004 and that the evidence was a letter of credit and a filing of a plat. **Councilmember Taylor made a motion to find the 1987 permit has expired under the City's dormancy rules and that the evidence submitted by applicant does not demonstrate progress toward completion of the project since both items are dated 1987 and predate deadline of May 11, 2000. Motion was seconded by Councilmember Tye and it passed by unanimous vote. Approved 7-0. Mayor DeOme stated that it was determined that Crosswater is required to have a permit. Councilmember Tye noted for public record that Council was voting to accept staff recommendation. City Manager Steve Jones stated that if they start any work a stop work order will be issued.**

7. Development Ordinance Amendment. Consider an amendment to the Development Ordinance, Section 5.03B, incorporating trail design standards recently approved by the City's Parks and Recreation Commission.

- Staff report was given by Chessie Blanchard, Deputy City Manager.
- Citizen participation - No one spoke during citizen participation.
- Council discussion/action - **Councilmember Harris made a motion to approve Amendment #15 version (2) two and further request the Parks and Recreation Department to adopt a revised language as well. Motion was seconded by Councilmember Tye and it passed by unanimous vote. Approved 7-0.**

8. Zoning Change: Tuscan Village PUD. A request from JH Tuscan Village, LP, the owner of approximately 61.7 acres located at 1930 and 1935 Lohmans Crossing (Tuscan Village), for approval of a proposed amendment to the Planned Unit Development zoning modifying residential density, parking, building footprints, and other matters pertaining thereto.

- Staff report was given by Chessie Blanchard, Deputy City Manager.
- Citizen participation – Aaron Googins of King Engineering stated he was available for any questions.
- Council discussion/action - **Councilmember Tye made a motion to accept Amendment #2 to the Planned Unit Development Zoning. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 7-0.**

9. Approve a Road Improvement Agreement with Serene Hills, Ltd.

- Staff report was given by City Manager Steve Jones. He stated that the developer has signed and agreed to the agreement.
- Citizen participation - No one spoke during citizen participation.
- Council discussion/action - **Councilmember Bain made a motion to approve the agreement. Motion was seconded by Councilmember Burns-Farrell and it passed by unanimous vote. Approved 7-0.**

10. Approve a resolution relating to an Advance Funding Agreement with the Texas Department of Transportation regarding the SH 71 and Serene Hills Drive Intersection Improvement Project.

- Staff report was given by City Manager Steve Jones.
- Citizen participation - No one spoke during citizen participation.
- Council discussion/action - **Councilmember Burns-Farrell made a motion to approve the resolution. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 7-0. Jay Evans, representative of Serene Hills, expressed appreciation to the City.**

Council adjourned to Executive Session at 7:31 p.m. pursuant to Texas Government Code § 551.071. Consultation with City Attorney. Council reconvened into open session at 8:18 p.m. to discuss and take action, if deemed appropriate, regarding the Executive Session items 11-13 as listed below. Mayor DeOme and Councilmember Tye recused themselves from executive session on items 12-13.

11. Consider a settlement agreement regarding an EEOC claim.

- Staff report was given by City Attorney.
- Citizen participation - No one spoke during citizen participation.
- Council discussion/action - **Councilmember Tye made a motion to accept and approve the agreement between the City of Lakeway and Stephanie Campbell in the amount of \$50,000 under the condition that the City pays \$20,000 and TML Risk Pool pays \$30,000. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 7-0.**

Mayor DeOme recused himself and Councilmember Burns-Farrell conducted items 12 and 13.

12. Authorize City Attorney to hire a consultant to conduct an investigation pursuant to a request by Gordon Bowers.

- Council discussion/action – For public record, Mayor DeOme and Councilmember Tye recused themselves from executive session and regular meeting on this item. Patty Akers, City Attorney, stated that the investigation is a result of a letter from Gordon Bowers with allegations that needed to be investigated. Ms. Akers stated that there is a consultant that can do the investigation and estimates it to take three to four days to complete. Ms. Akers recommended that the Council set a cap on the cost not to exceed \$8,000. **Councilmember Bain made a motion to authorize the City Attorney to retain the consultant to conduct the investigation with a cap not to exceed \$8,000. Motion was seconded by Councilmember Taylor and it passed by unanimous vote. Approved 5 for-2 abstained with Mayor DeOme and Councilmember Tye recusing themselves.**

13. Discuss and Consider reimbursement of Attorney fees for Mayor DeOme and Councilmember Tye incurred as a result of allegations made by Gordon Bowers.

- Council discussion/action - For public record, Mayor DeOme and Councilmember Tye recused themselves from executive session and regular meeting on this item. Patty Akers, City Attorney, stated that the allegations could pose a conflict of interest with the City Attorney and recommends that Mayor DeOme and Councilmember Tye to retain their own attorneys. Councilmember Wallace made a motion to authorize Attorney fees for Mayor DeOme and Councilmember Tye. Council inquired about the cost of an initial consultation amount. Councilmember Wallace retracted his motion. Councilmember Harris suggested approving \$1,500-\$2,000 each and later authorizing more if needed. **Councilmember Wallace made a motion to approve reimbursement of Attorney fees for Mayor DeOme and Councilmember Tye not to exceed \$1,500 each and further money to be authorized if needed. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 5 for-2 abstained with Mayor DeOme and Councilmember Tye recusing themselves.**

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

14. Approve Minutes: Regular Council Meeting of July 20, 2009.

15. Resolution 2009-08-17-02, Appointments to the Charter Review Committee:

END CONSENT AGENDA

Mayor DeOme pulled item 15 to explain the Charter Committee to the audience. Councilmember Bain made a motion to approve Consent Agenda item 14 as listed above. Motion was seconded by Councilmember Burns-Farrell and passed by unanimous vote. Approved 7-0. Councilmember Tye made a motion to approve Consent Agenda item 15 as listed above. Motion was seconded by Councilmember Bain and passed by unanimous vote. Approved 7-0.

16. Meeting adjourned at 8:30 p.m.

David P. DeOme, Mayor

ATTEST:

Christy Fath, City Secretary