

CITY OF LAKEWAY CITY COUNCIL
Minutes of Special Session
Monday, September 14, 2009, at 2:00 p.m.
Lakeway City Hall, 1102 Lohmans Crossing, Lakeway, Texas 78734

1. **Establish Quorum and Call to Order.** Present: Mayor Dave DeOme and Councilmembers Joe Bain, Dee Ann Burns-Farrell, Bruce Harris, Dave Taylor and Dennis Wallace. Absent: Councilmember Alan Tye.

2. **CLOSE OPEN MEETING AND CONVENE INTO EXECUTIVE SESSION**
 - (A) **EXECUTIVE SESSION** – Convene into Executive Session pursuant to the Texas Government Code Chapter 551.071 to seek the advice of the City Attorney regarding the investigation report received by the City Attorney for an investigation conducted pursuant to a complaint filed with the City by Gordon Bowers about which the City Attorney has a duty to the City under the Texas Disciplinary rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. **Mayor DeOme recused himself from the Executive Session. Council adjourned to Executive Session at 2:02 p.m. pursuant to Texas Government Code § 551.071. Consultation with City Attorney.**

 - (B) Reconvene into Open Session and take action from Executive Session, if any. **Council reconvened into open session at 3:09 p.m. to discuss and take action, if deemed appropriate, regarding the Executive Session item.**

3. **Discuss and Consider action** regarding Investigation Report received by the City Attorney regarding the complaint filed by Gordon Bowers. Patty Akers, City Attorney, stated that the report was prepared for acceptance and that staff recommends acceptance of the report and make the report open to the public. **Councilmember Bain made a motion to accept and make the report public. Motion was seconded by Councilmember Taylor and it passed by unanimous vote. Approved 5 for-1 abstained with Mayor DeOme recusing himself.**

4. **Authorize additional expenditures** for conducting an investigation pursuant to a request from Gordon Bowers. City Manager Steve Jones reported that the investigation was authorized for up to \$8,000. He stated that the investigation was more involved than anticipated and the cost was a little over \$15,400. He stated that he made the decision to approve the additional costs instead of stopping the investigation until the next Council meeting. Sheila Gladstone, Consultant conducting investigation, stated that the cost of the investigation was \$15,435 plus today's time which would be another \$500. Council discussed the difference in the cost of the original estimate of the investigation. **Councilmember Taylor made a motion to authorize additional expenditures up to \$16,000 for conducting an investigation pursuant to a request from Gordon Bowers. Motion was seconded by Councilmember Bain and it passed by unanimous vote. Approved 5 for-1 abstained with Mayor DeOme recusing himself.**

City Attorney Patty Akers stated that Council has agreed not to discuss the investigation if asked any questions. City Manager Steve Jones stated that Council approved reimbursement of legal fees for Mayor DeOme and Councilmember Tye and they did not incur any legal expenses.

5. Meeting adjourned at 3:15 p.m.

David P. DeOme, Mayor

ATTEST:

Christy Fath, City Secretary