

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, November 15, 2010, 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas

1. **Establish Quorum and Call to Order.** Present: Mayor Dave DeOme, Mayor Pro Tem Dee Ann Burns-Farrell, Council Members Joe Bain, Bruce Harris, Dave Taylor, Alan Tye, and Dennis Wallace.
2. **Pledge of Allegiance was led by Mayor DeOme.**
3. **Citizens Participation – No one spoke.**
4. **Financial Report.**
 - Staff report was given by Al Tyson, City Treasurer
5. **Annexation: Villas at the Hills.** Proposed annexation by the City of Lakeway of the area known as the Villas at the Hills, located along Eagle Drive, south of Lakeway Boulevard and east of Hayden Ridge Lane.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing – Don Stevenson, HOA President of the Villas at The Hills, spoke on behalf of the residents at the Villas in opposition to the annexation. He finds the annexation to be in violation of an existing contract with the Lakeway MUD. Ken Riley, 24 Double Eagle Drive, opposes the annexation and sees no benefits to the residents.
 - Council discussion – Mayor DeOme stated that there would not be a vote but only a discussion of this item. Mayor Pro Tem Burns-Farrell commented to speakers that the services referenced were services to be rendered at the effective date of annexation.
6. **Discussion: Crosswater Yacht Club (Marina).** Discuss development agreement regarding Crosswater Yacht Club (Marina).
 - Staff report by Steve Jones, City Manager.
 - Citizen participation/public hearing – Dowe Gullatt, attorney for Crosswater Yacht Club Limited Partner, introduced and described the project, providing historical background on marina site. Dick Kemp, 4323 Lakeway Boulevard, a principal of Crosswater, also spoke and expressed his willingness to comply with the proposed development agreement. Michael Stouse, 3309 Meredith Street, deferred his time to speak. Benny Childers, 12600 Olympia Drive, Austin, an electrical consultant for the marina developer, restated plans to comply with all building codes. Susan Brown, 1413 Oak Hurst Road, Austin, read a letter from her attorney, regarding a final judgment which upholds a “no commercial development restriction contained in the deed of her property as well as balance of Stuart Tract”. John Teague, 1413 Oak Hurst Road, read passages from other letters on court cases and stated his general opposition to the marina. Eileen Alter, 1400 Hurst Creek Road, opposes the marina because of its potential disturbance to area residents. Cindy Schlapper, 1421 Oak Hurst Road, claims ownership of the land where the marina is to be built. Robert Burns, Chipmunk Road, Austin, vehemently expressed his opposition to the marina. Debbie Desmond, 17000 Hurst View, Austin, favors the development of a marina and considers it an asset to the area. Steve Teemer,

203 Vitex Drive, Austin, supports the marina. Dowe Gullatt presented some rebuttal comments with regard to the 1987 development permit from the city of Austin and prior objections raised by citizens.

- Council discussion - Councilmember Harris requested clarification of legal issues, and Mr. Gullatt stated that he could provide legal information regarding the marina but not litigation cases. Mayor Pro Tem Burns-Farrell asked questions on the type of boat ramp at the marina; Dick Kemp responded that there would not be a public boat ramp and that he has not applied for a boat ramp permit. She also asked about security at the marina, house boats, and placement of the fuel tanks. Councilmember Bain asked about the number of members and if membership would be restricted to only those who rent boat slips; Mr. Kemp stated that the number of members would be limited by number of slips. Councilmember Bain also expressed concern for fuel tank containment in the event of a flood and septic permits for land that is underwater. Councilmember Wallace concurred with concerns over boat ramps, potential traffic and wear and tear on city's roads, security monitoring, and noise disturbances; Dick Kemp addressed each of the concerns. Councilmember Tye asked if there could be discussions with affected residents to resolve issues of contention. At that point, protests from the audience ensued, and two citizens were ushered out by Police Chief Radford and Captain Crowder. **Council adjourned to Executive Session at 7:46 p.m. pursuant to Texas Government Code § 551.071. Consultation with City Attorney – Items #6, 7, and 8. Council reconvened into open session at 8:27p.m. Mayor DeOme stated that no action was taken during Executive Session, and he reopened item #6. City Attorney Patty Akers stated that any vote by the Lakeway City Council on the permit applications or the proposed development agreement does not affect in any way the private property conflicts between adjoining landowners; accordingly, no action of this council has bearing on future decisions by other jurisdictional authorities such as Water District #17, LCRA, Travis County with regard to the right of the developer to go forward or be restrained from the development of this marina.**

9. **Food Service and Food Products Amendments.** Proposed amendments to Article 10.03, Food Service and Food Products, of the City of Lakeway Code of Ordinances regarding the establishment, inspection and enforcement of food service and food product regulations and other matters pertaining thereto.

- Staff report by Shannon Burke, Director of Building and Development Services.
- Citizen participation/public hearing – No one spoke during citizen participation.
- Council discussion/action – Mayor Pro Tem Burns-Farrell inquired about the frequency of inspections by the City of Austin health inspectors; Director Burke responded that inspections are performed every six months for each restaurant. Councilmember Wallace asked where individual complaints and violations be reported; Director Burke said that these should be directed to him. **Mayor Pro Tem Burns-Farrell moved to approve the Food Service and Food Products Amendments as proposed. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**

10. **Approve Resolution 2010-11-15-01, casting a vote in the election of a member of the Board of Directors of Travis Central Appraisal District.**

- Staff report by Steve Jones, City Manager.
- Citizen participation/public hearing – No one spoke during citizen participation.

- Council discussion/action – Dave Taylor stated that Tom Buckle has been our current representative. Councilmember Harris recommended our representative be someone familiar with the area. **Councilmember Bain moved to cast a vote for Jack McCool as the City of Lakeway representative as a member of the Board of Directors of Travis Central Appraisal District. Councilmember Taylor seconded the motion, and it passed by unanimous vote, approved 7-0.**

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


11. **Approve Minutes:** Regular Council Meeting of October 18, 2010.
12. **Approve Minutes:** Special Council Meeting of October 25, 2010.
13. **Approve Resolution No. 2010-11-15-02, Appointments to Boards and Commissions:**
Lew Carlson, Heritage Commission, Member.

END CONSENT AGENDA

Councilmember Tye moved to approve the Consent Agenda. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.

Councilmember Harris commended staff on the adhering to the budget in these economic times. Mayor DeOme stated the state comptroller's office reported that September had the highest sales tax receipts for city.

14. Meeting adjourned at 8:42 p.m.


David P. DeOme, Mayor


Donna Boyle, City Secretary

