

CITY OF LAKEWAY CITY COUNCIL MEETING
Action Minutes of Regular Session
Monday, December 20, 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** – Diane Crumley Dee, 1525 Chipmunk Road, stated her opposition to Lakeway’s possible future annexations of areas in city’s ETJ. Jesse Griffith, 914 Electra, described problems with dog defecations uncollected and disposed of by pet owners on his street and nearby Melody.
4. **Financial Report.**
 - Staff report by Al Tyson, City Treasurer
5. **Consider a Development Agreement with Crosswater Yacht Club (Marina).**
 - Staff report by Chessie Blanchard, Deputy City Manager.
 - Citizen participation/public hearing - Dowe Gulatt, Attorney for Crosswater Yacht Club Limited Partner, presented photos of fuel tanks to be erected at marina site and discussed their safety features. Residents in neighboring areas then spoke as follows: Cindy Schlapper, 1421 Oak Hurst, questioned why marina would be exempt from subdivision plat requirement and why the City was ignoring legal challenges; Susan Brown, 1413 Oak Hurst, read a letter that her attorney had faxed to City Manager Steve Jones earlier that day, regarding their filing of future motions; John Teague, 1413 Oak Hurst, claimed that gas tanks for the marina would not be secure and could float away in a flood; Joan Bockenkamp, 214 Hurst Creek Road, expressed her concerns about traffic, safety, and noise but realized these issues were addressed in the Development Agreement; Dennis Davis, 499 Graveyard Point Road, stated that he supports the marina and thinks it will improve the area; Debbie Desmond, 17000 Hurst View, considers the marina an asset to the area and stated that she knew of other residents who take the same position; Robert Burns, 1525 Chipmunk, questioned why ongoing litigation is being disregarded and worries about the fuel tanks in the event of a flood; Bob Leonard, owner of West Beach Marina, takes issue with fuel tanks in a flood plain; Martin Mead, 110 Morning Cloud, is concerned about children’s bike safety along Hurst Creek Road with additional traffic; Ron Kirby, 42 Hedgebrook Way, requested a stop sign and crosswalk for access to City Park and an extension of recreation lane down to marina.
 - Council discussion/action – **Mayor Pro Tem Burns-Farrell commented that the marina will be built with or without the City’s approval, and the Development Agreement will help to eliminate the concerns of neighboring residents. Councilmember Harris asked about the plat requirement, and BDS Director Shannon Burke explained that the plat notes are on the site plan and since the marina is on a single lot and not in a subdivision, a plat is unnecessary. Councilmember Taylor questioned the safety of the fuel tanks; Developer Dick Kemp replied that the tanks meet engineering standards. Councilmember Bain asked if tanks could be emptied prior to a forecast flood event and if they would be**

located in a contained area; Mr. Kemp responded yes to both questions. Councilmember Tye asked the height of the containment walls and was told they would be a couple of feet. Councilmember Bain added that the legal issues involved with the marina are separate from the Council's action concerning the Development Agreement. Councilmember Harris commented that the developer has made many concessions and if legal, LCRA, and TECQ approve, the marina will be built regardless of approval of the Development Agreement, which will give the City additional control over the project. Councilmember Tye said that he considers the Development Agreement to be in the best interest of both Lakeway and Graveyard Point residents and noted that Council's approval of it would not impact future legal proceedings. Councilmember Harris emphasized that the Development Agreement is not approving the marina but merely restricting it. Mayor Pro Tem Burns-Farrell maintained that the goal of the Development Agreement is to protect all residents involved. Mayor DeOme concluded the discussion by saying the essence of the Development Agreement is to control the marina as much as possible. Councilmember Taylor moved to approve the proposed Development Agreement with Crosswater Yacht Club (Marina). Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 7-0.

6. **Zoning Ordinance Amendment.** A proposed amendment to the Zoning Ordinance adding an R-5 (condominium) zoning district.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action - **Mayor Pro Tem Burns-Farrell moved to approve proposed amendment to the Zoning Ordinance adding an R-5 (condominium) zoning district. Councilmember Harris seconded the motion, and it passed by unanimous vote, approved 7-0.**

7. **Annexation: Villas at The Hills.** Proposed annexation by the City of Lakeway of the area known as the Villas at The Hills, located along Double Eagle Drive, south of Lakeway Boulevard and east of Hayden Ridge Lane. A map depicting the area covered by the proposed annexation is available at Lakeway City Hall and is further described in Volume 12887, Pages 11-16, of the Real Property Records of Travis County, Texas.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action – **Councilmember Taylor moved to approve proposed annexation by the City of Lakeway of the area known as the Villas at The Hills, located along Double Eagle Drive, south of Lakeway Boulevard and east of Hayden Ridge Lane. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**

8. **Zoning: Villas at The Hills.** Proposed original zoning of “R-5 (Condominium)” for approximately 8.5 acres known as the Villas at the Hills, located along Double 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 - **No one spoke.**
 - Council discussion/action - **Councilmember Bain moved to approve proposed original zoning of “R-5 (Condominium)” for approximately 8.5 acres known as the**

Villas at the Hills, located along Double Eagle Drive, south of Lakeway Boulevard and east of Hayden Ridge Lane. Mayor Pro Tem Burns-Farrell seconded the motion, and it passed by unanimous vote, approved 7-0.

9. **Disannexation: Access Tract.** Proposed disannexation by the City of Lakeway of the approximately three acre tract located at 2215 Lakeway Blvd (immediately west of Lakeway Church) known as the Access Tract.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action - **Councilmember Bain moved to approve proposed disannexation by the City of Lakeway of the approximately three acre tract located at 2215 Lakeway Blvd (immediately west of Lakeway Church) known as the Access Tract. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 7-0.**

10. **ETJ Revision: Access Tract.** Proposed revision to the City of Lakeway's extraterritorial jurisdiction removing the approximately three acre tract located at 2215 Lakeway Blvd (immediately west of Lakeway Church) known as the Access Tract.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action - **Mayor Pro Tem Burns-Farrell moved to approve proposed revision to the City of Lakeway's extraterritorial jurisdiction removing the approximately three acre tract located at 2215 Lakeway Blvd (immediately west of Lakeway Church) known as the Access Tract. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 7-0.**

11. **Replat: Highlands Phase 1, Section 2.** A request from Rough Hollow Development, Ltd., for approval of the Resubdivision of Lots 51-58 and 108-121, Block A, Lakeway Highlands, Phase 1, Section 2, and Highlands Boulevard, containing approximately 6.705 acres located between Wester Ross Lane and Highlands Boulevard, including a portion of the Highlands Boulevard right-of-way to be abandoned in conjunction with approval of the subdivision.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action - **Councilmember Tye moved to approve request from Rough Hollow Development, Ltd., for approval of the Resubdivision of Lots 51-58 and 108-121, Block A, Lakeway Highlands, Phase 1, Section 2, and Highlands Boulevard, containing approximately 6.705 acres located between Wester Ross Lane and Highlands Boulevard, including a portion of the Highlands Boulevard right-of-way to be abandoned in conjunction with approval of the subdivision. Councilmember Taylor seconded the motion, and it passed by unanimous vote, approved 7-0.**

12. **Zoning: Highlands Phase 1, Section 2.** A request from Rough Hollow Development, Ltd., for approval of requested R-3 (Single Family Residential) zoning for approximately 1.28 acres of abandoned Highlands Boulevard right-of-way located between Wester Ross Lane and Highlands Boulevard which will be incorporated into existing single family lots in Lakeway Highlands Section 2.
 - Staff report by Shannon Burke, Director of Building and Development Services.
 - Citizen participation/public hearing - **No one spoke.**

- Council discussion/action - **Mayor Pro Tem Burns-Farrell moved to approve a request from Rough Hollow Development, Ltd., for approval of requested R-3 (Single Family Residential) zoning for approximately 1.28 acres of abandoned Highlands Boulevard right-of-way located between Wester Ross Lane and Highlands Boulevard which will be incorporated into existing single family lots in Lakeway Highlands Section 2. Councilmember Taylor seconded the motion, and it passed by unanimous vote, approved 7-0.**
13. **Consider the purchase of real property for public park purposes. Council adjourned to Executive Session at 7:45 p.m. pursuant to Section 551.072 of the Texas Government Code to discuss the purchase of real property for public park purposes and, with the exception of Councilmember Taylor, reconvened into open session at 8:23 p.m. Mayor DeOme stated that no action was taken during executive session.**
 - Staff report by Chessie Blanchard, Deputy City Manager.
 - Citizen participation/public hearing – **No one spoke.**
 - Council discussion/action – **Councilmember Wallace moved to authorize staff to pursue investigations and negotiations regarding the purchase of real property for public park purposes at amounts discussed in executive session. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 6-0.**
 14. **Consider the use of money from the Parkland Reserve Fund for the purchase of real property for public park purposes.**
 - Staff report by Chessie Blanchard, Deputy City Manager.
 - Citizen participation/public hearing - **No one spoke.**
 - Council discussion/action – **Mayor Pro Tem Burns-Farrell moved to approve the use of money from the Parkland Reserve Fund for the purchase of real property for public park purposes. Councilmember Tye seconded the motion, and it passed by unanimous vote, approved 6-0.**

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

15. **Approve Quarterly Investment Report for the fourth quarter of Fiscal Year 2010 submitted by Julie Oakley, Finance Director.**
16. **Approve Minutes:** Regular Council meeting of November 15, 2010.
17. **Approve Minutes:** Special Council meeting of November 22, 2010.

END CONSENT AGENDA

Councilmember Tye moved to approve Consent Agenda. Councilmember Bain seconded the motion, and it passed by unanimous vote, approved 6-0.

Mayor Pro Tem Burns-Farrell commented on the wonderful Trail of Lights display this year.

Meeting adjourned at 8:28 p.m.

David P. DeOme

David P. DeOme, Mayor

Donna Boyle

Donna Boyle, City Secretary

