

**NOTICE IS HEREBY GIVEN THAT
THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Will meet in Regular Session on Monday, November 18, 2019 at 6:30 p.m.
Lakeway City Hall, 1102 Lohmans Crossing Road, Lakeway, Texas**

AGENDA

- 1. Establish Quorum and Call to Order.**
- 2. Pledge of Allegiance.**
- 3. Citizen participation for the consent agenda and items 10, 11 and 12.**

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

- 4. Approve Minutes:** Regular Council Meeting of October 21, 2019.
- 5. Approve Minutes:** Special Council Meeting of November 12, 2019.
- 6. Approve Ordinance No. 2019-11-18-01** – An Ordinance of the City of Lakeway amending the FY 2019 Budget.
- 7. Approve Contract: Hurst Creek Road Draining and Paving Improvements Project.** Award contract to the successful bidder and authorize the City Manager to execute a contract.
- 8. Receive** report from Public Engagement Advisory Committee.
- 9. Receive** Treasurer’s monthly report.

END CONSENT AGENDA

- 10. Financial Report.**
- 11. Report** on status of previous business.
- 12. HEB** Community Partner Award.
- 13. Special Use Permit: 111 Javelin.** Consider a request from Nicholas Nierop, the owner of the property located at 111 Javelin Drive (Lakeway Section 20, Lot 2218) for a Special Use Permit to allow for a short-term rental use at this location.
 - Staff report by Building & Development Services Director Charlotte Hodges.
 - Citizen participation.
 - Council discussion/action.
- 14. Future Land Use Map Change: 1931 Lohmans Crossing Road.** Consider a request from Carlson, Brigance and Doering, the agent for the owner of approximately 45

acres of land located at 1931 Lohmans Crossing Road, to amend the Future Land Use Map from Mixed-Use to Residential.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

15. Zoning Change: 1931 Lohmans Crossing Road. Consider a request from Carlson, Brigance & Doering, Inc., the agent for the owner of approximately 45 acres of land located at 1931 Lohmans Crossing Road, for approval of a change in zoning from GUI (Government, Utility and Institutional) to R-1* (Single Family Residential) and R-3 (Single Family Residential-Zero Lot Line-Modified) zoning.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

16. Future Land Use Map Change: 15617 Flintrock Road. Consider a request from Cherry Knoll LLC, to amend the Future Land Use Map for approximately 1 acre of land located at 15617 Flint Rock Road, from Commercial to Residential.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

17. Zoning Change: 15617 Flintrock Road. Consider a request from Cherry Knoll LLC, the owner of approximately 22.9 acres of land located at 15617 Flintrock Road, for approval of a change in zoning from R-1 (Single Family Residential) and C-1 (Office/Retail) to R-8 (Multi-Family Residential) and GB (Green Belt).

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

18. Annexation: Crosswind Drive. Consider a request from Carlson, Brigance & Doering, Inc. on behalf of RH Lakeway Development LTD., owner of approximately 0.585 acres of land located east of Crosswind Drive and west of Tomichi Trail for annexation of the subject property.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

19. Zoning: Crosswind Drive. Consider a request from Carlson, Brigance & Doering, Inc. on behalf of RH Lakeway Development LTD., owner of approximately 0.585 acres of land located east of Crosswind Drive and west of Tomichi Trail for GUI (Governmental, Utility, Institutional) zoning of the subject property.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

20. Third Reading: Revisions to Chapter 28 of the Lakeway Code of Ordinances, Subdivisions and Site Development.

- Staff report by Building & Development Services Director Charlotte Hodges.
- Citizen participation.
- Council discussion/action.

21. Citizens Participation for items not on this Agenda.

22. Executive Session. Enter into executive session to deliberate regarding the purchase, exchange, lease, or value of real property, as authorized by Texas Government Code Section 551.072, and to obtain legal advice from Counsel, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Legal and Real Estate Issues Relating to the Oaks PUD/Stratus Properties

23. Executive Session. Enter into executive session to deliberate regarding the purchase, exchange, lease, or value of real property, as authorized by Texas Government Code Section 551.072. No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Potential Municipal Building
- b. Potential Parkland Site(s)

24. Executive Session. Enter into executive session to deliberate regarding threatened litigation, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Drainage Issues on Electra Street

25. Executive Session. Enter into executive session to deliberate regarding pending litigation, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. *Cherry Knoll L.L.C. v. City of Lakeway, et al.*, Cause No. 1:16-CV-00982, in the U.S District Court for the Western District of Texas, Austin Division
- b. *City of Lakeway v. Cherry Knoll L.L.C.*, Cause No. 03-18-00837 in the Court of Appeals, Third District of Texas, Austin, Texas

26. Executive Session. Enter into executive session to deliberate the appointment, employment, and duties of the City Manager Position, as authorized by Texas Government Code Section 551.074 (Personnel Matters). No action will be taken in executive session; action, if any, will be taken in open session.

27. Adjourn.

Signed this _____ day of _____, 2019.

Sandra L. Cox, Mayor

All items may be subject to action by City Council, pursuant to Ordinance No. 2001-10-29-1, Article VI.

The City Council may adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code including, but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code including, but not limited to, Section 321.3022 (Sales Tax Information).

Certification: I certify that the above notice of meeting was posted on the City of Lakeway Official Community Bulletin Board on the ____ day of _____, 2019 at ____ a.m./ p.m. Council approved agendas and action minutes are available on line at <http://www.lakeway-tx.gov/>. The City of Lakeway Council meetings are available to all persons regardless of ability. If you require special assistance, please contact Jo Ann Touchstone, City Secretary, at 512-314-7506 at least 48 hours in advance of the meeting.

Jo Ann Touchstone, City Secretary

Item # 4

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THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
Regular Session on Monday, October 21, 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 Higginbotham (entered at 6:32 p.m.), Councilmember Howell, Councilmember Mastrangelo, Councilmember Kumar (via video conference), Councilmember Smith (via videoconference) and Councilmember Vance.

2. **Pledge of Allegiance.**

Convened to Executive Session at 6:33 p.m. Reconvened to Regular Session at 9:58 p.m. No action was taken in Executive Session.

3. **Executive Session.** Enter into executive session to obtain legal advice from Counsel, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Legal Issues Relating to the Board of Adjustments Appeal Ruled on at the October 16, 2019 Meeting of the Board, Relating to a Variance Granted by the City Building Commission

4. **Executive Session.** Enter into executive session to deliberate regarding the purchase, exchange, lease, or value of real property, as authorized by Texas Government Code Section 551.072, and to obtain legal advice from Counsel, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Legal and Real Estate Issues Relating to the Oaks PUD/Stratus Properties

5. **Executive Session.** Enter into executive session to deliberate regarding the purchase, exchange, lease, or value of real property, as authorized by Texas Government Code Section 551.072. No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Potential Municipal Building
- b. Potential Parkland Site(s)

6. **Executive Session.** Enter into executive session to deliberate regarding the potential purchase, exchange, lease, or value of real property, as authorized by Texas Government Code Section 551.072, and to obtain legal advice from Counsel, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. Lakeway MUD Property Request
- b. Lakeway MUD Easement Request

7. Executive Session. Enter into executive session to deliberate regarding pending litigation, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.

- a. *Cherry Knoll L.L.C. v. City of Lakeway, et al.*, Cause No. 1:16-CV-00982, in the U.S District Court for the Western District of Texas, Austin Division
- b. *City of Lakeway v. Cherry Knoll L.L.C.*, Cause No. 03-18-00837 in the Court of Appeals, Third District of Texas, Austin, Texas
- c. *Kathryn v. Allen and Jeffrey Garrett v. The City of Lakeway, et al.*, Cause No. 3-19-00464-CV, in the Court of Appeals, Third District of Texas, Austin, Texas

8. Executive Session. Enter into executive session to deliberate the appointment, employment, and duties of the City Manager Position, as authorized by Texas Government Code Section 551.074 (Personnel Matters). No action will be taken in executive session; action, if any, will be taken in open session.

At 10:00 p.m - Councilmember Kumar and Councilmember Smith not present in regular session (via videoconference).

9. Financial Report.

- Staff report by Interim City Manager Julie Oakley.
- Citizen Participation – No one spoke.

10. Previous Business

- Update on Hamilton Greenbelt Fire Mitigation Project.
- Citizen Participation – No one spoke.

Councilmember Kumar and Councilmember Smith joined meeting (via videoconference) at 10:05 p.m.

11. Future Land Use Map Change: 1931 Lohmans Crossing Road. Consider a request from Carlson, Brigance and Doering, the agent for the owner of approximately 45 acres of land located at 1931 Lohmans Crossing Road, to amend the Future Land Use Map from Mixed-Use to Residential.

- Presentation by Building & Development Services Director Charlotte Hodges.
- Citizen participation – John Hoopingarner spoke. Vivian Craft spoke.
- Council discussion/action – Councilmember Howell moved to send the request

back to the Zoning and Planning Commission for the Commission to take action and make a recommendation to the City Council. Councilmember Vance seconded and the motion passed unanimously.

- 12. Zoning Change: 1931 Lohmans Crossing Road.** Consider a request from Carlson, Brigance & Doering, Inc., the agent for the owner of approximately 45 acres of land located at 1931 Lohmans Crossing Road, for approval of a change in zoning from GUI (Government, Utility and Institutional) to R-1* (Single Family Residential) and R-3 (Single Family Residential-Zero Lot Line-Modified). *Item withdrawn by applicant.*
- 13. Annexation: Lakeway Highlands, Phase 3, Sections 5 and 6A.** Consider a request from RH Lakeway Development LTD., owner of approx. 24.5 acres of land located east of the Bee Creek Rd. and Crosswind Dr. intersection for annexation into the City of Lakeway.
 - Presentation by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – Julie Reichert spoke. John Hoopingarner spoke. Carol Feree spoke.
 - Council discussion/action – Councilmember Howell moved to approve the request for annexation, Lakeway Highlands, Phase 3, Sections 5 and 6A. Mayor Pro Tem Higginbotham seconded and the motion passed unanimously.
- 14. Zoning: Lakeway Highlands, Phase 3, Sections 5 and 6A.** Consider a request from RH Lakeway Development LTD., owner of approx. 24.5 acres of land located east of the Bee Creek Rd. and Crosswind Dr. intersection for R-3 (Single-Family–Zero Lot Line-Modified) zoning.
 - Presentation by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – Julie Reichert spoke.
 - Council discussion/action – Councilmember Howell moved to approve the zoning request for Lakeway Highlands, Phase 3, Section 6 and 6A. Councilmember Vance seconded and the motion passed unanimously.
- 15. Special Use Permit – Short Term Rental:** Consider a request from Christopher and Wendy Elder, the owners of the property located at 202 Top O’ The Lake Drive (Lakeway Section 22B, Lot 2877) for a Special Use Permit to allow for a short-term rental use at this location.
 - Presentation by Building & Development Services Director Charlotte Hodges.
 - Citizen participation – No one spoke.
 - Council discussion/action – Councilmember Vance moved to approve the request for a special use permit for short term rental for 202 Top O’ The Lake Drive. Councilmember Kumar seconded and the motion passed unanimously.

Councilmember Kumar and Councilmember Smith exited the meeting at 10:51 p.m. (via videoconference).

16. Second Reading: Revisions to Chapter 28 of the Lakeway Code of Ordinances, Subdivisions and Site Development.

- Presentation by Building & Development Services Director Charlotte Hodges.
- Citizen participation – Chris Hamlin spoke. Tom Kilgore spoke. Julie Reichert spoke.
- Council discussion/action – No action was taken.

17. Donation – Police Training Simulator

- Presentation by Police Chief Todd Radford
- Citizen Participation – No one spoke.
- Council discussion/action – Councilmember Vance moved to accept the donation. Councilmember Mastrangelo seconded and the motion passed unanimously.

18. Citizens Participation for items not on this Agenda – Chris Hamlin spoke. Tom Kilgore spoke.

CONSENT AGENDA: All items may be approved by one Council vote. Citizen participation will occur before any Council vote on the Consent Agenda. Members of the Council may pull items from the Consent Agenda for discussion.

- 19. Approve Minutes:** Regular Council Meeting of September 16, 2019.
- 20. Approve Minutes:** Special Council Meeting of September 30, 2019.
- 21. Approve Resolution No. 2019-10-21-01** - A Resolution appointing members to the Parks and Recreation Committee.
- 22. Approve Resolution No. 2019-10-21-02** - A Resolution Amending Authorized Representatives of the Texas Local Government Investment Pool, “Tex Pool”.
- 23. Approve Contract: 2019 Inspection Services.** Award the 2019 Inspection Services contract to the successful bidder and authorize the City Manager to execute a contract.
- 24. Receive** report from Public Engagement Advisory Committee.
- 25. Approve Quarterly Investment Report:** Investment report for quarter ended September 30, fiscal year 2019, submitted by Shereen Gendy, Finance Director.
- 26. Receive** Treasurer’s monthly report.

No one spoke on the consent agenda items. Mayor Cox pulled item 16.

Councilmember Howell moved to approve the consent agenda. Councilmember Vance seconded and the motion passed unanimously.

Councilmember Vance moved to approve item 16 as amended. Mayor Pro Tem Higginbotham seconded and the motion passed unanimously.

END CONSENT AGENDA

27. Adjourn – Meeting adjourned at 12:03 a.m.

Signed this _____ day of _____, 2019.

Sandra L. Cox, Mayor

Jo Ann Touchstone, City Secretary

Item # 5

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THE CITY COUNCIL OF THE CITY OF LAKEWAY, TRAVIS COUNTY, TEXAS
SPECIAL SESSION
MINUTES
TUESDAY, NOVEMBER 12, 2019 AT 9:00 A.M.
LAKEWAY CITY HALL, 1102 LOHMANS CROSSING, LAKEWAY, TEXAS 78734

AGENDA

1. Establish Quorum and Call to Order – Present: Mayor Cox, Mayor Pro Tem Higginbotham, Councilmember Kumar, Councilmember Mastrangelo, Councilmember Smith and Councilmember Vance. Councilmember Howell entered meeting at 10:35 a.m.
2. **Pledge of Allegiance.**
3. **Lakeway MUD Wastewater Utility Easement.** Consider granting a variance to Lakeway MUD for a wastewater utility easement on city-owned property located at 3103 Lakeway Boulevard, 115 Trophy Drive and 123 Trophy Drive.
 - Presentation.
 - Citizen participation.
 - Council discussion/action – Item tabled.

Convened to executive session at 10:07 a.m. Reconvened to open session at 10:13 a.m. No action was taken in executive session.

4. **Executive Session.** Enter into executive session to deliberate regarding pending litigation, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney). No action will be taken in Executive Session; action, if any, will be taken in open session.
 - a. *Kathryn v. Allen and Jeffrey Garrett v. The City of Lakeway, et al.*, Cause No. 3-19-00464-CV, in the Court of Appeals, Third District of Texas, Austin, Texas
 - Staff report – City Attorney Cobby Caputo gave brief.
 - Citizen participation – No one spoke.
 - Council discussion/action – Mayor Pro Tem Higginbotham moved to approve the agreement as stated by the city attorney. Councilmember Kumar seconded and the motion passed unanimously.
5. **Comprehensive Plan Economic Development Presentations.**
 - Presentation by Comprehensive Plan Steering Committee and Design Workshop.
 - Citizen participation- Jerry Hietpas spoke.

JOINT SPECIAL SESSION of the City Council and Zoning and Planning Commission. The City Council and the Zoning and Planning Commission will begin the Special Joint Session no earlier than 10:00 A.M.

Call to order Zoning and Planning Commission at 11:25 a.m. Present: Bruce Harris, Betty Haley, Carolyn Nichols, Don Kotrady and Dave Point.

Councilmember Howell exited meeting at 11:29 a.m.

1. **Review and discuss** Future Land Use Map.

- Presentation by Comprehensive Plan Steering Committee and Design Workshop.
- Citizen participation - Jerry Hietpas spoke.
- Council discussion/action – No action was taken.

6. Adjourn – Meeting adjourned at 1:20 p.m.

Signed this the _____ day of _____, 2019.

Sandra L. Cox, Mayor

Jo Ann Touchstone, City Secretary