

MINUTES OF CITY COUNCIL PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, February 24, 2016
7:00 p.m.

Present: Mayor Linda Anthony, Mayor Pro Tern Stan Graham, Councilmembers Jim O'Connor, Brian Plunkett, Beth South and Darin Walker.

Absent: None.

- 1. Called to Order by Mayor Linda Anthony at 7:05 PM.**
- 2. Citizens Communications:** The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Citizens Communication agenda item or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to matters not listed on the agenda until a future meeting. Speakers must sign up with the City Secretary before speaking. Speakers shall limit their comments to five (5) minutes each.

No one spoke.

- 3. CONSENT AGENDA:** The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council Meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.
 - a. Approval of the February 10, 2016 Regular Meeting Minutes. City Secretary Lacie Hale.
 - b. Approval of the February 15, 2016 Special Meeting Minutes. City Secretary Lacie Hale.
 - c. Approval of the February 19, 2016 Special Meeting Minutes. City Secretary Lacie Hale.
 - d. Public Safety: Presentation of Racial Profiling Statistics 2015 Report. Chief Scott Gerdes.
 - e. Approval of the Public Safety Report for January 2016. Chief Gerdes.
 - f. Request from Applicant for Postponement: Land Use: Variance request to remove a tree greater than 14 inches in trunk diameter at 1801 Wild Cat Hollow. (Section 22.03.304 of the West Lake Hills Code.) Applicant Krista Whitson.

COUNCILMEMBER WALKER MOTIONED TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF AGENDA ITEM #7 FOR APPROVAL AND THE REMOVAL OF AGENDA ITEM C. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

4. **Public Safety:** Discussion/decision on resolution to accept grant and authorize match for Body Worn Camera Grant from the Criminal Justice Division of the Governor's Office. Chief Scott Gerdes.
 - a. **Staff Briefing.** Chief Gerdes announced and explained that we are recipients of the body worn grant that is available through the Governor's Office. The city has to do a 25% match for the grant. It will also allow the city to outfit each patrol officer with a body worn camera.
 - b. **Public Hearing:** No one spoke.
 - c. **Deliberation and action.**
Council asked about the make, model of the cameras, and also their reliability.

COUNCILMEMBER O'CONNOR MOTIONED TO APPROVE THE RESOLUTION AND THE \$1,200 FOR THE GRANT PROGRAM. MAYOR PRO TEM GRAHAM SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

5. **Land Use:** Proposed preliminary re-plat of 324 and 326 Eanes School Road in the Dorsetshire Estates Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Alan Rhames.
 - a. **Staff Briefing.** None was given.
 - b. **Presentation by applicant.** Applicant Alan Rhames explained the proposed preliminary re-plat. One is occupied and the other is vacant. Currently the owner is trying to get the additional acreage in their homestead lot. They are just moving the property line.
 - c. **Public Hearing:** No one spoke.
 - d. **Deliberation and action.**
Council clarified what the request was for, and asked if there were any easements on Eanes School Road.

MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE PRELIMINARY PLAT REQUEST. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

6. **Land Use:** Proposed preliminary re-plat with a variance at 301 Eanes School Road in the Old Oliver Road Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Eran Montoya.
 - a. **Staff Briefing.** None was given.
 - b. **Presentation by applicant.** Applicant Eran Montoya gave presentation that there is an existing 4.5 acre tract on Eanes School Road. They are proposing to subdivide it. There is a stone wall on this property that is designated by the state was a landmark. It has caused them to request four variances for side setback encroachments.
 - c. **Public Hearing:** No one spoke.
 - d. **Deliberation and action.**

Council recognized the wall as the hardship. They asked what the preliminary plat approval meant and shared that the plan seemed reasonable.

COUNCILMEMBER O'CONNOR MOTIONED TO APPROVE THE PRELIMINARY PLAT. MAYOR PRO TEM GRAHAM SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

7. Land Use: Commercial Sign for Blenders & Bowls at 3736 Bee Cave Road, Suite 8. (Section 32.03.008 of the West Lake Hills Code.) Applicant Kara Jordan.
 - a. Staff Briefing.
 - b. Presentation by applicant.
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and action.

Item was moved to consent agenda for approval.

8. Land Use: Commercial Sign with a variance for Westlake Animal Hospital at 3930 Bee Cave Road. (Section 32.03.005 of the West Lake Hills Code.) Applicant Gus Voelzel.
 - a. Staff Briefing. **Mayor Anthony briefed Council that this sign was part of negotiations when the right of way was being donated for the Bee Cave Road project.**
 - b. Presentation by applicant. **Applicant Gus Voelzel expressed that he was there to explain the sign and how it was developed. He also presented a brief history of the sign location, materials, and landscaping.**
 - c. Public Hearing: **No one spoke.**
 - d. Deliberation and action.

Council clarified that the sign is in compliance except for the animals. They also asked the applicant about the material the animals will be made out of.

COUNCILMEMBER WALKER MOTIONED TO APPROVE THE SIGN VARIANCE FOR WESTLAKE ANIMAL HOSPITAL. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

9. Public Safety: Update on FEMA Hazard Mitigation Plan. City Administrator Robert Wood.
 - a. Staff Briefing. **City Administrator Robert Wood gave briefing that the City is a member of the Colorado River Floodplain Coalition. The coalition realized that a lot of cities in the area have not updated with mitigation plans. He then explained why these plans are important. He recommended that Council revisit this after the discussing with the city engineer. They may have some projects that they will want to add to the list.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.
Council asked who the city representative is and asked that someone walk them through the headers in the draft mitigation plan.

No Council action was taken.

10. Financial: Discussion/decision on Annual Financial Report for the Year Ended September 30, 2015 and Independent Auditor's Report. Representative from Singleton, Clark and Company, PC.
- Staff Briefing. **Robert Gattilia, from Singleton, Clark and Company, PC presented the audit to Council.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.
Council asked questions regarding the pension liability and accepted the audit report.

COUNCILMEMBER O'CONNOR MOTIONED TO ACCEPT THE AUDIT REPORT. COUNCILMEMBER PLUNKETT SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

11. Public Works: Discussion/decision to award bid for parking improvements at The School Yard (4201 Bee Cave Road) related to acquisition of right-of-way for Bee Cave Road improvements. City Administrator Robert Wood.
- Staff Briefing. **City Administrator Robert Wood explained that because of the Bee Cave Road, a property is losing parking spaces. The City has hired Mr. Rhames to help with this project and design parking lot modifications. It was recommended that the City go with the lowest bidder to construct the modifications.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.

Council deliberated and asked Alan Rhames a few questions regarding the company that came in with the lowest bid.

COUNCILMEMBER O'CONNOR MOTIONED TO APPROVE THE REQUEST FOR AUTHORIZATION FOR THE CONTRACT OF \$168,000 FOR SAID PARKING IMPROVEMENTS. COUNCILMEMBER PLUNKETT SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

12. Public Works: Discussion/decision on additional costs from Texas Department of Transportation and Austin Energy for changes to original construction plans for Bee Cave Road project at 4201 Bee Cave Road. (The Schoolyard) City Administrator Robert Wood.
- Staff Briefing. **Mayor Linda Anthony explained that Council has previously spoken about this parcel. It is a request to spend extra money to pay for utilities lines to be changed and the configuration of a tree well in the parking lot. The costs are roughly \$35,000 to \$38,000.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.

MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE ADDITIONAL COSTS FOR THE PROPOSED CHANGES UP TO \$37,000.

COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

13. Administration: Update on improvements to policies and procedures including plan review, building inspections, information in Council meeting packets, and financial information available on city website. Mayor Linda Anthony.
- a. **Staff Briefing. Mayor Anthony gave briefing that about a program that is being offered by the Texas Comptroller's office. It regards how accessible certain financial information is for residents. City Administrator Robert Wood also explained the benefits of this program and how it is still being set up by the Comptroller's office. He then summarized the status of checklists and forms that will make some of the inspection and plan review process more formal. Also, the building inspectors will make a point to visit sites that have open permits each week.**
 - b. Public Hearing: No one spoke.
 - c. Deliberation and action.
Council discussed the checklist and process. They also offered suggestions about staking milestones,

No Council action was taken.

14. Administration: Update on City and other area infrastructure improvement projects including Bee Cave Road, drainage master plan, and Camp Craft Road. City Administrator Robert Wood.
- a. **Staff Briefing. City Administrator Robert Wood gave briefing on the North Mopac project. It is not a project in West Lake Hills, or done by the city but it does impact the city. Bee Cave Road project is coming up and is going to make the roadways a challenge. A preconstruction meeting for the project will take place in March. The Camp Craft project, to attempt to improve the road while the Bee Cave project is going on, will have to happen in the Summer of 2017. The subcontractor, to survey around the Oak Wilt area off of Westwood, will be on the ground tomorrow to survey the utilities. Then he also announced that another case of Oak Wilt has popped up this week on Sugar Creek. This new case is going to help the city create protocols on how to deal with Oak Wilt, when it pops up. Mayor Anthony also gave a brief update on the oak wilt and the involvement with Water District #10.**
 - b. Public Hearing: No one spoke.
 - c. Deliberation and action.

No Council action was taken.

15. Public Works: Discussion/possible decision on update regarding Bee Cave Road Right-of-Way acquisition.
- a. Executive Session per Texas Government Code, Section 551.071 for Consultation with Attorney and 551.072 Deliberation Regarding Real Property.
 - b. Public Hearing: All persons wishing to speak for or against shall be heard.

c. Deliberation and action.

Item was not discussed.

16. Litigation and Land Acquisition: Discussion/decision on legal matters regarding 102 Westhaven Drive and 101 McConnell Drive including update on trial matters by Litigation Counsel Brad Bullock regarding the civil lawsuit (Peace v. Hovis, Cause Number: D- I -GN-13-003985, regarding real estate transactions) and the update on eminent domain process to acquire a fee simple interest in and to approximately 0.104 acre of land located at 101 McConnell Drive, owned by Jeffrey Peace and Caroline Peace, that is required for the public purpose of constructing proposed improvements to RM 2244/Bee Cave Road and any related facilities. City Attorney Alan Bojorquez.

- a. Executive Session per Section 551.071 of the Texas Government Code for Consultation with Attorney regarding status of above-listed litigation and related legal issues.
- b. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #16 FROM 8:38 PM TO 8:55 PM. NO COUNCIL ACTION TAKEN.

17. Adjourned by Mayor Linda Anthony at 8:55 pm

Certificate


LINDA ANTHONY, MAYOR

ATTEST:


LACIE HALE, CITY SECRETARY

