

MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, May 25, 2016
7:05 p.m.

Present: Mayor Linda Anthony, Mayor Pro Tem Stan Graham, Councilmembers Rhonda McCollough, Jim O'Connor, Brian Plunkett, and Darin Walker.

Absent: None.

- 1. Called to Order by Mayor Linda Anthony at 7:25 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.

Carrie Peace of 102 Westhaven explained that a 2011 email from City Attorney Alan Bojorquez prompted them to send a letter in early 2014 suggesting that the City look into filing a malpractice claim against the city attorney. She continued by sharing a letter they had received from Mr. Bullock exonerating the city attorney and questioned who gave the authority to spend taxpayers' funds for this letter to be sent. She concluded with asking questions regarding filing a malpractice claim and how the lawsuit with her family could cost the residents \$600,000 to \$700,000.

Dave Claunch of 305 McConnell Drive shared that it is insulting that Mrs. Peace thinks that Council has been misinformed or kept in the dark about the dispute has evolved. He offered an alternative viewpoint to the lawsuit and countered a few of Mrs. Peace's claims. He also shared what was discovered during the discovery process of the lawsuit.

Alejandra Fernandez of 809 Redbud Trail shared that she is upset by what Mr. Claunch said regarding the Peace lawsuit. She explained that she has listened to all of the audio, and read of the documentation. She does not stick her neck out on the line for gossip so it was important for her to look at everything before saying anything. She also countered a few statements made by Mr. Claunch. She concluded by saying this issue is difficult for people in this community and those involved but she would love Council to think about the process.

- 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 May 11, 2016 Regular Meeting Minutes. City Secretary Lacie Hale.
- b. Approve a Resolution from the Travis County Appraisal District for the future expansion of their facilities.

COUNCILMEMBER O’CONNOR MOTIONED TO APPROVE THE ADD AGENDA ITEM #8 FOR APPROVAL TO THE CONSENT AGENDA. COUNCILMEMBER PLUNKETT SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

COUNCILMEMBER O’CONNOR MOTIONED TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF AGENDA ITEM #8 FOR APPROVAL. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

4. Personnel: Selection of a Mayor Pro Tem. City Council.
 - a. Staff Briefing. **Mayor Anthony gave briefing that the current Mayor Pro Tem has served for 5 to 6 years.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

COUNCILMEMBER WALKER MOTIONED TO HAVE STAN GRAHAM CONTINUE TO SERVE AS THE MAYOR PRO TEM. COUNCILMEMBER O’CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

5. Administration: Select date for City Council’s Annual Planning Meeting. Mayor Linda Anthony.
 - a. Staff Briefing. **Mayor Anthony asked Council to start looking at their calendar to schedule the annual planning meeting. She would like to schedule it in June before budget planning starts.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

No action was taken.

6. Land Use: Variance to remove a tree with a trunk diameter of 14 inches or greater at 719 Butler Cove. (Section 22.03 .304 of the West Lake Hills Code.) Applicant representative John Hathaway.
 - a. Staff Briefing. **City Planner Ashby Grundman gave briefing that this request is to remove a multi trunk cedar tree. The applicant is required to replace 88 inches but is proposing to replace 99 inches.**

- b. Presentation by applicant. Applicant's Representative John Hathaway explained the proposed residential project for this property. He designated the 50-foot conservation easement on two sides of the property as the hardship.
- c. Public Hearing: No one spoke.
- d. Deliberation and action.

Council had no issues with removing the tree and offered suggestions for the vegetation replacement plan.

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

- 7. Land Use: Proposed Amendment to Land Use Map and Rezoning of 402 Camp Craft Road to Planned Development District with a Governmental, Utility and Institutional base district from One-Family (R- 1) in order to allow for a private school (Acton Academy West) to be developed on the property. (Chapter 38 of the West Lake Hills Code.) Applicant Roger Gordon.
 - a. Staff Briefing. Mayor Anthony gave briefing that this was presented to ZAPCO, numerous times, as a concept and the applicant wanted to gauge community reaction to the project. City Planner Ashby Grundman explained a memo presented to Council regarding the zoning history of the property and the requirements for the zoning change.
 - b. Presentation by applicant. Property Owner MacKenzie Price began by thanking Council and neighbors of the property for coming out to tour it. She then addressed the safety and traffic issues that have been raised throughout this process. She concluded by asking Council for their thoughts and feedback so that they can return with a proposal that will earn their support.

Brian Holts, Executive Director of Acton Academy Southwest, provided Council with a working vision of what Acton Academy will bring to the West Lake Hills Community.

Tom Hatch, Architect for Acton School, this is the second school he has worked on. He shared his introduction to Austin and West Lake Hills, and his background of working with historic structures. He explained that in order to preserve the history or the site and have minimal impact on the environment, he can't think of a better use for this site than the Acton Academy. It preserve the history and minimal impact to the environment.

Representatives from Klotz and Associates provided clarification on why the Traffic Impact Study deviated from the normal ITE standards, because it is a smaller project.

c. Public Hearing:

David Freeman, former owner of 402 Camp Craft, spoke highly of the new property owners and their plans to introduce this school into the community. He shared the history of how Camp Craft Road was named and the background on the different proposed projects for that property when it first was on the market. Mr. Freeman agreed with the architect's vision, to preserve the history of the building. The new owner's use and vision is perfect for this site. That is why they allowed the new owners to buy the property. He hopes that Council will work with them to put this vision into place.

Mike Pestorius of 512 Konstanty Circle shared that he did tour the property. He is concerned about the traffic impact and the best use for this property is residential development. Though his preference is residential, something much worse can move in than the Acton Academy. It will be a relatively small school but expects it to grow over time. The traffic impact will be slight compared to what is already on Camp Craft Road. He thinks it is acceptable and favors the current development.

Joe Peddit of 502 Konstanty Circle explained that his property backs up to this site. He is pleased with the Acton's resilience to be in West Lake Hills. He thinks that everyone would prefer this site to be residential. The question is if the school was the right structure for the site, is the land use correct, and have a majority of the issues been mitigated. He explained that Acton has mitigated traffic impact issues with the additional parking on site. Overall, he supports the project.

Teresa Burroff of 501 Konstanty Circle is the only attendee of the meeting whose house is actually on Camp Craft and Konstanty. She explained that the traffic does impact her and her only concern is location. This is zoned residential and should not have to come in to defend that she is a resident. The school can go somewhere else. There is too much traffic on Camp Craft. It is oversubscribed. Based on local publications, this is not a small school. She concluded with asking Council to consider the traffic impact and that this is a community of residents. Residential zoning should stay residential.

Jerry Burks of 503 Konstanty Circle served on ZAPCO when this was proposed to ZAPCO in the 1990's. It was turned down because of traffic. Thinks the school is a great school but the wrong place for it. He explained the scenario of how traffic prevents emergency vehicles from being able to get to the school, because the only entrance for the school is on Camp Craft. He cannot imagine having kids cross a bridge in riding water. There is no way to fix this. Considers this a very serious issue and the City should keep this zoned residential.

Dave Claunch of 305 McConnell Drive is generally in favor of seeing properties being improved. He shared his concern about the ultimate plan of

growing this school to 80 to 100 kids and if the property can accommodate it long term.

Robert Meisel, currently serving as ZAPCO Chair, shared that this is zoned residential and the history is clear. It was zoned GUI in 1992 and Council rolled it back to residential zoning. Precedent has value. Camp Craft is oversubscribed. He urged Council to carefully look at what ZAPCO did and in step with what Council has ruled time and time again.

d. Deliberation and action.

Council shared their concerns about expansion, location issues, and safety issues.

MAYOR PRO TEM GRAHAM MOTIONED TO POSTPONE THIS ITEM UNTIL THE SECOND REGULAR MEETING IN JUNE. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 4-0-1 VOTE. COUNCILMEMBER O'CONNOR OBSTAINED FROM VOTING.

8. Land Use: Commercial Monument Sign with a variance for St. John Neumann Catholic Church at 5455 Bee Cave Road. (Chapter 32.03.007 of the West Lake Hills Code.) Applicant Chad Nusbaum.
- Staff Briefing.
 - Presentation by applicant.
 - Public Hearing: All persons wishing to speak for or against shall be heard.
 - Deliberation and action.

Item was moved to Consent agenda for approval.

9. Land Use: Discussion/decision on resolution to request that TXDOT remove the logo signs that have recently been placed on Loop 360 (Capital of Texas Highway) and Bee Cave Road and other action related to the signs. Mayor Linda Anthony.
- Staff Briefing. **Mayor Anthony gave briefing that this is not limited to Hwy. 360 or Bee Cave Road. It violates the intent of the Scenic Roadway Act, the City's sign ordinance, and she does not want to see these signs creep up.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.

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

10. Transportation: Discussion/decision regarding City of Austin 's proposed improvements to Walsh Tarlton Lane. Mayor Linda Anthony.
- Staff Briefing. **Mayor Anthony briefed Council that a resident came to a former meeting and spoke about possible changes to Walsh Tarlton. It looks like the City of Austin is narrowing the ability for motorists to make right hand turns at 360 and Walsh Tarlton. They are adding a bike lane. Mayor**

Anthony asked Council to write a letter to the City of Austin to reconsider this because of the impact it will have on traffic flow.

- b. Public Hearing: No one spoke.
- c. Deliberation and action.

MAYOR PRO TEM GRAHAM MOTIONED TO ALLOW THE MAYOR AND STAFF TO CREATE A LETTER EXPRESSING OUR DICONTENT WITH THE IDEA OF CHANGING THE LANES ON WALSH TARLTON. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

11. Utilities: Discussion/decision on selection of contractor for Village at West Lake (HEB) Lift Station Improvement Project. Finance Officer Wendy Bates.

- a. Staff Briefing. **Finance Officer Wendy Bates gave briefing that that the City went out for bids to find someone to do an electric upgrade on the Village at West Lake Lift Station. Four Companies submitted bids; the lowest one was Excel for \$189,000. Dale Murphy, with K. Friese, also explained the reason for the upgrade and why it is needed.**
- b. Public Hearing: No one spoke.
- c. Deliberation and action.

Council asked how the Wastewater fund was doing and if it would cover the additional \$89,000 that was not budgeted for this project.

COUNCILMEMBER MCCOLLOUGH MOTIONED TO APPROVE THE LOWEST BID. MAYOR PRO TEM GRAHAM SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

12. Utilities: Update on wastewater rate study and staffing. City Administrator Robert Wood.

- a. Staff Briefing. **City Administrator Robert Wood gave briefing that now is the time to have another rate study done since we have owned the system for four years now. Second, the staffing issue that has come up is that the part time Wastewater Coordinator has left. As the discussion to fill that position took place, the question came up of making that position full time. One reason to do this would to bring the wastewater billing in house instead of through a third party.**
- b. Public Hearing: No one spoke.
- c. Deliberation and action.

Council instructed staff to return to a future meeting with numbers to determine if it would be cost effective to make that a full time position and bring the billing in house.

No Council action was taken.

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. **City Administrator Robert Wood gave briefing that all of the content for the Comptroller's transparency award has been corrected on the website. Now we are just waiting to hear from them. He also gave a briefing that the City is using Nextdoor.com and ATXfloods.com to report road closures.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

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. **Mayor Anthony gave briefing that she had met with staff and a few individuals from the City of Austin to find out what the plans are for the Redbud Bridge. The City of Austin plans to have an open meeting at the Lions Municipal Golf Course, Club House on June 7, 2016 from 5:30pm to 7:30pm. The Water District #10 Bonds were sold last week at an amazing rate. The taxes are not going to be as high for the bonds. They also want to help us with the trenching project. City Administrator Robert Wood added that TXDOT still plans to start the Bee Cave Road Project late June/early July. The City plans on sending out a letter to the property owners on Bee Cave Road to notify them to move sprinklers, electrical work, signs or lighting in the right of way, to make sure they get them moved. Also, remind them that this is a TXDOT project. He also shared that the City hosted an Oak Wilt training for local entities. The hope is to host this type of training annually.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

No Council action was taken.

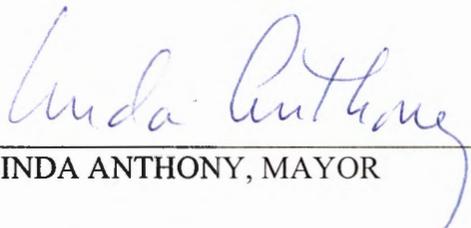
15. Litigation and Land Acquisition: Legal matters regarding 102 Westhaven Drive and 101 McConnell Drive including update on the civil lawsuit (Peace v. Hovis, Cause Number: D- I -GN-13-003985, regarding real estate transactions) and eminent domain process to acquire a fee simple interest in and to approximately 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 #15 FROM 9:54 PM TO 12:30 AM.

COUNCILMEMBER PLUNKETT MOTIONED TO AUTHORIZE THE CITY'S ATTORNEY BRAD BULLOCK TO MAKE AN OFFER TO THE PEACE'S AND IF IT IS NOT ACCEPTED THAN GO FORTH IN THE APPEALS PROCESS AS NECESSARY. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 4-1 VOTE. MAYOR PRO TEM GRAHAM OPPOSED.

16. Adjourned by Mayor Linda Anthony at 12:34 AM.

Certificate


LINDA ANTHONY, MAYOR

ATTEST:


LACIE HALE, CITY SECRETARY

