

MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, February 28, 2018
7:00 p.m.

Present: Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Rhonda McCollough, Beth South , and Darin Walker.

Absent: Mayor Linda Anthony and Councilmember Brian Plunkett.

1. **Called to Order by Mayor Pro Tem Jim O'Connor at 7:04 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 14, 2018 Regular Meeting Minutes. City Secretary Lacie Hale.
 - b. Approval of the February 14, 2018 Special Meeting Minutes. City Secretary Lacie Hale.
 - c. Approval of the February 18, 2018 Town Hall Meeting Minutes. City Secretary Lacie Hale.
 - d. Acceptance of certification from the City Secretary declaring unopposed status for the General Municipal Election to be held on May 5, 2018. City Secretary Lacie Hale.
 - e. Decision regarding Ordinance 442, declaring the unopposed candidates elected to the following offices: Mayor, Linda Anthony; Council Member (Place 2), Brian Plunkett; and Council Member (Place 4), Darin Walker. City Secretary Lacie Hale.
 - f. Public Safety: Approval of the Public Safety Report for January 2018. Chief Scott Gerdes.

COUNCILMEMBER McCOLLOUGH MOTIONED TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE. MAYOR PRO TEM ABSTAINED FROM CONSENT AGENDA ITEMS A AND B.

4. Land Use: Variance to remove a tree larger than 14 inches in diameter (Tree #74 – 14 inch Live Oak) for new residential construction at 600 Rocky Ledge Road #2. (Section 22.03.304 of the West Lake Hills Code.) Applicants Mario Segovia and Mark Vornberg.
 - a. **Staff Briefing. City Planner Ashby Grundman explained that the request is for the removal of tree T74, a 14-inch live oak. It would require 21 inches of replacement. The lot is currently vacant but the proposed residence is approximately 7700 square feet, with 17% impervious cover. ZAPCO recommended approval, vote 3-2. Their biggest concern was they thought the house could be shifted to the northeast because it looks like there is an open area without trees. There is a possible future separate variance, for the driveway, but the applicant is waiting to get approval from the neighbor before they apply for the variance.**
 - b. **Presentation by applicant. Applicant’s representative Mario Segovia explained that the house has been moved quite a bit to fit it on the site. There is quite a bit of topography on the site. Pushing the house north would require more excavation because of the height restrictions. House is almost 8,000 square feet but the building footprint is below 5,000 square feet. The house is stacked. The total caliber of all the protected trees are equal to 6718.5 inches. The 14 inches represents 2% of that. The hardship is the height limitation and excavation.**
 - c. Public Hearing:
Colleen Galvin of 514 Yaupon Valley asked about the driveway and how much will be built into the easement.
 - d. Deliberation and action.

Council asked about the excavation impact if the house was moved north, the situation with the driveway, and what the replacement inches will be.

COUNCILMEMBER WALKER MOTIONED TO GRANT THE VARIANCE, AS REQUESTED. COUNCILMEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

5. Finance: Discussion/decision regarding the City’s Investment Policy. City Administrator Robert Wood.
 - a. **Staff Briefing. City Administrator Robert Wood explained that items #5 and #6 are together. The City has always had a combined policy that included the investment policy and finance procedures. Financial procedures and control was just separated to be it is now its own policy and did not change. The City is very restricted on investments so the policy reflects that.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

Council asked if the auditor has reviewed the policies, if there were any significant changes were made to the investment policy, and if the cash management policy was the same one that the auditors reviewed.

COUNCILMEMBER McCOLLOUGH MOTIONED ADOPT RESOLUTION 2018-02-01. COUNCILMEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

6. Finance: Discussion/decision regarding the City's Financial Procedures and Controls. City Administrator Robert Wood.
 - a. Staff Briefing.
 - b. Public Hearing: All persons wishing to speak for or against shall be heard.
 - c. Deliberation and action.

Item was discussed during agenda item #5.

7. Finance: Discussion/decision on submitted proposals for depository banking services. Finance Officer Vonda Ragsdale.
 - a. Staff Briefing. **City Administrator Robert Wood explained that cities and counties are required to go out for bids at least every five years. The company that the City has used the past five years is Frost Bank. The RFP was sent out and very thorough. The City received two responses one from Frost Bank and the second was BBVA Compass. Finance Officer Vonda Ragsdale and Financial Advisor Linda Patterson explained the evaluation process. Their recommendation was to continue using Frost Bank for depository banking services.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

Council asked about the daily balance in the bank account versus investments.

COUNCILMEMBER McCOLLOUGH MOTIONED ACCEPT THE RECOMMENDATION TO CONTINUE TO USE THE INCUMBENT THE BANKING INSTITUTE AS RECOMENDED. COUNCILMEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

8. Public Safety: Discussion/decision on code amendment regarding blasting within city limits (Sections 22.03.124 and Division 13 of the City of West Lake Hills Code of Ordinances). City Administrator Robert Wood.
 - a. Staff Briefing. **City Administrator Robert Wood explained that staff is reviewing the code for sections that are no longer necessary. There is language in the code that talks about coming to the City Council for a blasting permit. Years ago, it was not an uncommon way for people to excavate property. New equipment has been developed that is safer and less liability so there is no need for blasting.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

Council asked if this section was removed and the request is made if it would then be a variance request.

COUNCILMEMBER McCOLLOUGH MOTIONED ADOPT THE AMENDMENT TO DO AWAY WITH BLASTING. COUNCILMEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

9. Public Safety: Discussion/decision on code amendment to allow prefabricated or modular sheds (Sections 22.03.165 & 22.03.204 of the City of West Lake Hills Code of Ordinances). City Administrator Robert Wood.
 - a. **Staff Briefing. City Administrator Robert Wood explained that the current code states that a prefabricated and modular shed are not allowed. The proposed amendment allows the sheds but with certain limitations and restrictions.**
 - b. Public Hearing:
Colleen Galvin of 514 Yaupon Valley Road asked about the square footage allowed for the shed, and if someone is only allowed to put one shed up. She shared her concerns about the look of the sheds and requested language be added about what it should look like.
 - c. Deliberation and action.

Council asked if it would count towards impervious cover and asked if a permit is required.

COUNCILMEMBER McCOLLOUGH MOTIONED ADOPT THE ORDINANCE ALLOWING PREFABRICATED SHEDS. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

10. Public Safety: Discussion/decision on code amendment regarding screening of compressors and other equipment (Section 22.03.171 of the City of West Lake Hills Code of Ordinances). City Administrator Robert Wood.
 - a. **Staff Briefing. City Administrator Robert Wood explained that the code currently there is a requirement that this type of equipment be shielded. It mostly focuses on the idea of muffling the sound. This is to require screening so that it is not visible for the neighbors or from the street.**
 - b. Public Hearing:
Collen Galvin of 514 Yaupon Valley asked about the screening material.
 - c. Deliberation and action.

Council asked what would trigger this requirement for a remodel and asked about the follow up mechanism to make sure there is screening.

COUNCILMEMBER WALKER MOTIONED APPROVE THE AMENDMENT FOR SCREENING OF COMPRESSORS AND OTHER EQUIPMENT AS PROPOSED. COUNCILMEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

11. Public Safety: Discussion/decision on code amendment regarding signs (Chapter 32 of the City of West Lake Hills Code of Ordinances). City Administrator Robert Wood.
 - a. **Staff Briefing. City Administrator Robert Wood shared that recommended changes are minor. Assistant City Attorney Laura Mueller explained the major changes to the ordinance. They were based on the new case that made it stricter for cities to regulate signs and how we can regulate them on content based. The big changes were to the definitions and exemptions.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

COUNCILMEMBER WALKER MOTIONED AAPROVE THE SING AMENDMENT AS DRAFTED. COUNCILMEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

12. Administration: Update on City and other area infrastructure improvement projects including Bee Cave Road, drainage master plan, Water District 10, and Camp Craft Road. City Administrator Robert Wood.
 - a. **Staff Briefing. City Administrator Robert Wood explained that the Camp Craft Road work has been added as a change order to the Bee Cave Road project. Water District #10 will be sending out notices on Circle Ridge. Construction for the Cedar Ridge water line will begin mid-March. The Drainage Design manual should be ready for Council consideration at the March 28 Council meeting.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

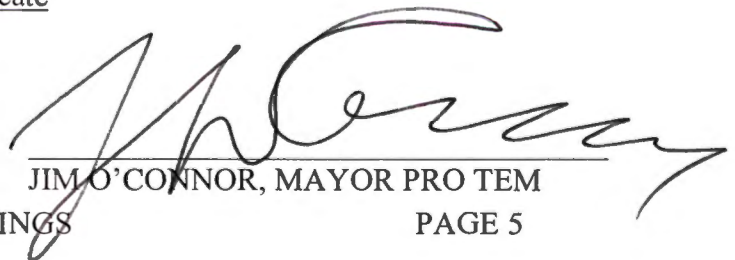
No Council action was taken.

13. Land Use and Litigation: Update on Cause No. D-1-GN-001858, City of West Lake Hills vs. Yaupon Partners, LLC and Ray McMackin; Case No. 12-12734-tmd, In re: Raymond McMackin; and Adversary No. 13-01049-tmd, City of West Lake Hills v. Raymond McMackin. Legal Counsel.
 - 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 #13 FROM 8:28 PM TO 9:14 PM. NO COUNCIL ACTION WAS TAKEN.

14. **Adjourned by Mayor Pro Tem Jim O'Connor at 9:14 pm.**

Certificate



JIM O'CONNOR, MAYOR PRO TEM

ATTEST:

Lacie Hale

LACIE HALE, CITY SECRETARY

