

MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, August 8, 2018
7:05 p.m.

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

Absent: Councilmember Rhonda McCollough.

1. **Called to Order by Mayor Linda Anthony at 7:50 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 July 25, 2018 Regular Meeting Minutes. City Secretary Lacie Hale.
 - b. Approval of the August 1, 2018 Special Meeting Minutes. City Secretary Lacie Hale.
 - c. Contracts: Discussion/decision regarding Interlocal Cooperation Agreement for health services (food service inspections) between the City of West Lake Hills and the City of Austin (to expire September 30, 2019). City Administrator Robert Wood.

MAYOR PRO TEM O'CONNOR MOTIONED TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 3-0-1 VOTE. COUNCILMEMBER PLUNKETT ABSTAINED.

4. Land Use: Variances to encroach into a front building setback and driveway setback and removal of two trees with trunk diameters of 14 inches or greater (Tree 304 – multi-trunk Hackberry (11”, 8”, 8”, 6” & 5”); (Tree 305 – multi-trunk Elm (7”, 6” & 5”); and Tree 307 – 15” Cedar) for the construction of a new residence at ABS 21, SUR 1 W. Sparks .550 Tract (adjacent to 1519 Wild Cat Hollow (Southwest)). (Sections 22.03.281 and 22.03.304 of the West Lake Hills Code.) Applicants Scott and Laura Carpenter.
- a. Staff Briefing. **City Administrator Robert Wood explained that tree 305 may not need a variance. He proposed that the applicant be refunded the variance fee if it isn't required.**
 - b. Presentation by applicant. **Applicant Scott Carpenter gave the location of where trees 304, 305, and 306, are on the site plan.**
 - c. **Public Hearing: No one spoke.**
 - d. Deliberation and action.
(Note: This item requires dual action. BOA action on the structure and driveway in the setback variances and City Council action on the tree variance.)

Council encouraged the applicant to plant the replacement inches out towards the driveway, where the asphalt starts, to give the applicant privacy.

COUNCILMEMBER WALKER MOTIONED TO APPROVE THE VARIANCE REQUEST FOR TREES 305, 306, AND 307, AND REFUND THE FEE IF TREE 305 IS NOT A VARIANCE TREE. MAYOR PRO TEM O'CONNOR SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

5. Land Use: Variance to remove a tree larger than 14 inches in diameter (Tree #239 – multi-trunk 11” and 16” Cedar Elm) at 14 North Peak. (Section 22.03.304 of the West Lake Hills Code.) Applicant David Burton.
- a. Staff Briefing. **None was given.**
 - b. Presentation by applicant. **Applicant David Burton explained that the property owners are proposing to build a 3,700 square foot home at 14 North Peak. They are not asking to remove the tree just encroach into the one half critical root zone. They are proposing to cantilever the foundation and air spade the grade beam excavation in the area behind the tree, so it will minimally impact the root zone.**
 - c. Public Hearing: **No one spoke.**
 - d. Deliberation and action.

Council appreciated the necessary steps to protect the tree, they clarified the type of foundation for the house, and asked what air spading is.

COUNCILMEMBER PLUNKETT MOTIONED TO APPROVE THE VARIANCE AS REQUESTED WITH THE CONDITION THAT THE APPLICANT WILL FOLLOW THROUGH ON THE MITIGATION PLANS THEY DESCRIBED, AIR SPADING, WOOD PROTECTION AND CANTILEVERING TO GIVE THE TREE THE BEST CHANCE OF SURVIVAL AND MINIMALLY IMPACT THE CRITICAL ROOT ZONE. MAYOR PRO TEM O'CONNOR SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

6. Personnel: Discussion regarding the City Administrator's employment agreement.
 - 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. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #6 FROM 8:05 PM TO 9:30 PM.

MAYOR PRO TEM O'CONNOR MOTIONED TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH THE CONTRACT TERMS DISCUSSED WITH OUR ATTORNEY THIS EVENING, AND IF THE CITY ADMINISTRATOR HAS NOT YET SIGNED THIS CONTRACT BY WEDNESDAY, AUGUST 15TH, COUNCIL AUTHORIZES THE MAYOR AND ATTORNEY TO PROCEED WITH VOIDING THE EXISTING CONTRACT. COUNCILMEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 4-0 VOTE.

7. Finance: First public hearing to discuss budget and tax rate for fiscal year 2018-2019. Mayor Linda Anthony.
 - a. Staff Briefing. **Mayor Anthony explained that this is the first hearing for the 2018-2019 budget. Finance Officer Vonda Ragsdale shared the additional revenue that will come in, from raising the tax rate to 7 cents, is \$226,000 and the impact to the average homeowner is roughly \$58. Chief Gerdes presented the cost estimates for proposed recruitment and retaining efforts. Mayor Anthony requested Council to act on the lateral pay increase proposal tonight. City Administrator Robert Wood shared benefits and costs for a proposed Employee Assistance Program.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

Council clarified that the Camp Craft Project was rolled into the 2018-2019 budget, asked if the escalation for employee health insurance and retirement has been included in the proposed budget and agreed to consider an Employee Assistance Program to try out for one year.

Council agreed that Chief Gerdes can immediately proceed with the \$1,000 signing bonus and lateral pay increase.

No Council action was taken.

8. Administration: Discussion regarding making city council agenda related documents available on the City's website. Mayor Linda Anthony.
 - a. Staff Briefing. **Mayor Anthony shared that she was approached by the media to get the supporting material for agenda items earlier than the day of the meeting. Residents have also approached Mayor Anthony about having the documents available, so they can prepare for the meetings.**
 - b. Public Hearing: **No one spoke.**

- c. Deliberation and action.

Council requested the agenda material be uploaded to the website for the next Board of Adjustment and Council meetings, as a trial roll out.

No Council action was taken.

- 9. 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 updated Council on Camp Craft Road project. It will not be done until next fiscal year. The Water District #10 water line, for Camp Craft Road, will also extend the project longer than the original timeline of 3 months. The water line adds to the original timeframe because they are cutting into solid rock.**
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

No Council action was taken.

- 10. Code Enforcement and Litigation: Update and possible action on Cause No. 2018-01-09-01, City of West Lake Hills vs. Jaffe Ventures, LLC and Douglas Jaffe. 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 #10 FROM 10:40 PM TO 11:55 PM. NO COUNCIL ACTION WAS TAKEN.

- 11. Public Works: Discussion/decision regarding the negotiation and purchase of a 0.119 acre tract located at 3939 Bee Cave Road and required for construction of the proposed Bee Cave Road/RM 2244 improvement project, and take other appropriate action. (Parcel 24)
 - a. Executive Session per Texas Government Code, Section 551.071 for Consultation with Attorney and 551.072 Deliberation Regarding Real Property.
 - b. Public Hearing: **No one spoke.**
 - c. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #11 FROM 10:40 PM TO 11:55 PM. NO COUNCIL ACTION WAS TAKEN.

- 12. Public Works: Discussion/decision regarding the negotiation and potential settlement of an eminent domain lawsuit to acquire certain property interests from 4700 Bee Cave Road owned by Homayoun Partovi Farsi, Mehrdad Mehrabani-Farsi, and Parviz Mehrabani-Farsi, Individually and as Trustee of the Mehran Revocable Trust, and which

is required for the construction of the proposed Bee Cave Road/RM 2244 roadway improvements, and take other appropriate action (Parcel 9).

- a. Executive Session per Texas Government Code, Section 551.071 for Consultation with Attorney and 551.072 Deliberation Regarding Real Property.
- b. Public Hearing: **No one spoke.**
- c. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #12 FROM 10:40 PM TO 11:55 PM. NO COUNCIL ACTION WAS TAKEN.

13. Public Works: Discussion/decision regarding the negotiation and potential settlement of an eminent domain lawsuit to acquire certain property interests from 3738 Bee Cave Road owned by Sibco, LLC, and which is required for the construction of the proposed Bee Cave Road/RM 2244 roadway improvements, and take other appropriate action (Parcel 9).

- a. Executive Session per Texas Government Code, Section 551.071 for Consultation with Attorney and 551.072 Deliberation Regarding Real Property.
- b. Public Hearing: **No one spoke.**
- c. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #13 FROM 10:40 PM TO 11:55 PM. NO COUNCIL ACTION WAS TAKEN.

14. **Adjourned by Mayor Linda Anthony at 11:56 pm.**

Certificate


LINDA ANTHONY, MAYOR

Attest:


LACIE HALE, CITY SECRETARY

