MINUTES OF CITY COUNCIL PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, June 25, 2014
7:00 p.m.

PRESENT: Mayor Dave Claunch, Mayor Pro Tem Stan Graham, Councilmembers Linda Anthony, Taylor Holcomb, David Moore and Darin Walker.

ABSENT: None

1. Called to Order by Mayor Dave Claunch at 7:06 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 June 11, 2014 Regular Meeting Minutes. City Secretary Lacie Hale.

b. Approval of the June 11, 2014 Special Meeting Minutes. City Secretary Lacie Hale.

c. Personnel: Appointment of Mike Dewey as an alternate BOA Member to be called upon as needed to fill absences as they occur.


COUNCILMEMBER HOLCOMB MOTIONED TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM GRAHAM SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.


5. Public Works: Discussion/decision on speed limit, signage, and other traffic calming measures for Ridgewood Drive. Mayor Dave Claunch.

NOTICE OF CITY COUNCIL PUBLIC HEARINGS AND REGULAR MEETING JUNE 25, 2014
a. Staff/Applicant Briefing. Mayor Claunch gave briefing that Council has received several emails and comments from residents, including John Ott, Robert and Marty Braun, David and Mary Joe Vandvall, Bryce, Tim Wrich about this issue. As well as a letter from Julie Schran about this issue. Last time Council asked Baker-Aicklen to give an assessment of all the different traffic calming measures that could be applied to this street; to reduce traffic speed, safety, etc. Mayor Claunch introduced City Engineer Tim Haynie and asked him to walk Council through the data collected from the radar. Mayor Claunch added that we started this in January, trying to get the radar to record data but it broke. We called the manufacture and worked with them over a span of four months to get it fixed. He apologized for how long it took to conduct the testing but we finally have what we need to proceed. City Engineer Tim Haynie stated that the traffic study was conducted by a traffic engineer at Baker-Aicklen, Steve Widacki. Mr. Widacki gave a brief presentation of the Ridgewood Road traffic assessment. He began by stating the information gathered was done in a similar fashion to what is normally done in a speed study. Go out on a roadway and effectively assess the traffic before the ultimate speed limit is posted on a roadway. There is an access of a weeks’ worth of data. The data collected in three different time frames, single day, for nearly a week. Effectively, the 85 percentile speed is typically what is posted and enforced. The speed analysis has effectively been done for this roadway. He also looked at the roadway that is located in the city, it is a 40 foot width, and it typically characterizes what is called a residential collector. It is a wider version of a local street funneling the cars through a neighborhood. Normally they do have a higher posted speed than the locals. There are other streets in the neighborhood that are posted at 25. The roadway is physically performing like a neighborhood collector. What is posted, pretty much everyone is driving. From that stand point, if you still want to reduce speed it is an elective process. It is recommended if they do not decide to lower the speed limit then adjust the south most speed limit sign to the property line between the first two lots out there. It will be a little more visible. To effectively achieve a speed reduction there are alternatives to do this. One is speed cushions or speed humps, there are noise issues associated with them. They are normally used in private areas or local streets. You can do it but it typically is not done on a street of this nature. Mr. Widacki explained that another alternative is a speed table, as a traffic calming device. It is an extended speed hump. It has an approach flat section along the top, which is about 10 – 20 feet in length. Then a descending section that basically gives a feeling of discomfort. It will cause speed reduction of several miles per hour. If it is at 30 miles per hour and you are looking to go to 25 it is a possible solution. There are issues with it. One is they are relatively long, so you would have to install it in an effective location. A final alternative that is more costly and severe is narrow the lanes. This is an optical device that as you approach it, the roadway narrows from what one is use to traveling so the intent is to slow down. He doesn’t think there is a large volume of trucks on that road, so it might be a possible solution. Another issue is that it requires taper links. He just doesn’t see this as a possibility because of the driveways. It will make it difficult for people accessing their driveway and
going out. It is a big cost item but it will effective solution to achieve something like that. The roadway is performing as it currently signed today.

b. Public Hearing:

Colleen Mayner of 429 Ridgewood Road, for those that have never travelled on Ridgewood Road there is this long space between Hatley, Pick Wick and Gentry. It is ideal if you want to gun it and go. Her concern as a longtime resident, she has seen the traffic increase terrifically since she moved here in 1971. As she heard Mr. Widacki speak, she does have some concerns. She does think about all of the driveways. Her response to what she heard is, could we try some stop signs. She thought Mr. Widacki had a valid point that people are doing it. There are a few people that go on that space and gun it. Not everyone is doing this so she has a little bit concern. There are not a lot of trucks only delivery ones. She thinks it would be a disaster with too much stuff, getting in and out of the driveways.

c. Deliberation and action.

Council deliberated and supported lowering the speed limit and relocating the speed signs to where they would be most effective. Mayor Clauch added that another option is to petition City of Austin to put a four way stop at Hatley. Mayor Pro Tem Graham supported the petition.

COUNCILMEMBER MOORE MOTIONED TO INSTRUCT CITY ATTORNEY TO DRAFT ORDINANCE TO LOWER SPEED LIMIT FROM 30 TO 25 MILES PER HOUR ON RIDGEWOOD ROAD. ADDITIONALLY HAVE STAFF WORK WITH CITY ENGINEER FOR INCREASE SIGNS AND BETTER LOCATIONS, AS WELL AS INSTRUCT STAFF TO PETITION CITY OF AUSTIN TO ADD A FOUR WAY STOP SIGN AT THE INTERSECTION OF RIDGEWOOD ROAD AND HATLEY DRIVE.

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

6. Public Works: Discussion/decision regarding proposal from Texas Transportation Institute on Westlake Drive safety improvements. City Administrator Robert Wood

a. Staff/Council Subcommittee Briefing. City Administrator Robert Wood gave briefing that a proposal was accepted from the Texas Transportation Institute to look at Westlake Drive and the different safety improvements that have been discussed in the past. Council has a report in their packet, from Cindy**, of the Texas Transportation Institute, that covers the information and makes a recommendation from the different types of paving that have been under consideration. He then introduced Cindy Estakhri from Texas Transportation Institute.

Cindy Estakhri gave a brief presentation explaining her report dated June 19. First, they took a look at the curve just to see what the actual friction numbers were so they could measure. They didn’t feel like there was any point of resurfacing if the friction was ok and maybe it was just a speed issue. They did some friction measurements and determined it was a low friction. It
is characteristic of the limestone surface, which is there. It characteristically polishes easily so it is not known for good friction. It does not hold its friction over time so it is not unusual that there is not good friction there. She did measure the section of delamination, shows the old surface. It happens to be a chip seal or seal coat. It was probably a trap rock aggregate, which is a very good high quality aggregate. The friction was more than twice then what is on the current surface. It is possible the previous surface was actually much better at controlling skid. We don’t know exactly what it was like in the curve so it could have been damaged or something. She looked at other surfaces, where similar types of measurements have been made, to see what can be done to make recommendations for improvements. Her first recommendation is called fine PFC. It was first used in Lufkin district on a clover leaf off of US 59. All the trucks that come through Lufkin have to take this clover leaf to go around. They were having the same types of problems because it is a sharp turn. Every time it would rain the cars would skid into the ditch. This surface was placed and they say a significant improvement. The PFC means permeable friction course. Water can pass through it. It gets water off the road very quickly and it is not going to stand on the road. The water come out the sides. It has 24% air voids. If a high quality aggregate is used then this is probably a very good surface. They are constructing this type of surface on RM 2222 on July 14. The contractor who is doing that said he would be willing to place this surface on Westlake Drive. She thinks it’s a good option and he has given, what she thinks, reasonable costs, $24,250.

Mayor Claunch clarified what the estimated cost was based on. Ms. Estakhri responded that the contractor estimated $150 per ton. She estimated it would take 95 tons for this project. Councilmember Moore asked about the PFC sample, if the exterior surface is the top. Ms. Estakhri responded that the sample had been cut with a saw so it is smooth. The rough surface is what will be placed on top. The top is coated with asphalt so right at first the friction will not be what it will be long term because the asphalt will get worn off. The aggregate will then be exposed. Once it is exposed, then you will get the friction. This will be made with sandstone aggregate. It is what will be used on RM 2222. It is was is called an surface aggregate classification A, which means it has long term friction and non-polishing, good skid resistance. This is what she recommends, as a good choice. It is also low noise and more than likely the contractor would be willing to place it the same time as the RM222 project, which would be pretty soon, July 14. Mayor Claunch stated that unfortunately, we will not be ready for it because of the sewer line installation.

Councilmember Holcomb asked Ms. Estakhri what is the coefficient of friction that she would like to see. Ms. Estakhri responded that this is not a standard test. That is something that would be done with a skid trailer. It is a locked wheel with water on it. You can’t do that kind of measurement in this curve. This is another laboratory type device that they used. There is not a standard that you would like to see,.2 is very low. What you would get with a good sandstone aggregate is like a .52. They know from experience that it has
good skid and good friction measure with the other device. It is what you would expect with that surface. There is a similar surface, which uses the same materials, but doesn’t allow the water to pass through. It is going to seal the surface. Another disadvantage, potentially of the other, is you can’t cover it up. It will need to be removed before another surface is put on top of it. This surface is going to seal the surface, used throughout the Austin area by TXDOT, it is commonly available, and high quality. It is going to be roughly the same costs but the water will sit on the surface and drain from the top. This is why she prefers the PFC for this location. Ms. Estakhri passed around another sample and Mayor Claunch confirmed that this sample had no absorption. Mr. Estakhri responded that it does not. Just need to make sure that when is it constructed it is compacted very well. You do not want it to have absorption. You want to make sure it has very high density and water does not go through it. City Administrator Robert Wood asked if that was the difference. The way it is installed and compacted. Ms. Estakhri responded that it is not the way it is installed. It is mainly how it is designed. The final surface was the high friction surface. She passed around a sample of it. This is a product called safe lane. She didn’t have a sample of the product she recommends, called Traffic Grip. The Traffic Grip is placed on the Circuit of the America’s track by this supplier. He has been doing this for a very long time, technically knowledgeable and reputable. Most of those types of surfacings are going to be made with boxite, which is a very high friction aggregate. It is going to be made with apoxy, glued to the pavement surface. That has had a few problems in terms of performance. It is not going to last as long. The supplier estimates about 5 years. It could be that you repair it over time. If the existing surface is really polished you might want to come in and do some micro-milling to rough it up to get a good bond. She sent the supplier photographs of the surface and he didn’t say that he thought it was a problem, but might be something that should be considered.

Mayor Claunch asked if all three needed to have the areas that are delaminating fixed before they can be installed. Ms. Estakhri responded that there are two spots and they are pretty simple repairs. Mayor Claunch confirmed that you spot fix them and put whatever we come up with down. Ms. Estakhri responded yes. Mayor Claunch confirmed that none of the pricing included that. Ms. Estakhri responded that she didn’t think that would be significant. It is not a structural problem. It is just a delamination failure so she thinks it will be a minor fix.

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

Mayor Claunch elaborated that Ms. Estakhri was only tasked with the surface treatments and that others have talked about a lot of other things that can be done as traffic calming measures. He commended Ms. Estakhri. This is exactly what former Councilmember Dewey wanted to see and it gives a real definitive assessment of different options along with your professional recommendation. He asked if her decision to not go with HFST, as your first recommendation, is it primarily costs since it is nearly double. Ms. Estakhri
responded that it would be her feeling since it is double. There is less experience with it. The failures that she showed in the body of her report are ones that she investigated herself. Five years really isn't a long time but if you want the really high friction surface, that is it. Mayor Pro Tem Graham asked for clarification for why the PFC is recommended over the overlay mix. Almost everything is identical but two important things that stood out to him are the life expectancy for the PFC is 8-10 years, the second one is 10-12 years, the coefficient of friction is exactly the same. Councilmember Moore stated that it is water. Ms. Estakhri stated that it reduces the splash and spray, better visibility, removes the water from the tire pavement surface, contributes to improve friction, so it is getting the water away from the surface quickly. Mayor Pro Tem Graham clarified that something classified the same friction, 2.75 on each of them, there actually is a difference if it is wet. Ms. Estakhri responded that it reduces splash and spray so you are not going to have water standing on the road. It is going to reduce that quickly. You will have better night time visibility when you don't have water on the surface of the road. PFCs are known for that and it is why people use them. Mayor Claunch elaborated that dry conditions they may be similar but wet conditions PFC has an advantage. Ms. Estakhri stated that the friction comes from the stone, primarily. If you can get the water away from the surface, it is also helpful. Councilmember Moore stated that this is one facet of the fix. This will be replacing what the subcommittee recommended, which was grooving. This is less noise and looks like probably a better solution. They still have the traffic calming measures, the chevrons have been installed but the road studs need to be discussed. Also, lane channeling, which is something he doesn't want to be forgotten. He also felt that more warning sides needed to be added, friction/dangerous curve. Also discussed road humps.

Mayor Claunch stated that road humps were discussed but surface treatment was more bang for the buck. Councilmember Moore stated there are two problems, speeding and friction. Regardless of what surface is put down, the issue of speeding still needs to be addressed. Council agreed to move forward with this. Mayor Claunch asked if they wanted to add anything to this such as speed humps and/or reflectors. Mayor Claunch asked how they felt about reflectors. Councilmember Holcomb stated yes, for the channeling. Mayor Claunch stated center and outside lane reflectors. Previously Council felt that it was something that could be accommodated with the asphalt. Mayor Claunch asked Council how they felt about speed humps. Mayor Pro Tem Graham stated he was opposed to it. Councilmember Walker stated he didn’t know about speed humps. He asked about the history of speed humps in the area. Mayor Claunch stated that they have installed them one other place in town, Cedar Park. They were on a street where they were getting a lot of cut through traffic from people who are on Forest View. It served its purpose to push traffic to the preferred larger road. The neighbors liked it, they were happy with it. Temporary speed humps were installed, just in case they didn’t like them. There was some real concerns because you have to have sight distance issues. You can't just put them right in the middle of a curve, you have to have plenty of room for people to see them and signage. It
worked well there and when he checked with the neighbors last year, they were all still positive about it. They haven’t tried it in a situation where there is only one way to go. Mayor Clauch doesn’t think it will reduce volume but may help people slow down. The objections that residents always express about speed humps is the noise. He also has concerns with sight distance there because it is curvy and hilly. He suggests to do the reflectors and surface treatment. Hold off on speed humps and see if there is still a significant problem in the future. Councilmember Moore thanked Ms. Estakhri for preparing a concise report. He thinks that this is one part of the solution. He asked to put an item on the next agenda to continue discussions about doing the lane channeling. Mayor Clauch clarified the timeline and what budget year it would fall under. Councilmember Moore responded that he would like to get it done this year. Council further discussed and clarified the reflectors. City Administrator Robert Wood stated that if we go in the direction of installing the reflectors there is going to have to be some design that is stamped by an engineer. Councilmember Moore stated he agreed. Mayor Pro Tem Graham stated he understood that one is better in wet weather but it also requires milling and the lifetime is a lot less. He asked Ms. Estakhri how much it increases the costs, using more frequently, using recommendation number one. Ms. Estakhri responded that you don’t want to cover up a surface that is designed to pass water through it. It can lead to problems.

Mayor Pro Tem Graham asked if you put recommendation number two down and it starts to wear, the life span is up, then you can just layer over it. The first one you have to take it back up. Ms. Estakhri responded yes. Mayor Pro Tem Graham asked if it was additional costs. Ms. Estakhri stated it would be but in the future. You would hope to get 8-10 years use out of this. Councilmember Moore asked if you put down the fine PFC first then in 8-10 years, could you put the thin overlay on top of it. Ms. Estakhri responded no, you don’t want to cover the PFC. Councilmember Moore went on to say if you went to the thin overlay, which is not a permeable solution, would it matter if you cover up the PFC, if you went to that down the road. Ms. Estakhri responded yes, you just do not want to cover up PFC. When PFC reaches the end of its life; the way you will know you will have to replace it, is when it will start raveling out. The rocks will start to gradually come out. The asphalt gets old and aged. Some of the rocks start to pop out, especially in the real high stressed areas. You don’t want to cover up a surface like that, needs to be removed. She doesn’t think it will be a huge expense. If you are getting ready to come and do a surfacing/resurfacing of Westlake Drive, you are probably going to have a few other areas that you want to mill at that time. She doesn’t see that as a huge expense it is a very short section. Mayor Pro Tem Graham responded that it what he wanted to hear.

COUNCILMEMBER MOORE MOTIONED TO AUTHORIZE STAFF TO ENGAGE CINDY ESTAKHRI TO COMPLETE PART TWO OF HER STATEMENT OF WORK. TO DRAW UP THE SPECIFICATIONS AND PREPARE FOR LETTING OF THE RESURFACING PROJECT. ALSO ENGAGE AN ADDITIONAL TEXAS TRANSPORTATION INSTITUTE
CONSULTANT TO ASSIST WITH THE ENGINEERING SPECIFICATION PROCESS FOR INSTALLING REFLECTORS. COUNCILMEMBER ANTHONY SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

7. Personnel: Discussion/decision on complaint filed by Chris Gunter on June 6, 2014 regarding former city planner (Article 2.05 West Lake Hills Code). City Administrator Robert Wood and City Attorney Alan Bojorquez
   a. Staff Briefing. City Attorney Alan Bojorquez gave briefing of process defined by the City of West Lake Hills code. He stated the rules we have governing ethics and conduct of city officials, appointed or elected, is in Article Two of our Code of Ordinances. It says, when a complaint is filed there shall be an investigation by the City Administrator in consultation with the City Attorney. The first phase of that was initiated, which was a review by his office. That part has been completed. The next part of that will be a briefing by the City Administrator. The ultimately it is the City Council’s decision, what if any action needs to be taken.

Mayor Claunch made statement that on the afternoon of Friday, June 6, we did receive this complaint from Mr. Chris Gunter, regarding former City Planner Davin Fillpot. Both gentlemen are residents of West Lake Hills. We initiated an investigation on the following Monday. The City Attorney’s office has provided Council with a preliminary report within two weeks, as required by our code. Mayor Claunch read Section 2.05.006 from the City of West Lake Hills Code of Ordinances. When we talk about the process, Council’s main task is to stay true to the process. Some people may wish we had a different process, some people may think we should take different steps then what Mayor Claunch just read. Please understand that it is Council’s position from this point, unless advised differently from legal counsel, that this is what Council is supposed to do. They can’t do other things because it is against the code of ordinances. Council intends to adhere to this section of the code. That governs it.

Mayor Claunch wanted to remind everyone that these allegations are unproven. Mr. Fillpot has rights and is innocent until proven guilty through this process that Mayor Claunch described. This process has begun but they are far from completing it. There is one thing that Council and Mayor Claunch agree is very important that everybody understands. In Mr. Gunter’s complaint there was several insinuations that implied “trickery”. Davin Fillpot was engaged by the city to work on a part time basis following his final day of full time employment. He was employed as a full time city employee with full time benefits, insurance, retirement through December 31, 2013. As a favor to the city, he agreed to stay on. He was paid to stay on, to assist with various tasks. Basically, many of the things he did while he was our official city planner. He worked an average of 6 hours per week over the first few months of 2014. Doing things until we were able to find current city planner Ashby Grundman, who came on board March 24, 2014. For a period of 2.5-3 months or so Davin helped us out. Everybody knew it, Council knew that Davin was representing private clients. They knew he left the city to go out and pursue private businesses as an architect. They knew he was
representing different property owners with different interests before these bodies. They were fully aware of it. Davin’s clients knew it. Even some of the people who are cited in Mr. Gunter’s complaint, it is clear from the email exchanges between the parties, that they were aware of it, as well. This investigation has just started, it started rolling. Late this afternoon there is development that affects the timing and what the next steps will be. City Attorney Alan Bojorquez gave briefing that he was informed by the District Attorney’s Office that the Public Integrity Unit has opened a file on this matter. They will be looking into it. They asked City Attorney Alan Bojorquez to preserve documentation because subpoenas may be forth coming. They asked the city minimize their public statements and avoid anything that may have the effect of tainting witnesses. He agreed to cooperate fully on the city’s behalf. Mayor Claunch continued by stating as you can imagine, we feel, it has an impact on what we can and should be doing at this exact moment. The Council is deciding to pause it efforts right now and ask City Attorney Alan Bojorquez’s office to clarify with the District Attorney’s office what we can or should or should not be doing as we pursue our investigation as governed by our code. This is where we stand on it right now. He reminded everyone that 806 Redbud Trail is not on the agenda. You can ask or make statements but Council will not engage in questions about that development.

b. 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.

c. Public Hearing:

Chris Gunter stated he is disappointed that the city investigation was kept in house. He doesn’t feel that it is appropriate in this case. There is nothing in the code that says your investigation has to be conducted by the city attorney or city administrator. It would make no sense if by change one or both of those parties were implicated somehow. You would have to go outside. Mayor, at the last meeting a couple weeks ago, you made a statement. You authorized the city attorney to hire outside counsel. That was not done in this case. He appointed/assigned someone associated with is team, law firm, to do it. He thinks it is as important, for everyone as our leaders in this community, that this thing be totally transparent. He asked if the preliminary report is available to the public.

Mayor Claunch responded no. Mr. Gunter continued by stating it needs to be. This whole thing needs to be transparent and open, so we can all know what transpired. That is the only fair thing to do. He asked City Attorney Alan Bojorquez that when he talks to the DA again, ask him what he thinks about the city investigation being done in house, and see what his thoughts are. Mr. Gunter encouraged them to follow whatever he says. He went on to state that there is no question that the previous city planner did wrong. That is not even an issue anymore. Mr. Gunter encouraged Council, and why outside counsel might be helpful, to also investigate Keller Capitals involvement in this. He knows there is a desire the separate these issues; the subdivision and the misconduct that clearly occurred in this case. They can’t be separated. We wouldn’t be here arguing about 806 Redbud subdivision,
we wouldn't be up here arguing about 5 lots or 7 lots if this misconduct hadn't occurred. We would have had someone over there wanting to build one house in that canyon. It is his position that Keller Capital is as culpable as anybody, as Mr. Fillpot in this deal. They ought not be rewarded by getting to come in here and do what they want to do with this development. He knows that this Council is predevelopment as is ZAPCO and he recognizes that. He thinks it is going to be shameful if Keller gets to come in here and do what they want to do in light of their involvement in this misconduct. They knowingly hired and agreed to pay the former city planner of West Lake Hills to help them get this project through the system, and that is wrong. They ought not to be rewarded by getting to do to that. He encouraged Council to make the report a public document. Make it available so it is transparent and encourage them to not reward Keller Capital.

City Attorney Alan Bojorquez cautioned Council to be concerned about defamation and slander. He also cautioned them to follow the code of ordinances as they make their decisions in the coming weeks.

Councilmember Holcomb asked City Attorney Alan Bojorquez what the code said if the city administrator is part of the investigation. City Administrator Robert Wood clarified that if the city administrator is involved then a subcommittee of the Council would be involved. Councilmember Holcomb stated that it is what the code said and he believes that it is being followed.

Mayor Claunch added that it is true, he did say he authorized City Attorney Alan Bojorquez' office to bring in outside Council. The type of arrangement that our attorney has with the attorney conducting the investigation is exactly what he envisioned when he made those comments. His intention was to encourage the city attorney to bring in someone who was no directly involved with the parties. Ultimately it is up to the City Council to decide if they value the findings of the attorney conducting the investigation.

Mayor Claunch and Mr. Gunter discussed a telephone conversation he had with Keller Capital.

Julie Wirt, West Lake Hills' resident, stated she has no stake in this game. She is pro-development, overall. There is an appearance of transparency and she understands that legal firms are different but when you work together, she thinks you have to understand what the community will interpret. She does think the City Council should take a careful look at, should there be distance. There are serious allegations being made, should there be distance between our City Attorney and who we hire to investigate. That is one thing that should be taken very seriously. Our code doesn’t enable that today but thinks, potentially, the code should. These sort of allegations should be taken very seriously and we should have good independent people to look at it. Everyone has a stake in the game. Another thing is, she doesn’t know Mr. Gunter or his motives, but if we want to treat this process with respect, which she thinks Council talked about. She is very disturbed by the allegations that
were just made to him. If you are worried about him committing slander and liable, you made some pretty serious allegations in front of the community and on public record. She has no staked and doesn’t really care about what happens on Redbud trail but she thinks that we really need to all treat each other with respect. If you want us citizens to not have allegations, we need to be careful about making allegations back.

d. Deliberation and action

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #7 FROM 8:06 P.M. TO 9:26 P.M. NO COUNCIL ACTION TAKEN.

8. **Land Use:** Decision/discussion on variances to remove a tree 14” or greater, at 923 Wild Basin Drive. Applicant Rodney Palmer. (Sections 22.03.281 of the West Lake Hills Code.)

a. **Staff Briefing.** City Planner Ashby Grundman gave briefing that the applicant is proposing to remove a 16 inch tree. It was explained to him that is adjacent to a sport court. They are wanting to demo the sport court and it will more than likely kill the tree. They are coming ahead and asking for the variance.

b. **Presentation by applicant.** Rodney Palmer gave short summary explaining hardship. He stated that there is an existing house and guest house on the property. They are wanting to remove these and build new structures. The main residence and guest house are kind of flipped flopped in the position on the existing site where there are no trees. Starting with the re-use of the existing driveways to help preserve the entrance and the trees around it. The owners have grandchildren but want to remove the sport court. The hardship is if you look at the pictures provided there is a 4 to 4.5 feet concrete sport court wall right next to a three trunk tree. Removing the sport court to utilize the area for the septic system, they feel that the tree is certainly going to die. To design a new residence around it, they feel is the core of the hardship.

c. **Public Hearing:** No one spoke.

d. **Deliberation and action.**

Councilmember Moore confirmed that the applicant feels the tree needs to be removed because it may possibly be damaged while removing the sport court. The applicant responded it is two feet away from the sport court and it will most certainly be damaged. Councilmember Moore asked if the standards of baton board protection will not be a legitimate way to protect the tree while construction work is going on. The applicant stated it was possible but on the other side of the tree there is a house on the other side is the open area where the sport court is going to be removed. There is going to be some changes of grading with that as well.

Councilmember Moore stated that he doesn’t see what the hardship is, designing the house around the tree. The applicant responded that they are trying to maximize the existing area of where the two buildings are and really minimum impact on the site. The owners want to keep the privacy and
not remove any trees they don’t have to. The house is slightly larger so they need a larger septic area. He thinks that the tree will die during the removal of the sport court even though it brings it to its natural state. Councilmember Moore asked if City Inspector Christy Shull has seen the tree. The applicant responded yes, but she didn’t commit to stating the tree is going to die. She is aware of the possibility. Councilmember Moore asked about the replacement plan. The applicant responded that perimeter will be enhanced by tree coverage for the neighbors.

Council agreed that there was not a legal hardship.

Item was postponed.

9. **Land Use:** Discussion of City Code and policy regarding the construction of large retaining walls within the setbacks on residential properties. Mayor Dave Claunch
   a. Staff Briefing.
   b. Executive Session per Section 551.071 of the Texas Local Government Code for Consultation with Attorney.
   c. Deliberation and action.

Item was postponed.

10. **Land Use:** Discussion/decision on extending the moratorium on retaining wall permits. City Administrator Robert Wood.
    a. Staff/Council Subcommittee Briefing. Mayor Pro Tem Graham gave briefing that it needed to be extended for 90 days.
    b. Public Hearing: No one spoke.
    c. Deliberation and action.

MAYOR PRO TEM GRAHAM MOTIONED TO EXTEND THE MORATORIUM ON RETAINING WALL PERMITS FOR AN ADDITIONAL 90 DAYS. COUNCILMEMBER ANTHONY SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

11. **Public Works:** Discussion/decision on citywide dead wood and brush pick up. Councilmember Linda Anthony.

Councilmember Anthony gave briefing and clarification for timeline and dates. She stated that the letter is going to be mailed out in the next week or two. The pickup from Redbud Trail north starts on August 4th. The rest of the City starts on August 18th. Mayor Claunch stated the information is published in the city newsletter and a letter with more information will be mailed out to the residents.

12. **Administration:** Discussion/decision on possible modification of City Council procedures found in Sections 2.02.031 to 2.02.041 of the West Lake Hills City Code. Mayor Dave Claunch.
    a. Staff Briefing. Mayor Claunch gave briefing that at the annual planning session they discussed goals and aspirations that Council would like to do with code, polices and budget priorities. One item was shortening Council meetings. From

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what the Mayor understands, he wants Council to see a range of things. Including items that come before Council that could get approved at the staff level, and limit times that are spent on individual items. He proposed a subcommittee to assist with looking at different policies and procedures then report back.

b. Public Hearing:
Kathy Wirt of Parkwood Court stated that she decided to get involved at the beginning instead of the end. There are three different categories of suggestions of how she thinks the meetings can be improved. First is resident input. We are 3 hours and 20 minutes into the meeting and residents have spoken for probably under 10 minutes. She suggests that limiting resident ability to input isn’t the biggest factor in this. She would want to make sure that residents have a chance to input. She thinks there are a lot of ideas around using technology. There are things, you could have comments on the official Westlakehills.org site where people can put their comments in to begin with. Read emails into the official records. As a resident, she can say that these meetings are not any fun for them either. They feel like the only voice they have is to come here, sit through the entire thing, and speak their 5 minutes. She thinks that we should figure out as many ways to leverage technology as possible, so that people can have input throughout the cycle. Another thing around that is the agenda and minutes. She finds that from reading the agenda she rarely knows what is going to be discussed. She thinks that more details need to be put into the agenda. Specifically, what things Council is going to be talking about. That ensures you will get the right people here and prepare themselves before the come to the meeting. The minutes are not necessarily put up in a timely fashion, so it is very hard to keep up with things unless you physically come at all times. Those are best practices around. Making sure you have lots of ways for residents input that aren’t all about sitting here for five hours. The last one is around meeting efficient. Her take from just sitting in the audience is, it seems like a lot of things are designed by committee. Someone will come in and have three different things they are suggesting. Instead of those three things, everyone wants to put input of here is a fourth one, why couldn’t we do. One of the things that she considers helpful, and doesn’t know if they are allowed to do this is, take a prelim vote on if you all do or do not agree or if you need to discuss it further. She does not see this happening a lot of times, there is 20 – 30 minutes of discussion and find out you all agree to it anyway, but listened to 30 minutes of it. She thinks that there are some real efficiencies like that, take a preliminary vote if you all agree then move on. To organize things so the quick things up front and executive sessions at the end would be awesome. She feels strongly about doing a prelim vote and not designing by committee.

Tom Keller of 1414 Circle Ridge Drive focused in on one point and that was the emails. What he read this evening was that the emails can be part of the agenda packet, if you get it by Friday. He was not aware that they are made a public record because they don’t show up in the minutes. There is probably a public record, emails, which Council sees but the people in the audience do not. Yet you share them. He think in the interest of shortening the meetings and tampering down the frustration of long meetings, for public input, a lot
of the public are more than happy to make a short note in Next Door neighbor. Councilmembers are really good at responding. Instead of people wasting time to make a point, he would love to put this point in an email and know that it is not just going to be shared among Council but also by anyone else that wants to read the minutes of the meeting.

Alejandra Fernandez 809 Redbud Trail agreed with what Ms. Wirt stated.

c. Deliberation and action.

Councilmembers Moore and Anthony agreed that procedures are already in the code they are just not enforced. Mayor Clauch stated he will run the meetings this way if they want him to. Councilmember Anthony said she sees people walk out of meetings because of how late they run and people are not getting a chance to speak. Mayor Pro Tem Graham stated we have a lot of complicated projects and Council also talks a lot it is not always the applicant or resident. Councilmember Anthony stated there are ways to do that with timing. Council can refrain from questions during the applicant’s presentation. Mayor Clauch stated that the big elephant in the room is not whether we give people 5 or 10 minutes to speak, it is that there have been a lot of important issues that require executive session. The one earlier was 90 minutes. It is those sort of things. Typically, we keep those things for the end of the meeting. Executive sessions are why our meetings are running long. Councilmember Moore agreed. When he first got on Council there were hardly any executive sessions. Mayor Clauch stated that the items discussed in executive session are important and better the community. He doesn’t want to limit what individuals have to say to their elected representatives, when the real problem is we have these weighty issues. He suggested that we add a third Council meeting to the schedule. He also suggested we chip away things that can be handled at a staff level. Councilmember Moore stated it was a great idea and some of the items can be put on the consent agenda beforehand too. Mayor Clauch asked to form a subcommittee of two members to report back with suggestions to consider at a later date.

Mayor Pro Tem Graham and Councilmember Anthony volunteered to assist with this effort.

13. Administration: Discussion/decision regarding the possibility of giving city staff the authority to approve certain permits and other requests that are currently approved by the City Council. Mayor Dave Clauch.

Discussed with Item #12.

14. Fire Safety: Update on efforts to improve fire safety, including Fire Wise, FireWatch, Travis County WCID 10, cooperative efforts with Travis County ESD 9, and interlocal agreement with City of Austin and Travis County. Mayor Dave Clauch.

a. Staff Briefing. Mayor Clauch gave update that the City of Austin and Travis County both approved the interlocal agreement and are moving forward with the plans to purchase the additional sensors for the Firewatch camera.
system. It will make our system part of a three tower, five camera system that will cover a big portion of Southwest Travis County. City Administrator Robert Wood added that two things that happened today. The first is that they really wanted to get the agreement signed today and they set up City Administrator Robert Wood as the signatory on the document. Since Council authorized the execution of the document he signed it. They were trying to get it moving because of a slight change. It has no impact on the City of West Lake Hills. They wanted to get it signed soon because from signature date Firewatch has 10 days to give two cameras to Austin and Travis County. Once that happened the City of Austin is going to turn around and buy two sensors. Travis County is going to reimburse them for one so there is actually going to be five cameras involved instead of three. Mayor Pro Tem Graham asked for someone to stay involved through this whole process. City Administrator Robert Wood said that we would have to because they need to get their equipment. Mayor Pro Tem Graham stated at one point he is going to want to see the effectiveness of this. City Administrator Robert Wood stated that the next step is figuring out logistics for how they are going to get our equipment to their location, our sensor to beam to that location, all of that stuff.

b. Executive Session per Section 551.071 of the Texas Local Government Code for Consultation with Attorney.
c. Deliberation and action.

Mayor Claunch gave briefing of what was discussed at the joint meeting held earlier with Water District #10.

No Council action taken.

15. Public Works: Discussion/possible decision on update regarding Bee Cave Road right-of-way acquisition. Mayor Dave Claunch.
   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.

No Council action taken.

   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 #16 FROM 10:43 P.M. TO 11:20 P.M. NO COUNCIL ACTION TAKEN.
17. **Litigation:** Update on Peace v. Hovis, Cause Number: D-1-GN-13-003985, regarding real estate transactions involving 102 Westhaven Drive and 101 McConnell Drive. City Attorney Alan Bojorquez.
   a. Staff Briefing.
   b. 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.
   c. Deliberation and action.

**COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #17 FROM 10:43 P.M. TO 11:20 P.M. NO COUNCIL ACTION TAKEN.**

18. **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 #18 FROM 10:43 P.M. TO 11:20 P.M. NO COUNCIL ACTION TAKEN.**

19. Adjournment, Mayor Dave Claunch.

Certificate

[Signature]

DAVE CLAUNCH, MAYOR

ATTEST

[Signature]

LACIE HALE, CITY SECRETARY

[Stamp]