

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, August 28, 2019 at 7:00 p.m.

A Regular Meeting of the City Council of the City of West Lake Hills, Texas, was held on the 28th day of August 2019 at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, for which proper notice was given.

1. With a quorum of the Councilmembers present, Mayor Linda Anthony called the meeting to order at 7:02 p.m. In attendance were:

Mayor Linda Anthony

Councilmembers: Jim O'Connor, Mayor Pro Tem
Rhonda McCollough
Brian Plunkett
Beth South
Darin Walker

Staff: Robert Wood, City Administrator
Debbie Loesch, City Secretary
Erin Higginbotham, Assistant City Attorney
Anjali Naini, Director of Building & Development Services

2. Citizens Communications: The Mayor opened the meeting for public comments.

Brad Walters stated his concerns with the delays in the permitting process along with the tree replacement plan for the property at Rollingwood and Ridgewood.

Councilmember Walker requested that an item be added to the next agenda to be able to discuss this situation.

3. CONSENT AGENDA: A motion was made by Mayor Pro Tem O'Connor with a second by Councilmember McCollough to approve the Consent Agenda items a. – f. as presented and listed below. The motion carried unanimously by a vote of 5 ayes to 0 nays.
 - a. Approval of the August 14, 2019 Regular Meeting Minutes. City Secretary, Debbie Loesch.
 - b. Approval of the August 15, 2019 Special Called Meeting Minutes. City Secretary, Debbie Loesch.
 - c. Administration: Approval of the proposed FY 2019-2020 City Holiday Schedule. City Administrator, Robert Wood.
 - d. Wastewater: Approval of Amendment No. 370 (Utilities Wastewater Fees) amending Appendix A, Fee Schedule, Article A8.00, Utilities Fees, of the West Lake Hills Code of Ordinances, revising monthly charges and other miscellaneous fees and changes, new connection fees and conditions, and utility fees. City Administrator, Robert Wood.
 - e. Postponement. Land Use: Discussion/action regarding City Code amendments to Section 28.03 to bring into compliance with Chapter 212 of Local Government Code.
 - f. Postponement. Land Use: Discussion/action regarding City Code amendments to Chapter 36 to bring into compliance with Chapter 212 of Local Government Code.

4. **Land Use: 3300 Bee Cave Road:** An Ordinance amending the Uniform Signage Agreement for Westbank Market-3300 Bee Cave Road to allow for the installation of new menu board signs at the McDonald's drive-thru (Chapter 32 of the West Lake Hills Code). Applicant Tracey Diehl, Expedite the Diehl LLC (Representative James Alfaro, Alamo Sign Solutions).
 - a. Staff Briefing. Anjali Naini reviewed the amended agreement for a new menu board sign at McDonald's drive-thru.
 - b. Presentation by applicant. James Alfaro with Alamo Sign Solutions. Council did not have any questions for the applicant.
 - c. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - d. Deliberation and action.

A motion was made by Councilmember Plunkett with a second by Councilmember Walker to approve the amended Uniform Signage Agreement and to include the conditions: (1) applies to the drive-thru only; (2) remove the existing menu board; (3) there will be no pre-browse boards; and (4) illumination – turns off after close of business and must follow the curfew hours for lighting. The motion carried unanimously by a vote of 5 ayes to 0 nays.

5. **Finance:** Discussion/decision to consider a bond ordinance and term sheet for the refinancing of wastewater revenue bonds, series 2012. Financial Advisor Blake Roberts and Bond Counsel Jerry Kyle.
 - a. Staff Briefing. Blake Roberts spoke to Council regarding the refinancing terms for the bonds.
 - b. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. Deliberation and action.

A motion was made by Councilmember South with a second by Mayor Pro Tem O'Connor to approve adoption of the bond refinancing ordinance to include the change in the rate covenant. The motion carried unanimously by a vote of 5 ayes to 0 nays.

6. **Administration:** Presentation and update on Southwest Travis County Groundwater Conservation District (SWTCGCD). Mayor Linda Anthony. Juli Hennings and Richard Scadden representing SWTCGCD.
 - a. Staff Briefing. Richard Scadden gave a presentation on the organization of the District. There was a request for support from the City Council to urge the citizens to vote in favor of District in the upcoming election on November 5, 2019.
 - b. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. Deliberation and action.

A motion was made by Councilmember McCollough with a second by Councilmember Walker to approve a resolution supporting confirmation of the Southwestern Travis County Groundwater Conservation District. The motion carried unanimously by a vote of 5 ayes to 0 nays.

7. Land Use: Discussion/decision regarding City Code amendments to Chapter 32: Signs for efficient review. Anjali Naini, Director of Building and Development Services.

There was no discussion or action taken. The item was postponed to the next council meeting on September 11, 2019.

8. Land Use: Discussion/decision regarding City Code amendments to Chapter 22: Building Regulations to handle after-the-fact variances. Anjali Naini, Director of Building and Development Services.

There was no discussion or action taken. The item was postponed to the next council meeting on September 11, 2019.

9. Land Use: Discussion/decision regarding City Code amendments to Chapter 18: Utilities to handle after-the-fact variances. Anjali Naini, Director of Building and Development Services.

There was no discussion or action taken. The item was postponed to the next council meeting on September 11, 2019.

10. Land Use: Discussion/decision regarding City Code amendments to Chapter 26: Flood Damage Prevention to handle after-the-fact variances. Anjali Naini, Director of Building and Development Services.

There was no discussion or action taken. The item was postponed to the next council meeting on September 11, 2019.

11. Land Use: Discussion/decision regarding City Code amendments to Appendix A, Fee Schedule to modify fees related to Building and Development Fees. Anjali Naini, Director of Building and Development Services.

- a. Staff Briefing. Anjali Naini gave the briefing to Council to explain the need to increase certain fees relating to Building and Development fees.
- b. Public Hearing: Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
- c. Deliberation and action.

A motion was made by Councilmember Plunkett with a second by Councilmember McCollough to approve Ordinance No. 375 amending the West Lake Code to Appendix A, Fee Schedule as presented. The motion carried unanimously by a vote of 5 ayes to 0 nays.

12. Finance: Discussion/decision to consider Amendment #1 to Budget Ordinance No. 447, an Ordinance amending the Budget for fiscal year 2018-2019. City Administrator Robert Wood.

- a. Staff Briefing. Vonda Ragsdale, Finance Officer, presented the proposed budget amendment.
- b. Public Hearing: Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.

- c. **Deliberation and action.**
A motion was made by Mayor Pro Tem O'Connor with a second by Councilmember Plunkett to approve Amendment #1 to Budget Ordinance No. 447 amending the budget for fiscal year 2018-2019. The motion carried unanimously by a vote of 5 ayes to 0 nays.
13. **Finance:** Second public hearing to discuss the proposed budget for fiscal year 2019-2020 and the proposed property tax rate. Mayor Linda Anthony.
- a. **Staff Briefing.** Vonda Ragsdale, Finance Officer, updated the information for the proposed budget and tax rate.
 - b. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. **Deliberation and action.**
There was discussion with no action taken.
14. **Finance:** Discussion/decision on the proposed 2019-2020 fiscal year budget. Mayor Linda Anthony.
- a. **Staff Briefing.** Mayor Anthony and Vonda Ragsdale, Finance Officer, asked for any questions, comments or concerns the Council had regarding the proposed budget.
 - b. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. **Deliberation and action.**
There was discussion with no action taken.
15. **Administration:** Discussion/decision regarding a code amendment revising the Open Records Cost Recovery Ordinance to provide for a 15-hour limit on the amount of unpaid personnel costs an individual requestor can incur in one month and update definitions to track the ones used in the governing sections of the Texas Government Code. Assistant City Attorney, Erin Higginbotham.
- a. **Staff Briefing.** Erin Higginbotham reviewed the proposed amendment to be able to charge for personnel time when there are requestors that frequently submitted open records requests for which no charges are assessed because of digital copies. This will allow for recouping costs for personnel time in preparing documents.
 - b. **Public Hearing.** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. **Deliberation and action.**
A motion was made by Councilmember McCollough with a second by Councilmember Walker to approve Ordinance No. 376 providing for a limit on the amount of unpaid personnel costs for requestors in one month and update definitions as presented. The motion carried unanimously by a vote of 5 ayes to 0 nays.
16. **Public Works:** Discussion/decision to consider amending the cost sharing agreement with Water District 10 regarding paving Westlake Drive. Mayor Linda Anthony.
- a. **Staff Briefing.** Mayor Anthony reviewed the estimated costs for paving Westlake Drive.
 - b. **Public Hearing:** Mayor Anthony opened the public hearing for comments. Hearing none, the public hearing was closed.
 - c. **Deliberation and action.**

A motion was made by Councilmember Walker with a second by Mayor Pro Tem O'Connor to approve amending the cost sharing agreement by \$53,772.17 with Water District #10 for paving of Westlake Drive. The motion carried unanimously by a vote of 5 ayes to 0 nays.

17. Administration: Update on City and other area infrastructure improvement projects including Bee Cave Road, drainage master plan, Water District 10, and replacement of water line on Westlake Drive, Camp Craft Road. Robert Wood, City Administrator.
- a. Staff Briefing. Mayor Anthony updated Council on the various projects which included final asphalt paving coming soon for Bee Cave Road. The water line and paving on Buckeye Trail will be done soon.
 - b. Public Hearing: there were no comments received.
 - c. Deliberation and action.
There was discussion with no action taken.

18. Personnel: Update from City Administrator on open staff positions. Robert Wood, City Administrator.
- a. Staff Briefing. Robert Wood reported that there has been a total of 5 applications received for City Secretary and 4 for Deputy Court Clerk. Interviews are being scheduled for the following week for City Secretary position and the Municipal Court Judge is reviewing the Deputy Court Clerk applicants.
 - b. Public Hearing: there were no comments received.
 - c. Deliberation and action.
There was discussion with no action taken.

19. Administration: Discussion/decision to change the date of the first Council meeting in October from Wednesday, October 9 to Monday, October 7. Mayor Linda Anthony.
- a. Staff Briefing. Robert Wood advised that during that week the Texas Municipal League Annual Conference in San Antonio opens on Wednesday the 9th. Therefore, it would be a good idea to reschedule the council meeting to the Monday date so that any councilmembers wishing to go to the conference would be able to do so.
 - b. Public Hearing: there were no comments received.
 - c. Deliberation and action.

A motion made by Councilmember McCollough with a second by Councilmember Walker to change the council meeting date from October 9th to October 7th due to the TML Annual Conference. The motion carried unanimously by a vote of 5 ayes to 0 nays.

20. Personnel: Discussion/decision to consider the engagement of Denton, Navarro, Rocha, Bernal & Zech as special counsel to advise Council on the employment agreement of the City Administrator. Mayor Linda Anthony.

A motion was made by Mayor Pro Tem O'Connor with a second by Councilmember McCollough to engage the law firm of Denton, Navarro, Rocha, Bernal & Zech as special counsel to provide advise on the employment agreement of the City Administrator. The motion carried unanimously by a vote of 5 ayes to 0 nays.

21. Personnel: Discussion/decision on the employment, evaluation, discipline, or dismissal of the City Administrator, including the extension or termination of the city administrator's employment contract. Mayor Linda Anthony.

a. Executive Session in accordance with authority contained in Texas Government Code, Section 551.071 for Consultation with the Attorney and Section 551.074 for Personnel Matters on the employment status of the City Administrator.

The Open Meeting was recessed at 9:16 p.m. to convene into Executive Session. The Closed Meeting/Executive Session was convened at 9:17 p.m. in accordance with the authority contained in the Texas Government Code, Section 551.071 to Consult with the Attorney and Section 551.074 for Personnel Matters to discuss the employment status of the City Administrator. The Executive Session adjourned at 10:01 p.m. and the Open Meeting was reconvened at 10:01 p.m.

b. Discussion, public comment, and possible action on the employment status of the City Administrator.


Dave Claunch spoke, prior to recessing into Executive Session, in support of the City Administrator and if dismissal is the action Council takes, he encouraged that they honor the termination clause in the employment agreement.

Upon reconvening the Open Meeting, Mayor Anthony spoke in appreciation of Robert Wood's 12 years of service to the City; however, it is time to go in a different direction. She thanked him for helping make West Lake Hills a better city and wished him all the best going forward.

A motion was made by Mayor Pro Tem O'Connor with a second by Councilmember Plunkett to terminate the employment agreement and services for City Administrator without cause, direct special counsel to provide notice no later than August 30, 2019, and Staff to begin preparing severance package. The motion carried unanimously by a vote of 5 ayes to 0 nays.

22. Adjournment. A motion was made by Councilmember Walker with a second by Councilmember Plunkett to adjourn the meeting. The motion carried unanimously by a vote of 5 ayes to 0 nays. The meeting adjourned at 10:05 p.m.

Respectfully submitted,



Linda Anthony, Mayor

ATTEST:


Deborah L. Loesch, City Secretary



These minutes were approved on September 11, 2019.

Ordinance Nos. 453 and 447 Amendment #1, Amendment Nos. 370, 375, 376 and Resolution No. 2019-08-01 are referred to in these minutes by reference only and the original documents are on file in the permanent records of the City Secretary's Office.