



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, June 14, 2023 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 14th day of June 2023 at 7:00 p.m., in the Council Chambers, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting:

<https://us02web.zoom.us/j/3499549035>

Meeting ID: 349 954 9035

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 349 954 9035.

If you wish to speak during the meeting or provide written comments, please email your name, phone number, comments, and the item number you wish to speak/comment on to citysec@westlakehills.gov by 1:00 P.M. on June 14, 2023.

1. Call to Order
2. Citizen 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 Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.

- a. Approval of the May 24, 2023 Regular Meeting Minutes.
 - b. Approval of amended and restated temporary license agreement for parking at 4010 Bee Cave Road.
4. Administration Discuss and consider action regarding the 88th Legislative Session and subsequent special session(s).
5. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess in Executive Session (closed meeting) to discuss the following:
 - a. Section 551.071: Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:
 1. Jaffe - 1405 Wildcat Hollow;
 2. Alvarez - 1505 Wildcat Hollow;
 3. Lambert - 1600 Westlake Drive; and
 4. 1836 Real Estate, LLC - 707 Butler Cove.
 - b. Section 551.074: Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee:
 1. City Administrator Annual Evaluation.
6. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Councils' discretion regarding consultation with attorney and deliberation regarding personnel matters.
7. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the June 14, 2023 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, June 9, 2023 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Terry Blanchard, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodation and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, May 24, 2023 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:16 p.m.

CITY COUNCIL PRESENT:

Mayor Linda Anthony
Mayor Pro Tem Gordon Bowman
James Vaughan
Brian Plunkett
Beth South
Darin Walker

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Finance Director Vonda Ragsdale
Director of BDS Jennifer Bills
Chief of Police Scott Gerdes
City Attorney Patty Akers

2. Citizen 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 Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed.

3. Administration Presentation of Certificate of Election and Oath of Office for the positions of City Council Place 1, City Council Place 3, and City Council Place 5.

Mayor Anthony administered the Oath of Office to James Vaughan (City Council Place 1), Beth South (City Council Place 3), and Gordon Bowman (City Council Place 5).

4. Administration Discuss and consider action on the selection of a Mayor Pro Tem.

MOTION: Upon a motion made by Councilmember South and a second by Councilmember Walker, the Council voted five (5) for and none (0) opposed to appoint Gordon Bowman as the Mayor Pro Tem. Motion carried.

5. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.

- a. Approval of the May 10, 2023 Regular Meeting Minutes.

- b. Approval of the May 16, 2023 Special Called Meeting Minutes.
- c. Approval of an Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of West Lake Hills.
- d. Approval of a Community Development Block Grant (CDBG) Cooperative Agreement between Travis County and the City of West Lake Hills.

MOTION: Upon a motion made by Councilmember Vaughan and a second by Councilmember South, the Council voted five (5) for and none (0) opposed to approve the consent agenda as presented. Motion carried.

- 6. Land Use 10 Las Brisas Drive- Discuss and consider action on a variance request for the removal of a tree larger than 14" in diameter for the demolition and construction of a new family residence (Section 22.03.304 of the West Lake Hills Code). Applicant Gail O'Kelly.
 - a. Tree #827 - 21" Live Oak

Director Bills provided the staff report. Luis Jauregui stated that the tree is being held by cables to keep it from leaning on the home.

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember Vaughan, the Council voted five (5) for and none (0) opposed to approve the variance request as presented. Motion carried.

- 7. Land Use 304 McConnell Drive- Discuss and consider action on a variance request for the removal of a tree larger than 14" in diameter to prevent further property damage and maintain safety (Section 22.03.304 of the West Lake Hills Code). Applicant Ruth Fulton.
 - a. 28.1" Red Oak

Director Bills provided the staff report. Ruth Fulton gave a brief history of the tree.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Vaughan, the Council voted five (5) for and none (0) opposed to approve the variance, waive the requirement for tree replacement, and reimburse the application fee to the applicant. Motion carried.

- 8. Ordinance Receive a presentation and consider action on an ordinance amending the FY 2022-23 budget.

Finance Director Ragsdale gave a brief review of the mid-year budget. Due to expenses associated with Winter Storm Mara, a budget amendment is necessary.

MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember Plunkett, the Council voted five (5) for and none (0) opposed to approve the ordinance as presented. Motion carried.

The Mayor and Council thanked the "Outstanding Vonda Ragsdale" for her continued exemplary service to the City.

9. Administration Discuss and consider action on the Pavement/Street Maintenance Project prioritization.

City Administrator Fletcher stated that work continues with the engineers and consultants. The goal is to provide information to Council at their next meeting.

10. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess in Executive Session (closed meeting) to discuss the following:
- a. Section 551.071: Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:
 - 1. Jaffe - 1405 Wildcat Hollow;
 - 2. Lambert - 1600 Westlake Drive; and
 - 3. 1836 Real Estate, LLC - 707 Butler Cove.

Council convened into Executive Session at 7:54 p.m.

11. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Councils' discretion regarding consultation with attorney.

Council reconvened in Open Session at 8:02 p.m. No action was taken.

12. Adjournment

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember Plunkett, the Council voted five (5) for and none (0) opposed to adjourn the meeting at 8:03 p.m. Motion carried.

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on June 14, 2023.



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>June 14, 2023</u>	Item Number:	<u>3b</u>
Department:	<u>Administration</u>		
	<u>Trey Fletcher,</u>		
Prepared By:	<u>City Administrator</u>	Cost / Budget:	<u>Revenue \$100/month</u>
Exhibits:	<u>Revised Agreement</u>	Source of Funds:	<u>n/a</u>

Subject

Approval of amended and restated temporary license agreement for parking at 4010 Bee Cave Road.

Recommendation

Staff recommends approval.

Discussion

A temporary license agreement was approved by City Council on February 22, 2023 with nominal consideration. The amended and restated agreement considers additional consideration or compensation (\$100/month) for the use of the parking spot more consistent with the market for storage as well as the lease of parking spaces by the adjacent veterinary clinic. No other changes are proposed.

Temporary License Agreement
Amended and Restated

The City of West Lake Hills, a Texas Type A General Law City, ("City"), and John Curtis ("Licensee"), enter into this Temporary License Agreement ("Agreement") effective February 22, 2023 and amended on June 14, 2023, upon the terms and conditions set forth below:

1. **Premises.** The City grants Licensee the temporary right to use one parking space at the parking lot located at 4010 Bee Cave Road, West Lake Hills, Texas, ("City Property") for the purpose of parking the Licensee's boat at the location indicated on the attached map (Exhibit A). Exhibit A is incorporated herein for all purposes.

The City makes this grant solely to the extent of its right, title and interest in the Licensed Property, without any express or implied warranties.

2. **Purpose.** The City grants Licensee permission to use the Licensed Property solely for the purposes set out herein and only at the approved locations indicated in Exhibit A.
3. **Consideration.** \$100 each month of the License payable to the City of West Lake Hills. Licensee shall be invoiced and payment due by the first of each month without proration starting June 1, 2023. If the City or other third-party causes damage to or destruction of Licensee's property while parked on the City Property, Licensee covenants not to sue the City, or pursue other actions against the City to recover costs of repairing or replacing Licensee's property, as additional consideration for being granted this Temporary License Agreement.
4. **Term.** This Agreement shall commence on the effective date and shall continue in full force and effect until December 31, 2023, or until terminated by City or Licensee, whichever event occurs first. Provided, however, this Agreement automatically terminates upon commencement of construction of the City Hall by City; whether or not City has provided notice of termination to Licensee. Any property of Licensee shall be removed from City Property within five (5) days from the expiration or termination date of this Temporary License Agreement.
5. **Limits on License.** The existence of this Agreement is expressly subordinate to the present and future right of the City to use this property in any manner authorized by law. This Agreement is also subordinate to any easements, utility easements, rights-of-way, use of the streets for vehicular traffic, or other property interests recorded and associated with the property.

The City may enter the Licensed Property without giving notice and without incurring any obligation to Licensee and remove or move Licensee's property if the City Administrator deems it necessary: (a) in order to exercise the City's rights or duties with respect to the Licensed Property; (b) to protect persons or property; or (c) for the public health or safety with respect to the Licensed Property or Licensee's property.

6. **Conditions.**

- A. **Location.** Licensee shall place property in the approved locations indicated on Exhibit A in a manner that does not impede pedestrian or vehicular traffic or access to the streets, sidewalks, or City Property.
- B. **Maintenance.** Licensee must keep the property clean, covered and properly maintained throughout the Term of this License.

7. **Indemnification.** LICENSEE HEREBY AGREES TO INDEMNIFY, SAVE, AND HOLD HARMLESS THE CITY OF WEST LAKE HILLS, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES (COLLECTIVELY CALLED "INDEMNITEES") AGAINST ANY AND ALL LIABILITY, DAMAGE, LOSS, CLAIMS, CAUSES OF ACTION, EXPENSES OR DEMANDS (COLLECTIVELY "COSTS") OF ANY NATURE WHATSOEVER, ON ACCOUNT OF PERSONAL INJURY (INCLUDING WITHOUT LIMITATION, WORKERS' COMPENSATION AND DEATH CLAIMS), OR PROPERTY LOSS OR DAMAGE OF ANY KIND WHATSOEVER, WHICH ARISES, OR IS CLAIMED TO ARISE, OUT OF OR IS, OR IS CLAIMED TO BE, IN ANY MANNER CONNECTED WITH, PLACEMENT, DISPLAY, CONSTRUCTION, INSTALLATION, EXISTENCE, OPERATION, USE, MAINTENANCE, REPAIR, RESTORATION, OR REMOVAL OF LICENSEE'S PROPERTY ON THE LICENSED PREMISES PURSUANT TO THIS LICENSE. LICENSEE MUST, AT ITS OWN EXPENSE, INVESTIGATE ALL THOSE CLAIMS AND DEMANDS, ATTEND TO THEIR SETTLEMENT OR OTHER DISPOSITION, DEFEND ALL ACTIONS BASED THEREON USING COUNSEL SATISFACTORY TO INDEMNITEES' CITY ATTORNEY, AND PAY ALL OTHER COSTS AND EXPENSES OF ANY KIND ARISING FROM ANY OF THE AFORESAID CLAIMS, DEMANDS OR CAUSES OF ACTION.

This indemnification provision does not apply to any costs for which the City has been compensated by insurance or which are otherwise applications to the payment of such costs.

- 8. **Termination.** THIS License may be terminated by either party upon five (5) days written notice to the other party. If the City terminates the License and receives no substantive response from Licensee within five (5) days following written notification of such to Licensee, then the City may move or remove Licensee's property. Licensee covenants to pay the City's actual expenses incurred in connection therewith within thirty (30) days after being billed therefor. All of Licensee's property not removed are deemed property of the City when abandoned by Licensee.
- 9. **Venue.** Venue for all lawsuits concerning this Agreement must be in the Courts of Travis County, Texas.
- 10. **Waiver of Default.** Either party may waive any default of the other at any time, without affecting or impairing any right arising from any subsequent or other default.
- 11. **Assignment.** Licensee shall not assign or transfer its interest, in whole or in part, in this Agreement without the prior written consent of the City.
- 12. **Notice.** Notice required or permitted to be given in connection with this Agreement must be in writing. Notice may be given by hand delivery or certified mail, postage prepaid, to the recipient at

the address for notice set forth below or at the last address for notice that the sender has for the recipient at the time notice is given. If properly addressed and sent certified mail or hand delivered as provided herein, such notice will be deemed received on the day hand delivered, as evidenced by a written acknowledgment or receipt by the recipient, or on the third day after deposit in the U.S. mail, if sent certified mail, postage prepaid. Notice given in any other manner will be deemed delivered if and when actually received by the party specified below.

13. **Interpretation.** Although drafted by the City, this Agreement must, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

14. **Application of Law.** This Agreement must be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts must be enforced to the extent possible.

Terms and Conditions Accepted on _____.

CITY:

City of West Lake Hills

By: _____

Name: Linda Anthony

Title: Mayor

LICENSEE:

By: _____

Name: John Curtis

Title: _____



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>June 14, 2023</u>	Item Number:	<u>4</u>
Department:	<u>Administration</u>		
	<u>Trey Fletcher,</u>		
Prepared By:	<u>City Administrator</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>none</u>	Source of Funds:	<u>n/a</u>

Subject

Discuss and consider action regarding the 88th Legislative Session and subsequent special session(s).

Recommendation

Receive the report and consider any action as appropriate.

Discussion

The 88th Legislative Session concluded on May 31, 2023. The Texas Municipal League (TML) provides substantial support to cities in the management of relevant information that flows through the legislative process. A “wrap-up” edition of the [Legislative Update](#) published by the TML will be available on Friday, June 9. City Attorney Patty Akers will provide a digest of bills applicable to the City of West Lake Hills.