CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, July 26, 2023 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:14 p.m.

CITY COUNCIL PRESENT:	**CITY STAFF PRESENT:**
Mayor Linda Anthony	City Administrator Trey Fletcher
Mayor Pro Tem Gordon Bowman	City Secretary Terry Blanchard
James Vaughan	Finance Director Vonda Ragsdale
Brian Plunkett	Director of BDS Jennifer Bills
Beth South	Chief of Police Scott Gerdes
	Court Administrator Robert Martinez
	City Attorney Patty Akers

Mayor moved to items #4 and #5 on the agenda.

4. <u>Land Use</u> **301 Yaupon Valley Road** - Discuss and consider action on a variance request for the removal of two (2) trees with trunk diameters of 14 inches or greater, a double trunk 6"/14" ash juniper and an 18" ash juniper (Section 22.03.304 of the West Lake Hills Code). Applicant Mark Hawkins.

    a. Tree #29 - 18 inch ash juniper; and
    b. Tree #33/34 - 6"/14" ash juniper.

    Director Bills gave a summary. Davin Philpot stated that two (2) larger trees are being preserved with the re-configuration.

    MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to approve the variance request as presented. Motion carried.

5. <u>Land Use</u> **301 Yaupon Valley Road** - Discuss and consider action on a license to encroach agreement for a retaining/driveway wall in the Yaupon Valley Road right-of-way (Section 34.01.001 Streets, Sidewalks, and Other Public Ways; Authority). Applicant Mark Hawkins.

    Director Bills gave a brief summary.

    MOTION: Upon a motion made by Councilmember Vaughan and a second by Councilmember Bowman, the Council voted four (4) for and none (0) opposed to approve the license to encroach agreement as presented. Motion carried.

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.

   Joseph Lucas (100 Swiftcurrent) read a prepared statement to the Council. Mr. Lucas stated that he is being denied access to his property and that the issue is more than a civil matter. He stated that an easement agreement from ten (10) years ago which was approved by the City is in dispute and that there is a violation of easement rights. He urged the Council to assist with the issue.

   Hearing no further comments, the public comment section was closed.

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 June 28, 2023 Regular Meeting Minutes.
   b. Approval of signage for the National Night Out event on October 3, 2023.
   c. Approval of FY23 Q3 Reports for:
      1. Building and Development Services Department;
      2. Investment;
      3. Municipal Court; and
      4. Public Safety.

   MOTION: Upon a motion made by Councilmember South and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to approve the consent agenda as presented. Motion carried.

6. Land Use **1419 Redbud Trail** - Discuss and consider action on a license to encroach agreement for a private driveway and related drainage infrastructure in the Big Bend Road (unopened) right-of-way (Section 34.01.001 Streets, Sidewalks, and Other Public Ways; Authority). Applicant Mark Woodruff.

   Director Bills gave a brief summary.

   MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to approve the license to encroach agreement as presented. Motion carried.

7. Administration Discussion and update on bond items regarding Proposition A (new municipal complex) and Proposition B (streets and drainage projects).

PROPOSITION A - Bart Kleiman (AG|CM) distributed copies of the Project Status Report. The TCEQ timeline is 150 days, so the schedule has been adjusted and the estimated completion date pushed back to July 2025. The project timeline and updated design plans were reviewed.

PROPOSITION B - Jay Kennedy (WSB) stated that construction documents have been submitted to TCEQ and will take from 60-120 days. Base bids and alternate bids have been prepared. The bid process will take about 45 days to complete. Easements for 27 properties are tracked with approximately one-half of the appraisals being completed.

8. Administration Discuss and consider action on an Ordinance authorizing the issuance of City of West Lake Hills, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2023; specifying the terms and features of said certificates; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and a limited pledge of the surplus revenues from the operation of the City's wastewater system; and resolving other matters related thereto, including the approval and distribution of an official statement; and providing an effective date.

   Mayor Anthony and City Administrator Fletcher provided a summary. Dan Kardish (PFM) made a presentation to the Council.

   MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to approve the ordinance as presented. Motion carried.

9. Finance Discuss and consider action to adopt the Budget Calendar for Fiscal Year 2023-24.

   MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to approve the budget calendar as presented. Motion carried.

10. Finance Discuss and consider action on the FY 2023-24 Proposed Budget.

    Mayor Anthony thanked Vonda Ragsdale for keeping the City's finances in pristine order.

    The following comments were received:

    - Mayor would like to see the contingency fund replenished.
    - Using the deminimus rate would allow for an additional $500,000.
    - Proposed budget was based on the higher tax rate.
    - Funding for thirty (30) full-time employees.
    - Reviewed proposed budget for Public Works and Wastewater.
        - Crossroads contract had a significant increase.
        - No major projects planned for FY24 - maintenance needs were included in budget.
        - Street repairs were discussed.
        - Solid waste contract increased by 5%.

11. 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:
      i. Jaffe - 1405 Wildcat Hollow;
      ii. Alvarez - 1505 Wildcat Hollow;
      iii. Lambert - 1600 Westlake Drive; and
      iv. 1836 Real Estate, LLC - 707 Butler Cove.
   b. Section 551.072 - Deliberations about Real Property.

Council convened into Executive Session at 8:30 p.m.

12. 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 about real property.

Council reconvened in Open Session at 9:10 p.m.

MOTION: Upon a motion made by Councilmember Vaughan and a second by Councilmember Plunkett, the Council voted four (4) for and none (0) opposed to authorize the city administrator to retain staff support services for help in managing pending litigation cases with respect to 1405 Wildcat Hollow. Motion carried.

13. Adjournment

MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember Vaughan, the Council voted four (4) for and none (0) opposed to adjourn the meeting at 9:11 p.m. Motion carried.

Respectfully submitted,

Linda Anthony

LINDA ANTHONY, MAYOR

ATTEST:

Terry Blanchard

Terry Blanchard, TRMC
City Secretary

These minutes were approved on August 9, 2023.

CITY OF WEST LAKE HILLS
CORPORATE
SEAL
TEXAS