



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REMOTE REGULAR MEETING
Wednesday, May 27, 2020 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Remote Regular Meeting on the 27th day of May 2020 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the order of the Office of the Governor issued March 16, 2020, the City Council of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19).

The public may participate in this meeting by dialing in to the following toll-free number:
1-346-248-7799, Meeting ID 859 7081 5270, Password: 387042

If you wish to speak during the meeting, we will need your name, phone number and the item number you wish to speak on by **1:00 p.m. on Wednesday May 27.**

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing SMills@Westlakehills.org. **Comments must be received by 1:00 P.M. on May 27th.**

The meeting will be live streamed here: <http://mixlr.com/cityofwestlakehills/> and the audio will be available on the City’s website the morning after the meeting.

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 Matters Not Listed on the Agenda Until a Future Meeting. 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 Desired by a Council Member or Citizen
 - a. Approval of the May 13, 2020 Regular Meeting Minutes
 - b. Public Safety: Public Safety Report, 1st Quarter
4. Administration Proclamation to Recognize all 2020 Students in Schools and Educational Institutions in West Lake Hills
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
5. Finance Discuss and Consider Action on an Ordinance to Amend the FY 2019-2020 Budget
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
6. Finance Discuss and Consider Action on Adoption of a Resolution Amending the Existing Cash Management and Investment Policy as set by Resolution No. 2018-2-1
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
7. Land Use **901 Forest View Drive**: Discuss and Consider Action on a Variance Request for a Fence to Exceed the Maximum Allowed Height in Order to Install Privacy Panels to a Section of an Fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes
 - a. Public Hearing: All persons wishing to speak for or against shall be heard.
8. Land Use **4609 Bee Cave Road**: Discuss and Consider Action on a Sign Application for Two (2) Projecting/Wall Numerical Street Address Signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.
 - a. Public Hearing: All persons wishing to speak for or against shall be heard.
9. Public Works Discussion Regarding the Possible Use of Traffic Calming Devices on Reveille Road
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
10. Public Works Discussion Regarding Drainage in the Right-of-Way Located in the 100 Block of Reville Road

- a. Citizens Communications: All persons wishing to speak on this matter shall be heard

11. Administration Presentation of a Quarterly Update from the City Administrator

- a. Citizens Communication: All persons wishing to speak on this matter shall be heard

12. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, Section 551.071 for:

- a. Consultation with City Attorney Regarding City Property Located at 110 Westlake Drive
- b. Consultation with City Attorney Regarding Pending Litigation in Cause No. 2019032801; City of West Lake Hills, Plaintiff, v. Jaffe Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D1GN19007546: City of West Lake Hills, Plaintiff v. Jaffe Ventures, LLC and Douglas Jaffe III

13. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the May 27, 2020 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, May 22, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations 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 13, 2020 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:44 p.m. Members in attendance were Mayor Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Darin Walker

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

- a. Approval of the April 8, 2020 Regular Meeting Minutes
- b. Approval of a Resolution for a Grant Application for COVID-19 Reimbursement
- c. Acceptance of the FY19 Audited Annual Financial Report
- d. Quarterly Update from Building & Development Services Department
- e. Presentation of Certificate of Election and Oath of Office for the Positions of Mayor, City Council Place 2 and City Council Place 4
- f. Approval of an Ordinance amending the City of West Lake Hills Code Chapter 22: Building Regulations, Article 22.03, Construction Code, Division 1, Generally and Division 8, Dimensional Regulations for changes related to the Railroad Commission of Texas Liquefied Petroleum Gas Safety Rules regulating the location and placement of propane tanks

Motion for Approval made by Councilmember McCollough with a second by Councilmember Walker.

Motion carried unanimously by a vote of 5 ayes to 0 nays

4. Wastewater Discuss and Consider Action on an Agreement for Consulting Services with Robbie Davis Regarding the Wastewater Program

a. Citizens Communications: All persons wishing to speak on this matter shall be heard

Motion for Approval made by Councilmember Plunkett with a second by Councilmember McCollough.

Motion carried unanimously by a vote of 5 ayes to 0 nays

5. Administration Discussion Regarding Coyote Activity within the City of West Lake Hills

a. Citizens Communications: All persons wishing to speak on this matter shall be heard

No action was taken on this item

6. Administration Discuss and Update on Police Department Staffing

a. Citizens Communications: All persons wishing to speak on this matter shall be heard

No action was taken on this item

7. Finance Discussion Regarding the Fiscal Year 2019-2020 Operating Budget

a. Citizens Communications: All persons wishing to speak on this matter shall be heard

No action was taken on this item

8. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, Section 551.071 for Consultation with City Attorney Regarding Pending litigation in Cause No. 2019032801; City of West Lake Hills, Plaintiff, v. Jaffe Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D1GN19007546; City of West Lake Hills, Plaintiff v. Jaff Ventures, LLC and Douglas Jaffe III

Council went into Executive Session at 7:45 p.m. and reconvened in Open Session at 8:11 p.m.

9. Adjournment

Motion to adjourn the meeting made by Councilmember Walker at 8:12 p.m. with a Second by Councilmember McCollough.

Motion carried unanimously by a vote of 5 ayes to 0 nays

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2020.



West Lake Hills Police Department West Lake Hills, TX



Public Safety Report 1st Quarter (Jan. – Mar.), 2020

Statistical Highlights

During the 1st quarter (January - March) 2020, there were 34 reported NIBRS part 1 offenses, compared with 26 for the 4th quarter of 2019 and 13 during the same period last year. Officers made 17 in-custody or field release arrests in Q1 compared to 16 in Q4.

Officers responded to 32 Traffic Crashes in Q1, compared to 53 in Q4. This reduction in crashes was probably due to many drivers limiting their driving time. Most of our crashes happen on Bee Cave Road.

In Q1, our officers made 775 traffic stops, resulting in 392 violations (50.6%), and 501 warnings (64.6%). Of the violations that were cited, 224 (57%) were for speeding, including 76 for speeding in a school zone. Officers also wrote 12 citations for failing to stop or remain stopped for a school bus. In the 15 targeted enforcement zones, we issued a total of 47 violations and 67 warnings.

During Q1, West Lake Hills Police Officers responded to 543 calls for service, compared to 662 calls for service in Q4. During the quarter, 131 reports were generated. Officers also conducted 110 close patrol checks for residents who were out of town, compared to 188 for Q4.

Investigations

During this quarter, Detectives Stewart and David were assigned 47 new cases. Detectives Stewart and David currently have 29 open cases that they are investigating.

Training

Officers completed 291 hours of training during this quarter, compared to 411 during Q4. Classes included Crisis Intervention Training, Crime Scene Investigation, Criminal Investigations, and De-escalation Techniques.

COVID-19

Due to the spread of the COVID-19 virus and our attempt to reduce face-to-face contacts, we made some changes to our procedures on March 14th. We reduced traffic enforcement and arrests, per the guidelines provided by Travis County. We also started handling some property related calls over the phone and cancelled all in-person training. These procedures negatively impacted some of our enforcement numbers, but we felt it important to do our part to proactively practice social distancing, even in law enforcement.

City of West Lake Hills
Proposed Budget Amendment Detail - FY 2019-2020
As of 5/13/2020

General Fund - Revenue						
Line Item	Description	Original Budget	Estimated YTD at 9/30/20	Budget Adj. Requested	Difference from Original Budget	Justification
	REVENUE					
40200	SALES TAX	\$ 3,300,000	\$ 3,000,000	\$ 3,000,000	\$ (300,000)	LOWER DUE TO BUSINESS SHUT DOWN-COVID19
41000	BUILDING PERMITS	\$ 140,000	\$ 150,000	\$ 150,000	\$ 10,000	REVENUE HIGHER THAN EXPECTED
42000	SUBDIVISION PLATS	\$ 6,000	\$ 3,000	\$ 3,000	\$ (3,000)	REVENUE LOWER THAN EXPECTED
42025	PLUMBING FEES	\$ 20,000	\$ 25,000	\$ 25,000	\$ 5,000	REVENUE HIGHER THAN EXPECTED
42030	ADMINISTRATION FEES	\$ 8,000	\$ 10,000	\$ 10,000	\$ 2,000	REVENUE HIGHER THAN EXPECTED
42043	NATURAL GAS FRANCHISE FEES	\$ 35,000	\$ 30,000	\$ 30,000	\$ (5,000)	REVENUE LOWER THAN EXPECTED-MILD WINTER
42050	CABLE FRANCHISE FEES	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	CHARTER COMMUNICATIONS STILL PAYING FRANCHISE FEE
44000	FINES	\$ 180,000	\$ 125,000	\$ 125,000	\$ (55,000)	LOWER REVENUE-COVID19
44100	WARRANT FEES	\$ 5,000	\$ 2,000	\$ 2,000	\$ (3,000)	LOWER REVENUE-COVID19
44150	ADMINISTRATION FEES-COURT	\$ 24,300	\$ 14,000	\$ 14,000	\$ (10,300)	LOWER REVENUE-COVID19
45000	INTEREST INCOME	\$ 130,000	\$ 80,000	\$ 80,000	\$ (50,000)	REDUCED RATE OF RETURN ON INVESTMENTS
45005	PROPERTY TAX P&I	\$ 3,500	\$ 4,500	\$ 4,500	\$ 1,000	REVENUE HIGHER THAN EXPECTED-LATE PAYMENTS
45040	SALE OF ASSETS	\$ 1,600,000	\$ 36,197	\$ 36,197	\$ (1,563,803)	110 WESTLAKE WILL NOT CLOSE THIS FY
					\$ (1,922,103)	Total Reduction in General Fund Revenue

General Fund - Administration						
Line Item	Description	Original Budget	Estimated YTD at 9/30/20	Budget Adj. Requested	Difference from Original Budget	Justification
	EXPENSE					
60200	OUTSIDE LEGAL COUNSEL	\$ 90,000	\$ 36,000	\$ 36,000	\$ (54,000)	REDUCE EXPENSE FOR BOND COUNSEL - NO SPECIAL BOND ELECTION
60205	CONSULTANT FEES	\$ 130,000	\$ 50,000	\$ 50,000	\$ (80,000)	REDUCE EXPENSE FOR RETAIL STRATEGIES, ETHICS TRAINING & PARTIAL MUNISERVICES & PARTIAL PATTERSON & ASSOC
60220	TRAINING	\$ 25,000	\$ 10,000	\$ 10,000	\$ (15,000)	REDUCE EXPENSE-TRAININGS CANCELLED
60235	ELECTION EXPENSES	\$ 10,500	\$ -	\$ -	\$ (10,500)	REDUCE EXPENSE-NO COUNCIL OR SPECIAL BOND ELECTION
60280	PUBLIC NOTICES	\$ 11,500	\$ 5,000	\$ 5,000	\$ (6,500)	REDUCE EXPENSE-LOWER THAN EXPECTED
60350	CONTRACT/TEMPORARY SUPPORT	\$ 20,000	\$ 50,000	\$ 50,000	\$ 30,000	INCREASE EXPENSE-TEMP EMPLOYEES
60430	PUBLIC INFORMATION SERVICES	\$ 30,000	\$ 15,000	\$ 15,000	\$ (15,000)	REDUCE EXPENSE-NO BOND ADVERTISING
60475	UNEMPLOYMENT CLAIMS	\$ -	\$ 15,000	\$ 15,000	\$ 15,000	ADD BUDGET FOR TX WORKFORCE UNEMPLOYMENT CLAIMS
60551	CAPITAL OUTLAY-SOFTWARE	\$ 55,000	\$ -	\$ -	\$ (55,000)	REDUCE EXPENSE-DELAY DEPLOYMENT INCODE 10
60552	CAPITAL OUTLAY-PHONE SYSTEM	\$ 30,000	\$ -	\$ -	\$ (30,000)	REDUCE EXPENSE-DELAYING PURCHASE OF PHONE SYSTEM
					\$ (221,000)	Total Reduction in GF-Administration Expenses

General Fund - Public Works						
Line Item	Description	Original Budget	Estimated YTD at 9/30/20	Budget Adj. Requested	Difference from Original Budget	Justification
	EXPENSE					
63151	DRAINAGE REPAIRS & MAINT	\$ 150,000	\$ 130,000	\$ 130,000	\$ (20,000)	REDUCE EXPENSE-REDUCED CONTRACTOR HOURS
63155	ROW MAINT	\$ 160,000	\$ 100,000	\$ 100,000	\$ (60,000)	REDUCE EXPENSE-REDUCED CONTRACTOR HOURS
63175	STREET REPAIRS	\$ 75,000	\$ 25,000	\$ 25,000	\$ (50,000)	REDUCE EXPENSE-REDUCED CONTRACTOR HOURS
63205	CONSULTANT FEES	\$ 100,000	\$ 50,000	\$ 50,000	\$ (50,000)	REDUCE EXPENSE-NO BOND CONSULTANT FEES
63540	COMPUTERS/FURNITURE/EQUIP	\$ 17,500	\$ 27,000	\$ 27,000	\$ 9,500	INCREASE EXPENSE-ENERGOV & MAPPING MORE THAN EXPECTED
63553	CITY HALL REMODEL/REBUILD	\$ 200,000	\$ 10,000	\$ 10,000	\$ (190,000)	REDUCE EXPENSE-ARCHITECTURE/ENGINEER FEES
63555	DRAINAGE IMPROVEMENTS					TOTAL ORIGINAL BUDGET - \$450,000
	TERRACE MTN & BASIN LEDGE	\$ 132,000	\$ -	\$ -	\$ (132,000)	REDUCE EXPENSE-TRANSFERRED TO SPECIAL BOND ELECTION
	TERRACE MTN & WESTLAKE DR	\$ 132,000	\$ -	\$ -	\$ (132,000)	REDUCE EXPENSE-TRANSFERRED TO SPECIAL BOND ELECTION
	TERRANCE MTN & SPURLOCK VLY	\$ 125,000	\$ -	\$ -	\$ (125,000)	REDUCE EXPENSE-TRANSFERRED TO SPECIAL BOND ELECTION
	CONTINGENCY	\$ 61,000	\$ -	\$ -	\$ (61,000)	REDUCE EXPENSE-TRANSFERRED TO SPECIAL BOND ELECTION
63565	STREET REPAVING/MAINT W/WD10					TOTAL ORIGINAL BUDGET - \$500,000
	WILDCAT HOLLOW	\$ 110,700	\$ 110,700	\$ 110,700	\$ -	CITY OF WEST LAKE HILLS CONTRIBUTION W/WD10
	HARBOR VIEW DR	\$ 27,100	\$ 27,100	\$ 27,100	\$ -	CITY OF WEST LAKE HILLS CONTRIBUTION W/WD10
	SKYLINE DR	\$ 48,000	\$ 48,000	\$ 48,000	\$ -	CITY OF WEST LAKE HILLS CONTRIBUTION W/WD10
	EANES SCHOOL ROAD	\$ 9,744	\$ 9,744	\$ 9,744	\$ -	COMPLETED
	YAUPON VLY RD-FINAL PYMT	\$ 26,916	\$ 26,916	\$ 26,916	\$ -	COMPLETED
	OLD STONEHEDGE	\$ 8,215	\$ 8,215	\$ 8,215	\$ -	COMPLETED
	CONTINGENCY	\$ 269,325	\$ -	\$ -	\$ (269,325)	REDUCE EXPENSE
63567	STREETS ANNUAL MAINT PROGRAM					TOTAL ORIGINAL BUDGET - \$1,040,000
	YR #1 MAINT PKG-FINAL PYMT	\$ 121,000	\$ 121,000	\$ 121,000	\$ -	COMPLETED
	YEAR #2 - HARBOR VIEW DR	\$ 432,000	\$ 432,000	\$ 432,000	\$ -	\$450,000 - \$27,000 (W/WD10)
	YEAR #2 - WILDCAT HOLLOW	\$ 267,000	\$ 267,000	\$ 267,000	\$ -	\$377,000-\$110,700 (W/WD10)
	CONTINGENCY	\$ 220,000	\$ -	\$ -	\$ (220,000)	REDUCE EXPENSE
					\$ (1,299,825)	Total Reduction in GF-Public Works Expenses

\$ (1,922,103)	GRAND TOTAL REDUCTION IN GENERAL FUND REVENUE
\$ (1,520,825)	GRAND TOTAL REDUCTION IN GENERAL FUND EXPENSES
\$ (401,278)	GRAND TOTAL NET CHANGE GENERAL FUND BALANCE

ORDINANCE NO. 2020-006

**AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS
AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020**

WHEREAS, during fiscal year 2019-2020 the West Lake Hills City Council has found that the needs of the City have changed since the original budget was adopted; and

WHEREAS, the City's fiscal year 2019-2020 budget must be amended to reflect these changes in the city's needs; and

WHEREAS, the City has the authorization pursuant to Texas Local Government Code Section 102.010 to amend its budget.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

The budget for fiscal year 2019-2020 is hereby amended as contained in "Exhibit A" attached hereto and incorporated herein by reference as if set out verbatim

3. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

4. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____, 2020

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary



CITY OF WEST LAKE HILLS

FINANCIAL PROCEDURES AND CONTROLS
May 27, 2020

I. FINANCIAL POLICIES

The City should focus on prudent long-term financial policies which address key areas such as:

- long-term financial stability and accountability
- avoidance of deficit financing
- budgets based on realistic revenues and expenditures
- establishment of a fund balance policy
- competitive and value-based procurement

II. BUDGETING

Long term financial plans and strategic planning should be linked to the budget process.

- the annual budget should be developed in terms of long-term solvency and sustainability
- the Mayor shall prepare and present the budget annually
- the Council should focus on policies, funding priorities at a macro level
- public involvement and transparent decision making is critical in the budget development
- modifications to the budget must be approved by Council and require timely updates

III. CASH MANAGEMENT

Collections and Receivables.

The City will invoice and collect all funds due on a timely basis.

- each department billing for services will create at a minimum a monthly invoice within five days of service provision (with the exception of the utility scheduled cycles)
- all invoices will be dated and numbered
- a copy of the invoice will be sent to the Finance Officer for entry and reconciliation
- the Finance Officer will monitor the outstanding receivables and a second notice will be sent by Finance or the department that is responsible for the amount outstanding in 30 days
- aged receivables (over 60 days) will be reviewed with the City Administrator quarterly for further collection action
- if specific overdue fees are established for the City, those fees will be applied
- there will be a \$35 fee placed on all NSF checks received, in addition to any other fees

Cash Handling.

All funds collected by departments throughout the City's operations will be given to the Finance Officer and deposited in the City depository bank on a weekly basis, at a minimum.

Any department which receives funds must assign an administrator to that receivables function and the name of the fund administrator reported to the Finance Officer. All funds collected by each department will require a receipt attached to the deposit copy given to the Finance Officer.

Change funds, the change fund administrator and the stipulated size of the change fund are established within departments and approved by the City Administrator. If a change fund is used in a department for making change to citizens, then the amount of that change fund must be reconciled monthly and reported to the Finance Officer. The amount in change funds will be established based on historical activity for that department.

- change accounts must be reconciled at least on a monthly basis - responsibility and liability for the change fund rests with the administrator of that fund
- excess funds in any change fund is deposited with the Finance Officer with full details/reconciliation
- numbered receipts shall be given for all City funds received
- all funds shall be maintained in a locked receptacle at all times
- if a deposit to City Hall cannot be made weekly, funds must be safe-kept in a locked cabinet/safe and made as soon as possible
- access to the cabinet/safe used for deposits must be restricted and the names of all having access must be recorded by the administrator of that fund location with a copy to the Finance Officer

Purchase Approval

Department heads shall ensure that expenditures are allocated to and paid from the correct budget accounts. It is the responsibility of department heads to assure that sufficient funds remain in the budget accounts to cover the expenditures. Over expenditures in any budgeted category are prohibited.

- the department head or their assignee must sign each request for payment
- the department head or their assignee will verify that funds are available for the purchase request
- request for payment should be forwarded to Finance in a timely manner and such that any discount terms can be utilized
- if requested by the vendor, purchase orders are issued by the Finance Officer and the department head or their assignee are responsible to verify that funds are available for the purchase

Checking Account Controls

The City's checking account(s) shall be managed/reconciled by the Finance Officer.

- all checking accounts will have positive pay service to protect the City from fraudulent checks
- vendors may require to receive City payments by ACH
- balances necessary to fund routine/recurring expenses shall be determined by the Finance Officer based on operating expenses and encumbrances
- to avoid overdraft situations sufficient liquid cash shall be maintained as a liquidity buffer to pay for unforeseen expenses

Disbursement of Funds

The production of checks or ACH transfers is solely the responsibility of the Finance Officer and no other checking accounts shall be established or used by any department.

- bank checking account shall be established for payment of all disbursements
- accounts which will not have more than six disbursements a month, should be styled as money market accounts to increase potential earnings
- debt service payments must be made (by wire or ACH)
- checks will be written at least weekly with a review of the check register by the Finance Officer or the City Administrator before printing
- available discounts in the payment of invoices shall be taken
- the City will move to increasing the use of ACH payments to all vendors to reduce costs and provide the best audit trail possible
- the check register (and listing of ACH credits) to be written from the general ledger system (InCode), will be reviewed against signed documents by the Finance Officer or the City Administrator
- release of checks will be made only after a balancing of the register and the actual checks
- Disbursement reports (check registers) are posted quarterly on the City's website
- checks shall require two signatures:
 - (1) City Administrator and City Secretary
 - (2) If either the City Administrator or City Secretary is unavailable, it shall be acceptable to obtain the second signature from the Finance Officer, Mayor or Mayor Pro Tem

Depository Bank

In accordance with state law (Local Government Code Chapter 105), the City will request 'bank applications', in the form of a Request for Proposal (RFP) for primary depository services (banks handling the primary accounts, collections and disbursements of the City) at least every five years. The proposals shall be competitively bid.

- approval by the Council shall allow the City to receive RFP's from banks within five miles of City Hall to assure adequate banking alternatives
- a notice of the RFP shall be published no later than 21 days prior to the deadline for proposals in a local newspaper of general circulation
- the contract for banking services must be executed under the terms of FIRREA which requires approval by the Bank Board or Bank Loan Committee
- the contract must be approved by the City Council
- the bank shall provide pledged collateral as defined by the Investment Policy and in accordance with the Public Funds Collateral Act (Government Code 2257) and collateral must be in place before City funds are moved to the bank
- in a bank transition all funds should be transferred on a timely basis and no longer than 90 days
- transaction access to the bank must be limited and access reviewed at least annually
- bank fraud protection services (such as positive pay and ACH filters) will be used to protect City assets
- the Finance Officer should meet with the depository bank, at least annually, to assure that the most cost efficient services are being used

Financial Statement Reporting

The Finance Officer shall prepare a comparative financial statement quarterly for timely presentation to Council. The written quarterly statement shall include, at a minimum:

- statements of budgeted and actual revenues
- expenditures in the general fund, debt service fund, and capital projects fund, and
- an investment report
- the quarterly statements will be distributed to the City Council as soon as available, but not later than the end of the succeeding month
- the Finance Officer will brief the City Council each quarter on the financial condition of the City as reported in the statements
- if necessary, the Finance Officer shall make quarterly adjustments to the financial statements and complete all required adjustments within ninety days after the close of the fiscal year
- adjustments to prior reports shall be presented to the Council at the following regular Council meeting
- monthly Revenue and Expense Reports are posted on the City's website

IV. FIXED ASSETS

General. Positive control over general fixed assets is needed to determine adequacy of insurance coverage, to safeguard assets, and to provide accurate disclosure in the City's financial statements. General fixed asset categories are:

- Land
- Buildings and improvements
- Furniture, Fixtures and Equipment
- Construction in progress

Fixed Asset Acquisition. A complete City fixed asset inventory shall be maintained by Finance with verification by each department at least annually.

- an asset acquired by the City having a useful life of more than one year and costing more than \$1,000.00 and all computers regardless of cost, shall be capitalized at cost
- cost shall include ancillary charges for freight, installation, set-up and other fees necessary to acquire or construct the asset
- a fixed asset expenditure shall be charged to the Capital Outlay account of the department incurring the expense and shall also be recorded in the General Fixed Assets Account Group
- if an expenditure does not materially add to the value of the asset or appreciably prolong its life, the expenditure should not be capitalized
- if an existing asset is replaced, the existing asset must be removed from the General Fixed Asset Account group and replaced by the new asset

Fixed Asset Retirement. All fixed asset retirement requests should be in writing, signed by the department head and be approved by the City Administrator.

- the approved request for the retirement of a fixed asset must include the reason for retirement and the method and date of disposition
- the request shall be forwarded to the Finance Officer for removal of the asset from the Fixed Asset listing and Account



CITY OF WEST LAKE HILLS, TEXAS

**INVESTMENT POLICY AND STRATEGY
May 27, 2020**

I. INTRODUCTION

It is the policy of the City of West Lake Hills (the “City”) that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal while meeting the daily cash flow needs of the City and conforming to the Texas Government Code Chapter 2256, the Public Funds Investment Act (the “Act”). The purpose of this Policy is to set specific investment policy and strategy guidelines. The Public Funds Collateral Act, Chapter 2257, Texas Government Code, specifies collateral requirements for all public Texas funds deposits.

The receipt of a market return will be secondary to the requirements for safety and liquidity. The earnings from investment will be used in a manner that best serves the interests of the City.

II. SCOPE

This Policy applies to the investment of all City funds under the City's control and any new funds created unless specifically exempted by the City Council and this Policy.

III. OBJECTIVES

The policy of the City is to invest public funds in a manner which will provide a reasonable market yield with the maximum security of principal while meeting the daily cash fund demands of the City and conforming to all bond covenants. Investments are to be chosen in a manner which promotes diversification. To match anticipated cash flow requirements the maximum dollar-weighted average maturity (WAM) of the overall portfolio may not exceed one year. All purchases of securities will be made on a competitive basis. The primary objectives of City investments are, in priority order:

Safety. Safety of principal is the foremost objective of City investments. Investments shall be made so as to ensure the preservation of principal. Each investment transaction shall be conducted in a manner to avoid capital losses, whether from security defaults, safekeeping, or erosion of market value. Investments in high credit quality securities and decisions based on anticipated cash needs are primary factors in providing safety.

Liquidity. The City investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated on a timely basis. This shall be achieved by matching

investment maturities with forecasted cash flow liabilities and maintaining additional liquidity for unexpected liabilities. Securities with active and efficient secondary markets will be used to assure liquidity.

Diversification. The portfolio shall be diversified by institution, market sector and maturity as much as possible according to market conditions. Diversification will minimize market, liquidity and credit risk and limit potential losses on individual securities.

Yield. The City investment portfolio will be designed to attain a market yield commensurate with City investment risk constraints and cash flow needs for operating expenses. The benchmark for the commingled portfolio shall be the comparable period six month U.S. Treasury Bill, designated for its comparability to the expected average cash flow pattern. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified and the City's prudent investment strategy.

IV. STRATEGY

The City may maintain one commingled portfolio for investment purposes which incorporates the specific uses and the unique characteristics of the funds in the portfolio. The investment strategy has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The City shall pursue a pro-active and conservative portfolio management strategy. This may be accomplished by creating a ladder maturity structure with some extension for yield enhancement. The maximum maturity of any security will be two years and the maximum dollar weighted average maturity of one year or less will be calculated using the stated final maturity date of each security.

The investment strategy for debt service funds shall have as its primary objective the timely payment of debt service obligations. Successive debt service dates will be fully funded before any investment extensions are made for debt service.

General Fund. Investments will be diversified in suitable, high credit quality, short-term investments to maintain liquidity and assure adequate cash flow. Anticipated liabilities will be matched with a ladder maturity structure. Diversification requirements may be met through use of an investment pool.

Capital Project Funds. To meet construction needs investments will be diversified in suitable, high credit quality, short-term investments. Anticipated construction liabilities will be matched with a ladder maturity structure and not exceed the planned expenditure schedule of the projects.

V. DELEGATION OF AUTHORITY

No unauthorized person may engage in an investment transaction and all transactions shall be executed as provided under the terms of this Policy and its supporting procedures.

Investment Officers. Authority to manage the City's investment program is derived from state statutes and City resolutions. Council will designate the City Administrator and the Finance Officer as investment officers by resolution. These officers have authority to invest funds in accordance with the City's Investment Policy. The officers shall be responsible for all transactions made and records maintained. The Investment Officer(s) are responsible for creating and maintaining the portfolio in accordance with this Policy, providing timely quarterly reporting to the Council, and establishing supporting procedures.

All investment officers shall attend at least ten (10) hours of training within twelve months of designation as investment officer and shall attend eight (8) hours of training every two successive fiscal years. Such training shall include education in investment controls, security risks, strategy risks, market risks and compliance with the Public Funds Investment Act. The City will pay for the training of investment officers as required by the Public Funds Investment Act and the Council will approve a list of authorized training sources.

Investment Officers shall refrain from personal and business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. An Investment Officer who has a personal business relationship within two levels of affinity or consanguinity with an organization seeking to sell an investment to the City, shall file a statement disclosing that relationship to the City Council and the Texas Ethics Commission.

City Council. By law, the City Council holds ultimate fiduciary responsibility for the portfolio. It will designate investment officer(s), receive and review quarterly reporting, approve and provide for investment officer training, approve broker/dealers, and review and adopt the Investment Policy and Strategy as needed.

VI. PRUDENCE AND CONTROLS

Standard of Care. The standard of care to be applied to all City investments shall be the "prudent person rule", which states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds under the City's control, over which the officer has responsibility rather than a consideration as to the prudence of a single investment. The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall be responsible but not liable for a specific security's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

Internal Controls. The Investment Officer is responsible for establishing and maintaining internal controls to reasonably assure that assets are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived, and, the valuation of costs and benefits requires ongoing estimates and judgments by management.

The internal controls shall address the following points at a minimum:

- Control of collusion,
- Separation of transaction authority from accounting and record keeping,
- Custodial safekeeping,
- Clear delegation of authority,
- Written confirmation for all transactions, and
- Review, maintenance and monitoring of security procedures both manual and automated.

The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the City Investment Policy. If City funds are invested in other than CDs or local government investment pools; the auditor shall also review the quarterly reports as part of the annual audit.

Cash Flow Forecasting. Cash flow forecasting is designed to protect and sustain cash flow requirements of the City. The Investment Officer will analyze cash flows to monitor and forecast cash positions for investment purposes.

Competitive Bidding. All security transactions will be made on a documented competitive bid basis to assure the City is receiving good market rates.

Monitoring Credit Ratings. The Investment Officer shall monitor, on no less than a quarterly basis, the credit rating on all authorized investments in the portfolio which require credit ratings based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, and liquidate the investment within two days.

Monitoring FDIC Status for Mergers and Acquisitions. The Investment Officer shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CD securities owned by the City based upon information from the FDIC (fdic.gov). If any bank has been acquired or merged with another bank in which brokered CDs are owned by the City, the Investment Officer shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

VII. AUTHORIZED INVESTMENTS

Assets of the City may be invested only in the following investments, as further defined by the Act. . If changes are made to the Act they will not be authorized until this Policy is modified and adopted by the City Council.

1. Obligations of the United States, its agencies and instrumentalities with a maximum stated maturity of two (2) years and excluding mortgage-backed securities. (Gov't Code 2256.009)
2. Fully FDIC insured or collateralized depository certificates of deposit from banks or savings bank doing business in Texas with a maximum maturity of two (2) years. Certificates will be collateralized in accordance with this policy. (Gov't Code 2256.010)
3. Fully insured share certificates from credit unions doing business in Texas, with a maximum maturity of two (2) years and insured by the National Credit Union Insurance Fund.
4. AAA rated, Texas local government investment pools which strive to maintain a \$1 net asset value and are continuously rated no lower than AAA or an equivalent by at least one nationally recognized rating service. (Gov't Code 2256.016 and 2256.019)
5. AAA-rated money market mutual funds which comply with SEC Rule 2a-7 and which strive to maintain a \$1 net asset value. (Gov't Code 2256.014(a)).
6. FDIC insured, brokered certificates of deposit securities from a bank in any US state, delivered versus payment to the City's safekeeping agent, not to exceed one year to maturity. Before purchase, the Investment Officer must verify the FDIC status of the bank on www.fdic.gov to assure that the bank is FDIC insured.
7. FDIC insured or collateralized interest bearing and money market accounts from any FDIC insured bank in Texas.

8. General debt obligations of any US state or political subdivision rated AA or better with a stated maturity not to exceed one year.
9. Bonds issued, assumed, or guaranteed by the State of Israel.

VIII. COLLATERALIZATION

Time and Demand Deposits Pledged Collateral. All bank time and demand deposits shall be collateralized above the FDIC coverage by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, collateral will be maintained and monitored by the pledging depository at 102% of market value of principal and accrued interest on the deposits. The bank shall monitor and maintain the margin on a daily basis.

Collateral pledged to secure deposits shall be held by an independent financial institution outside the holding company of the depository. The collateral agreement with the depository shall be approved by resolution of the Bank Board or Bank Loan Committee. The Custodian shall provide a monthly report of collateral directly to the City. All collateral shall be subject to inspection and audit by the City or its independent auditors.

Authorized Collateral. Only the following securities are authorized as collateral for time and demand deposits:

- A. Obligations of the United States, its agencies or instrumentalities, or evidence of indebtedness of the United States guaranteed as to principal and interest including MBS and CMO which pass the bank test.
- B. Obligations of any US state or of a county, City or other political subdivision of any state having been rated A or equivalent by two nationally recognized rating agencies.
- C. Letters of Credit from the FHLB.

IX. SAFEKEEPING

All securities owned by the City will be cleared on a delivery versus payment (DVP) basis and held by an independent third party safekeeping agent approved by the City. The independent third party custodian shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, maturity, CUSIP number, and other pertinent information.

X. FINANCIAL COUNTER-PARTIES

Depository

At least every five years, a banking services depository shall be selected through a competitive request for proposal process. In selecting a depository, the services, cost of services, credit worthiness, earnings potential, and collateralization by the institutions shall be considered. If securities require safekeeping, the RFP/bid will request information on safekeeping services. The depository contract will provide for collateral if balances exceed the FDIC insurance balance per tax identification number.

Other banking institutions, from which the City may purchase certificates of deposit or place interest bearing accounts, will also be designated as a depository for depository/collateral purposes. All depositories will execute a depository agreement and have the Bank's Board or Bank Loan Committee pass a resolution approving the agreement if collateral is required.

Security Broker/Dealers. All broker/dealers who desire to transact business with the City must supply the following documents to the Investments Officer(s).

- Financial Industry Regulatory Authority (FINRA) certification and CRD #
- proof of Texas State Securities registration

Each broker/dealer will be sent a copy of the City's investment policy. If material changes are made to the policy, the new policy will also be sent.

A list of qualified broker/dealers will be reviewed and adopted at least annually by the City Council.

Investment Pools. Each pool must be provided a copy of the City's current Investment Policy and certify to a review of the Policy. An authorized representative shall execute a written instrument substantially to the effect that the pool has received and thoroughly reviewed the City's Investment Policy and acknowledges that the firm has implemented reasonable procedures and controls to preclude investment transactions conducted between the City and the pool that are not authorized by the Policy.

XI. QUARTERLY INVESTMENT REPORTING

Not less than quarterly, the Investment Officers shall prepare and submit to the City Council a quarterly written investment report in compliance with the Public Funds Investment Act (Gov't Code 2256.023). The report must:

- describe in detail the investment position of the City on the date of the report,
- state the book value and fair market value of each separately invested asset at the beginning and the end of the quarter by the type of asset and fund type invested,
- state the change in market value during the quarter,
- state the accrued interest received in the period,
- state the final maturity date of each separately invested asset that has a maturity date,
- state the fund for which each individual investment was acquired, and state the compliance of the investment portfolio of the City as it relates to the Investment Policy and the Public Funds Investment Act, and
- be prepared jointly and signed by all City Investment officers.

Market prices will be obtained from an independent source.

XII. INVESTMENT POLICY ADOPTION

The City's Investment Policy shall be reviewed and adopted by resolution of the City Council no less than annually. Any changes made to the Policy must be noted in the adopting resolution.

RESOLUTION NO. 2020-05-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS AMENDING THE CASH MANAGEMENT, FIXED ASSETS, AND INVESTMENT POLICY IN ITS ENTIRETY, TO SPLIT THIS POLICY INTO TWO MORE COMPREHENSIVE POLICIES: (1) INVESTMENT POLICY AND STRATEGY, AND (2) FINANCIAL PROCEDURES AND CONTROLS.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to promote the timely, effective and efficient administration of City business; and

WHEREAS, the City Council finds that it is necessary and proper for good government, peace and order of the City of West Lake Hills to adopt the following.

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Lake Hills:

- 1. Findings of Fact:** The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
- 2. Effective Date:** This Resolution shall be effective immediately upon passage.
- 3. Policy Amendment:** The Council hereby amends the City’s Cash Management, Fixed Assets, and Investment Policy in its entirety in order to:
 - a. Split the Policy into two more comprehensive policies:
 - (1) Investment Policy and Strategy
 - (2) Financial Procedures and Controls
 - b. Update policy, procedures and internal controls, to read as follows:

(See Exhibit “A” & “B”)
- 4. Repealer:** Any conflicting policy or rule of the City’s is hereby repealed to the extent necessary to give effect to this Resolution.
- 5. Filing:** The Council directs the City Secretary to include this Resolution in and among the City’s official records, and to transmit an executed copy to the City’s depository.
- 6. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & ADOPTED this, the 27th day of May 2020

LINDA ANTHONY, MAYOR

ATTEST:

STEPHANIE MILLS, CITY SECRETARY

(ATTACH EXHIBIT “A” – INVESTMENT POLICY AND STRATEGY)

(ATTACH EXHIBIT “B” – FINANCIAL PROCEDURES AND CONTROLS)



FENCE VARIANCE STAFF REPORT

MAY 27, 2020

Project Name: 901 Forest View Drive – Variance request to exceed maximum allowed fence height for the addition of privacy panels

Agenda Item: Land Use: **901 Forest View Drive:** Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of a fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

Applicant Information: Owner June James

Hearing Dates:

May 20, 2020	ZAPCO
May 27, 2020	City Council

Location: The subject property is located on the corner of Forest View Drive and Cedar Park Drive, east of Westlake Drive, west of Rocky Creek Drive, and south of Redbud Trail.

Zoning & Site Characteristics:

The tract is zoned R-1 – One-Family Residential. The immediately adjacent properties also zoned R-1, and a property across the street is zoned R-2 – Two-Family Residential. The property has an existing home. The size of the property is 0.4962 acre per Travis County Appraisal District records.

Background & Analysis:

Ms. Janes is replacing an existing fence and requesting a variance for the height to exceed the maximum allowed 6ft for a 24ft section of the fence. Lattice panels are proposed to be added to a 24ft section of the fence. The panels are 4ft tall, bringing the fence to 10ft tall for the affected section only. The original fence height for the affected 24ft section is 12ft 9in. In 2000, Mr. Janes was approved for a permit to replace it at the same height. The proposed 10ft height will be shorter than the existing fence.

Ms. Janes has explored other options in lieu of a taller fence, including growing additional vegetation, but has not been able to achieve the desired height needed to provide privacy.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
The applicant states – “When the house was built in 1960 a tall section of fence was not needed since there was not another house behind it until 1980. Our home is only 16ft from the back property line where the fence is located.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The applicant states – “...no existing flora or natural terrain will be impacted.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “I have considered shrubs that will grow in the heavy shade of our backyard and have tried elaeagnus, wax myrtles and Houston yaupons but they didn’t grow tall and dense enough to provide privacy at 10ft. For environmental reasons I won’t plan ligustrums.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The applicant states – “The proposed lattice panels will rise to the top of our neighbor’s windows. That height affords us both some privacy while still allowing light and breeze into our backyards.”
5. The variance does not violate the intent of the Zoning Ordinance or the goals of the City’s Comprehensive Plan.
The application states – “No trees or existing flora or terrain will be disturbed as a result of these lattice panels since taller lattice panels exist there now.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “The proposed end result is to continue to enjoy some privacy in our backyards and in our homes even though this section of fence will be 2ft 9in shorter than is now.”

Traffic/Transportation

No impact expected.

Lighting

Outdoor lighting is not part of the variance or fence application.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

This property is located in Area 1 (Residential). The property complies with the Master Plan regarding current and future land use.

ZAPCO Recommendation

During the May 20, 2020 ZAPCO meeting, the Commissioners recommended approval by a vote of 3 – 2 with a condition to verify the property boundary line prior to permit issuance.

Staff Recommendation

Staff recommends approval of the variance request with the condition as stated in the ZAPCO recommendation. The applicant wishes to maintain privacy that the existing nonconforming fence provides, and has explored other alternatives that were not feasible.

Code Analysis:

Sec. 22.03.173 Fences

(a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.

(b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and “front-yard” fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.

(c) Definitions.

Fence. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

Front-yard fence. A fence that runs generally parallel to property lines abutting any public or private streets and is constructed or serves to prevent or hinder ingress onto or through a property from the direction of the public or private street.

Gate. A door or frame that closes an opening in a wall or fence.

Retaining wall. A wall for holding in place a mass of earth or the like, as at the edge of a terrace or excavation.

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly

enter a building without having to force entry or find individual keys held in deposit at the station. Also known as a Knox Box® Rapid Entry System. (Ordinance 227A adopted 10/12/11)

Walls. A masonry structure enclosing space (e.g., field, yard); for purposes of this section, a wall is considered a type of fence.

(d) Requirements.

(1) General requirements. All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the fence, that side shall be the interior side, that is, the side facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.

(2) Prohibited materials. The use of barbed wire or any other sharp, pointed, or penetrating materials to build new fences is prohibited. Existing fences made of barbed wire, or any sharp, pointed, or penetrating material may not be lengthened or altered except to redesign them in accordance with this regulation.

(3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.

(4) Swimming pool barriers. Swimming pool barriers must conform to sections 22.03.167, 22.03.207 and any applicable international, national, or uniform code adopted by the city.

(5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate. Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection (7) below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.

Front-yard fence requirements (6)–(7).

(6) Front-yard fences shall:

- (A) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total area of the front-yard fence exposed to the streetscape is effectively screened from view;
- (B) Be constructed to allow a minimum of 80% visibility through the front-yard fence prior to the installation of the landscaping required in subsection (6)(A) above;
- (C) Blend in with their natural surroundings in both color (e.g., brown, black, rust, etc.) and texture and by means of landscaping.
- (D) Have columns, posts, supports, or other components that are made of metal (excepting chainlink), brick, rock, stone, or wood in order to complement the principal structure on the property and the natural surroundings.

(7) Except as may be required by subsection (5) above, the setback distance for a front-yard fence shall be determined as follows:

- (A) For lots less than 0.75 acre, the minimum front setback distance for front-yard fences shall be 20 feet from the nearest pavement edge of the public or private street, provided that no fence shall be constructed in the right-of-way.
- (B) For lots 0.75 acre and larger, the minimum front setback distance for front-yard fences shall be 30 feet from the nearest pavement edge of the public or private street, provided, that no fence shall be constructed in the right-of-way.
- (C) Rear and side setbacks set forth in section 22.03.281 do not apply to front-yard fences.

(8) Side and rear fences. Fences may be located on side and rear property lines that do not face or abut public or private streets. If a fence on a side property line extends toward a public or private street, the side yard fence shall end at a point along the side property line so as to conform to the setback distances stated in subsection (7) above.

(9) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:

- (A) Have the same front setback requirements as a principal building under the appropriate category in section 22.03.281;

(B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(B).

Height of fences (10)–(11).

(10) Fences shall not exceed of 6 feet in height per side on or parallel to each property line measured from existing natural ground level.

(11) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.

Fence permit (12)–(14).

(12) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.

(13) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:

(A) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;

(B) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;

(C) A depiction of the growth and size of the vegetation three years from planting;

(D) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features that will be visible from the exterior or street frontage side of the fence.

(14) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within 90 days or a date specified by the city council to accommodate

the next favorable growing season, whichever is later. Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within 12 months of the approval date of the permit. Before resuming work, a new permit must be obtained in accordance with section 22.03.137(b).

(15) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

(16) Vacant lot. Fences are prohibited on a vacant lot.

Sec. 22.03.514 Criteria required for granting variance

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

(A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

(C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

(D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

(A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

(B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and

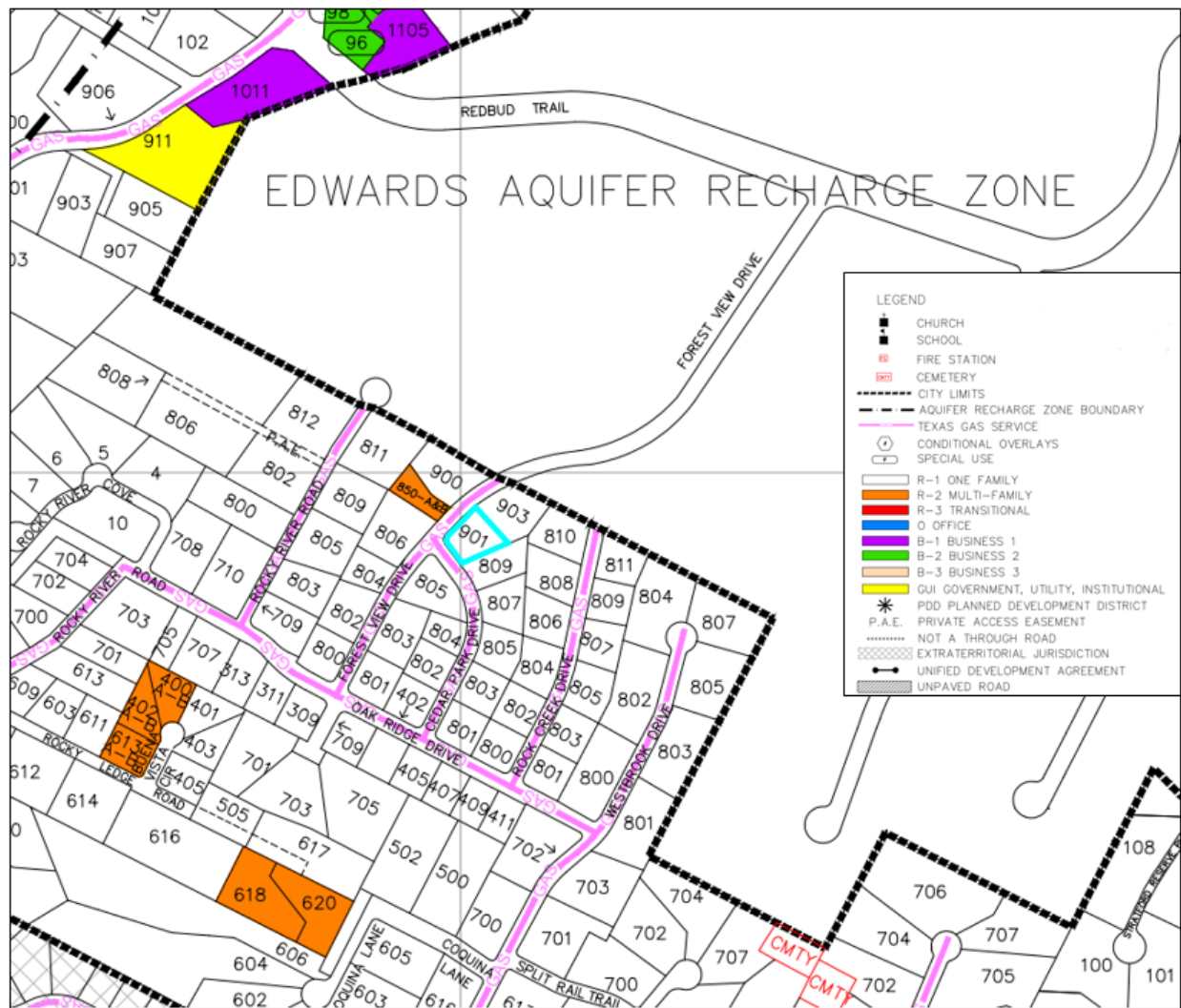
(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

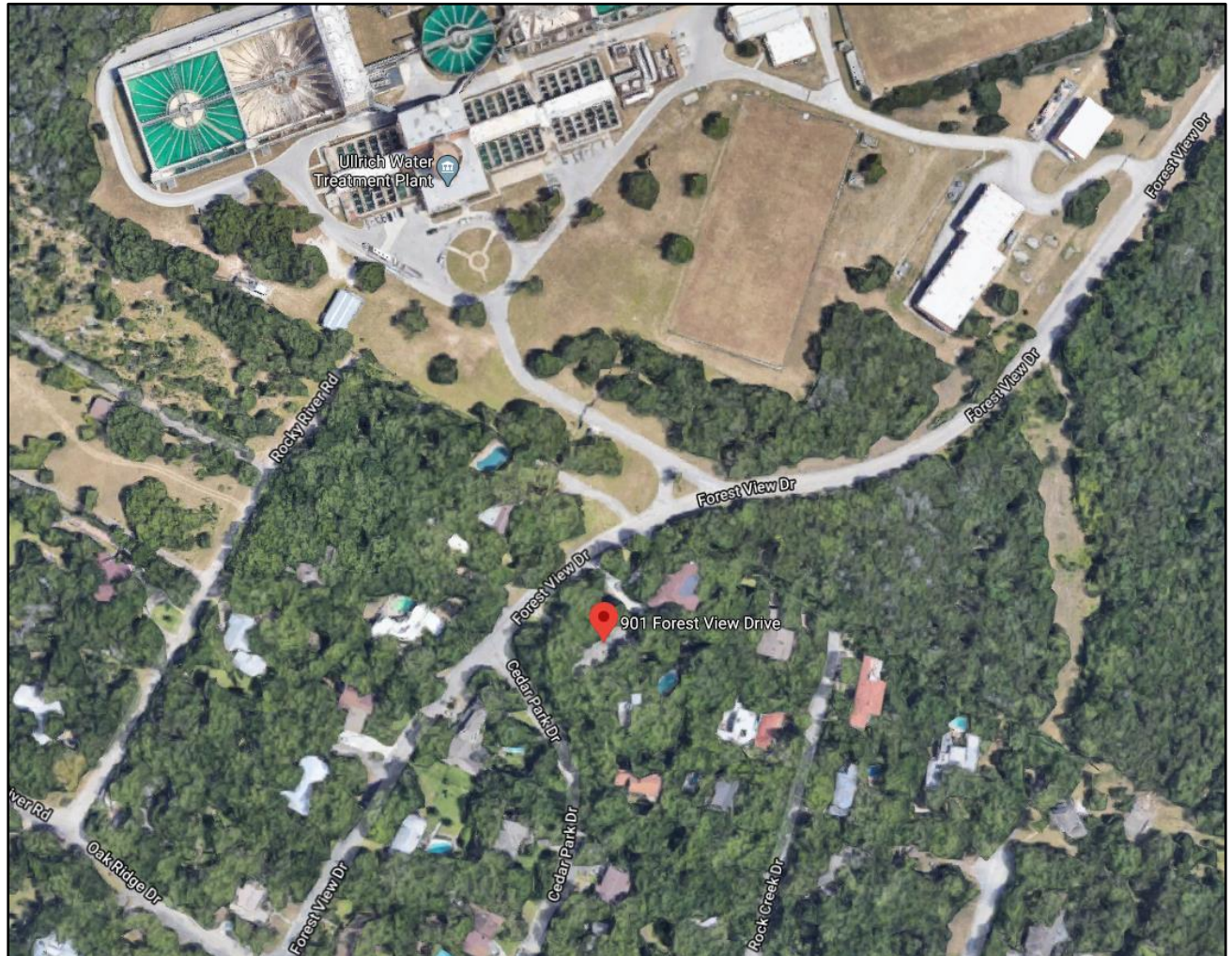
(Ordinance 137, att. A, adopted 9/15/08)

(Maps to follow)

Zoning:



Aerial:



15707

City of West Lake
Received
MAR 20 2020**APPLICATION COVER SHEET**

Property Address: 901 Forest View Dr.
 Applicant Name: June B. Jones
 Designated Agent (if any, Power of Attorney Required):
 Applicant Phone Number: 512/587-7528 Email Address: [REDACTED]
 Date Application was Submitted: March 20, 2020
 Variance(s) Requested:

**Request to exceed maximum allowed fence height
for a 24' long section of fence.**

Applicant completes above section; City Staff completes the section below:

Variance File Number: 15707 [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ 400.00 ck 2444 ☒ Fees Received on 3/20/20 by [Signature]

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
 Staff Analysis completed on _____ by _____
 Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
 Notice to Proceed Letter sent to Applicant on _____ by _____
 • Notification Letter must be postmarked by _____ ☐ Confirmed by _____
 • Sign must be posted by _____ ☐ Confirmed by _____
 15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: 5/20/20
 ZAPCO Action Letter sent on _____ by _____
 ZAPCO Recommendation: _____
 Conditions/Comments (if any): _____
 Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: 5/27/20
 BOA/Council Action: _____
 Conditions/Comments (if any): _____
 BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
 • Notifications added to Incode on _____ by _____
 Postponement History (if any): _____
 Notes: _____

March 20, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 West Lake Hills Dr.

Dear Mr. Chairman:

We are seeking a variance to exceed the 6' fence height limit with the addition of 4' lattice privacy panels at the top of a section of our backyard fence. When we purchased this home in 1992, the fence height in this section was 12' 9". With a permit in 2000, we replaced that section at the same height.

Our home was built in 1960 and sits far back on the lot close to the property line. It has 4 large windows with 4 clerestory windows above, 3 sets of French doors and 3 other windows across the back. Our existing wooden lattice privacy panels keep us and our neighbors from seeing directly into each others' homes.

The 4' tall lattice panels would create a 24' long section of fence that is 10' total height instead of the 12' 9" height we have had since 1992. We feel that at 10', the shorter fence as proposed is more attractive while still giving us and our neighbors some privacy.

The option of planting tall shrubs has been considered. However due to the heavy shade provided by large live oaks, I have not been able to grow environmentally acceptable shrubs that are 10' tall and full at the top. I have tried elaeagnus, wax myrtles and Houston yaupons. For environmental reasons I won't plant ligustrums even though they grow tall and dense.

We believe that our proposed fence consisting of EPE wood, steel posts with the steel lattice privacy panels will be functional and aesthetically pleasing. And even though it is almost 3' shorter than what exists now, it will still provide almost the same privacy that we and our neighbors are used to.

Sincerely,

June B. Janes

June B. Janes
901 Forest View Dr.
[REDACTED]

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

(1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced. *If the fence height ordinance is strictly enforced, part of our backyard fence would not be possible. When the house was built in 1960 a tall section of fence was not needed since there was not another house behind it until 1980. Our home is only 26' from the back property line where the fence is located.*

(2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

The proposed lattice panels bring the total fence height in that area to 10' for a length of 24'. The current height of this section of fence is 12' 9" so no existing flora or natural terrain will be impacted.

(3) What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

I have considered shrubs that will grow in the heavy shade of our backyard. I have tried oleagnus, wax myrtles and Houston yacoupons but they didn't grow tall and dense enough to provide privacy at 10'. For environmental reasons I won't plant ligustrum.

(4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

The proposed lattice panels will rise to the top of our neighbor's windows. That height affords us both some privacy while still allowing light and breeze into our backyards.

(5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

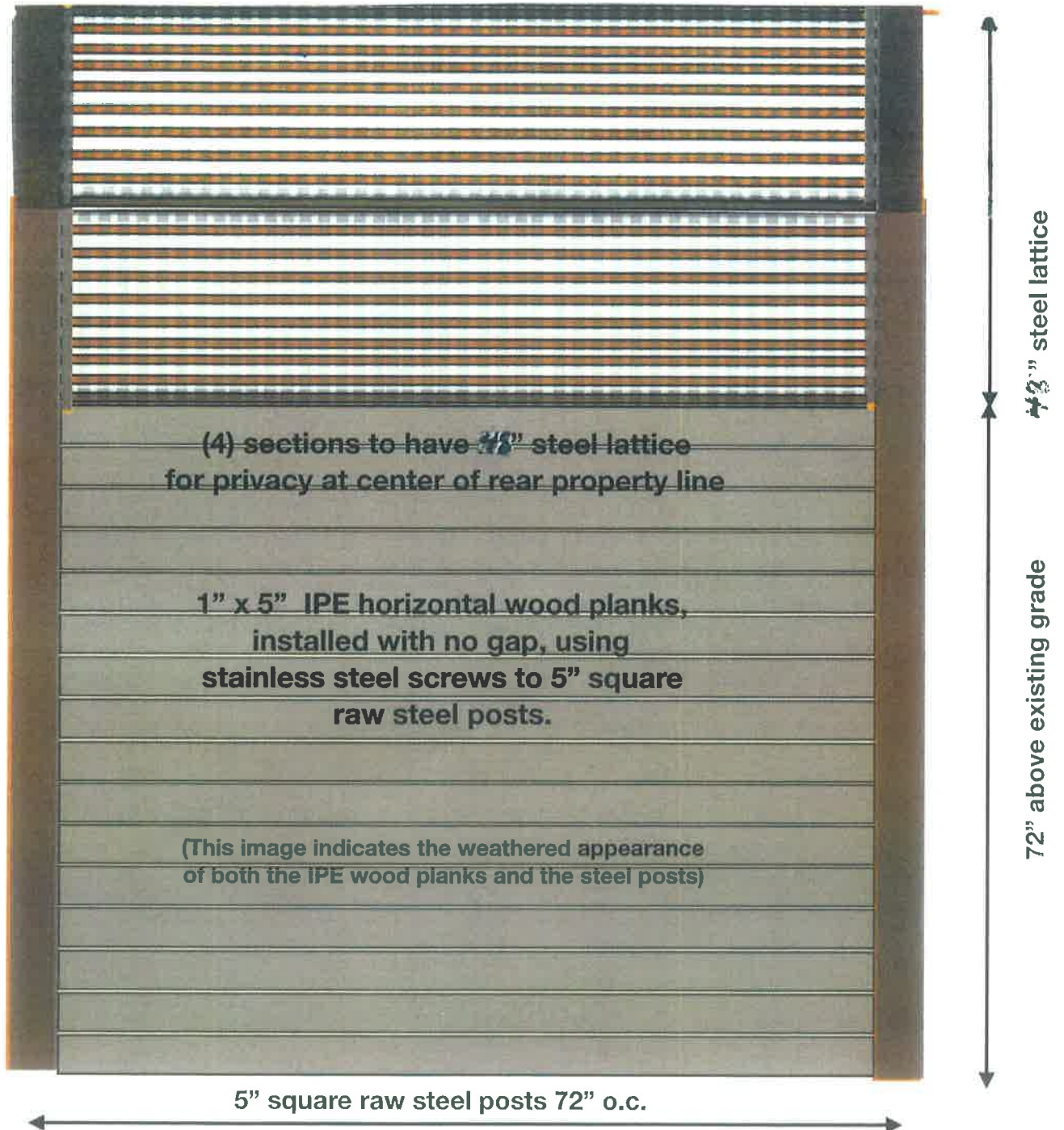
No trees or existing flora or terrain will be disturbed as a result of these lattice panels since taller lattice panels exist there now.

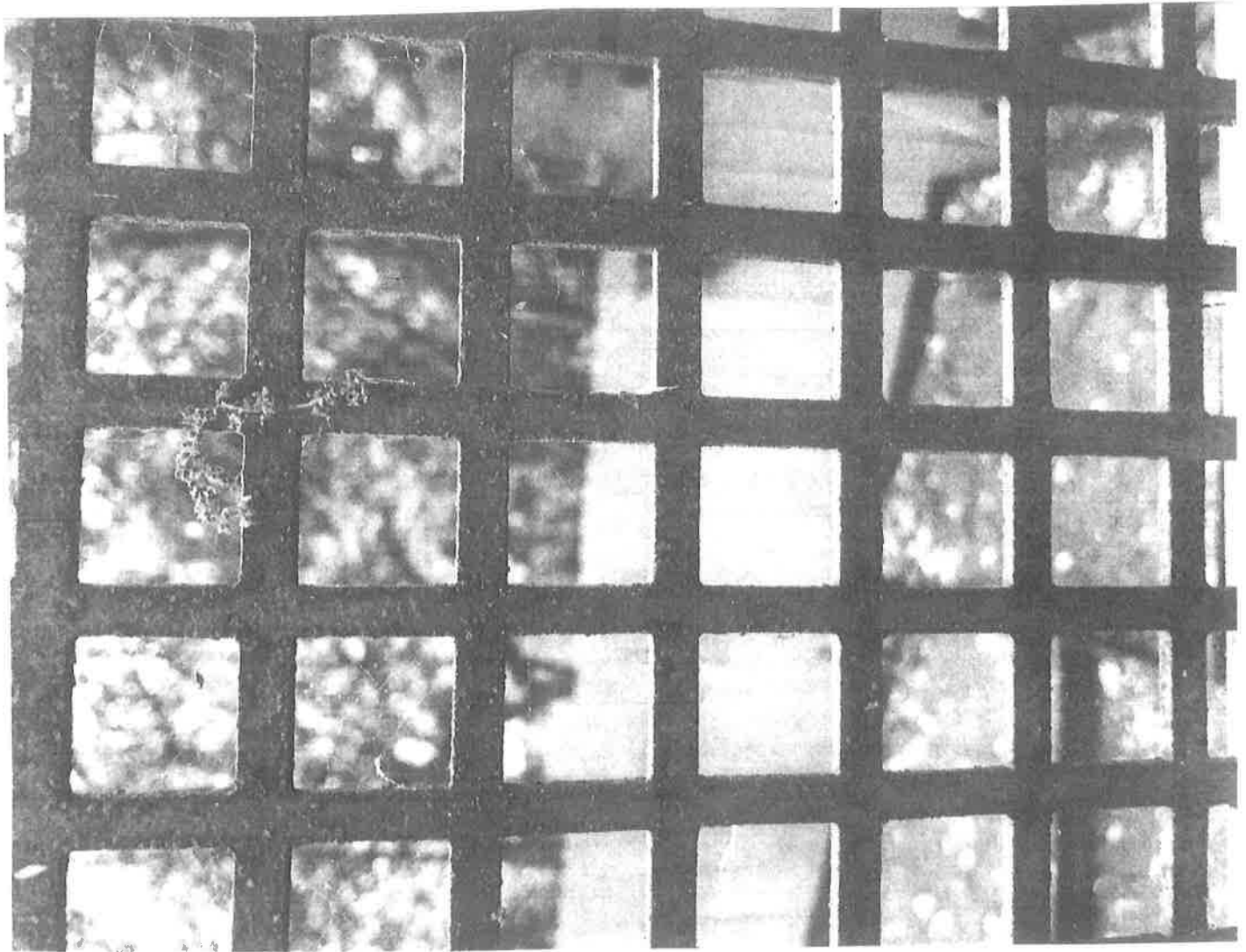
(6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The proposed end result is to continue to enjoy some privacy in our backyards and in our homes even though this section of fence will be 2' 9" shorter than it is now.

Property Address: 901 Forest View Dr.

**Janes Fence
901 Forest View Drive
Side elevation 2**





Example of lattice
3/4" squares



Fence 1992

**Janes Fence
901 Forest View Drive**

Images of existing fence and raised lattice privacy panels (center one removed);





View of fence and neighbor's home
from inside Janes home

NOTE: IF PLANNED CONSTRUCTION OR CLEARING IS OVER THE EDWARDS AQUIFER RECHARGE ZONE (Check map in City office determine), property owner must, under Title 31 Texas Water Commission Edwards Rules 313, submit and gain approval of a Water Pollution Abatement Plan prior to obtaining a City of West Lake Hills Building Permit. To obtain a application, checklist and fee schedule, you may write or call Bobb Nelms, District 14, Texas Water Commission, 1111 Lamar, Bldg. 1, Suite 101, Austin, Texas 78704 - Phone (512) 463-7803.

APPLICATION FOR RESIDENTIAL BUILDING PERMIT
CITY OF WEST LAKE HILLS, TEXAS

RECEIVED
JUN 16 2000
CITY OF WEST LAKE HILLS

APPLICATION is hereby made to the City of West Lake Hills for a permit to REPAIR WOODEN FENCE, in accordance with plans (attach, please) and specifications submitted herewith, and in full conformity with provisions and regulations of all ordinances of the City of West Lake Hills, whether specified herein or not.

STREET NO. 901 Forest View ZONED R-1 BLDG. PERMIT NO. NONE

NAME OF SUBDIVISION Live Oak Terrace BLOCK _____ LOT _____ SIZE _____ AC _____

LIABILITY/PROPERTY DAMAGE INSURANCE ATTACHED _____ SURETY BOND ATTACHED _____

THREE COPIES OF PLANS & SPECIFICATIONS ATTACHED _____ WATER TAP APPROVED _____

OWNER OF GROUND Brandon & June Jones PHONE 328-4611
(NAME) (ADDRESS & ZIP CODE)

ARCHITECT/DESIGNER Gregory Free PHONE _____
(NAME) (ADDRESS & ZIP CODE)

GENERAL CONTR. Danne Connor Cranor PHONE 244-6681
(NAME) (ADDRESS & ZIP CODE)

PLUMBING CONTR. _____ LIC. TYPE & NO. _____ PHONE _____
(IN EFFECT NOW)

ELECTRIC CONTR. _____ LIC. TYPE & NO. _____ PHONE _____
(IN EFFECT NOW)

PRIVATE SEWAGE FACILITY PERMIT ATTACHED _____ LOT IN 100 YR. FLOOD PLAIN _____

FT. OF: LIVING AREA _____ WALKS & DRIVES/PARKING _____ GARAGE _____ POOL _____

DECKS/BALCONIES _____ STORAGE _____ TOTAL SQ. FOOTAGE _____ TOTAL ESTIMATED COST \$ 3,865

TOTAL FEE COLLECTED: \$ _____ BY _____ DATE _____

I, THE UNDERSIGNED HEREBY DOES SOLEMNLY SWEAR that to the best of their knowledge the above statements concerning this application are true and correct and that all licenses for subcontractors have been checked by General Contractor and are determined to be presently active under State law. I have read and understand applicable portions of Building Code in Ordinance 56 as amended.

Signature of Applicant: June B. Jones Date 6/16/2000

Approval of City Administrator or Building Official: [Signature] Date 6/16/2000

BY _____

Certificate of Occupancy issued _____

CITY OF WEST LAKE HILLS
(512) 327-3628

REC#: 00060301 3/23/2020 10:01 AM
OPER: PZSEC TERM: 008
REF#: 2444

TRAN: 104.0000 BUILDING PERMIT
 15727 400.00CR
 JANES, BRANDON & JUNE
 901 FOREST VIEW DR
 PZ 400.00CR

TENDERED: 400.00 CHECK
APPLIED: 400.00-

CHANGE: 0.00



**Janes Fence
901 Forest View Drive**

General style of the fence, only with much wider posts (5" square) and evenly weathered LPE wood instead of natural cedar.



NOTICE TO NEIGHBORS OF VARIANCE REQUEST

DATE OF NOTICE: April 17, 2020

Greetings. You are hereby notified that **June Janes**, the recorded owner of a property located at **901 Forest View Drive** in the City of West Lake Hills, Texas has filed a Variance Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

- **Section 22.03.173 - Fences.**

The request is so that the property owners may: **Exceed maximum allowed fence height of 6ft to add privacy lattice panels to a 24ft long section of a fence.**

The Application may be inspected at West Lake Hills City Hall, 911 Westlake Drive, West Lake Hills, Texas between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. This application is scheduled to be considered at a public hearing held by the Zoning and Planning Commission on **May 20, 2020** at **6:30** p.m. and the City Council on **May 27, 2020** at **7:00** p.m. at West Lake Hills City Hall, located at 911 Westlake Drive, West Lake Hills, Texas. There shall include an opportunity for all interested persons to be heard. Please call City Hall at 512-327-3628 or email planner@westlakehills.org if you have any questions.

Mark Littrell, Zoning & Planning Secretary

May 19, 2020

Mr. Robert Meisel, Chairman
Westlake Hills Planning and Zoning Commission
911 Westlake Drive,
Westlake Hills, Texas, 78746

Re: Variance File No. 15727; 901 Forest View Drive Fence
Variance

Dear Mr. Chairman,

I write in response to Mrs. Janes' variance application regarding a fence that separates our two properties. My wife is ill, so I will unfortunately be unable to attend the ZAPCO hearing on May 20th.

My representatives met with Mr. Janes on May 18, 2020, to walk the fence and property lines. We also reviewed a survey dated September 28, 2000. The fence that the Janes want to build would require that the fence facing my property be demolished from end to end, not just the 24-foot subject area that the variance is requesting. At this time, without a current survey, it is not clear whether the fence that faces my property is on my property or the Janes' property. If it turns out that the fence facing my property (which I paid for) is on my property, then it would be inappropriate for the Janes to tear down my fence along with their own, and it would be very inconvenient and expensive for me to rebuild mine, to say nothing of the trouble of re-establishing our landscaping, which would be destroyed in the process.

Simply put, I think it is premature at this point for the Board to rule on the variance because an updated survey does not exist. Until we can know with certainty where our respective fences lie vis-a-vis our property lines, I feel it would be imprudent to grant the variance.

I look forward to cooperating with the Board, City of Westlake Hills, and the Janes in resolving this critical issue. Please feel free to reach out to me if you have any further questions or concerns.

Best regards,



Terrence Malick

310-871-1093

DRAFT

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, May 20, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the April 15, 2020 Regular Meeting Minutes.

LAURIE MOVES TO APPROVE AS PRESENTED. BILL VANDERSTEEL. (5-0).

3. Land Use 4609 Bee Cave Road: Discussion/recommendation of a sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

- a. Staff Briefing

Anjali provides staff report. Signs comply with the Code. Staff Recommendation: Approval of the two signs.

- b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action

MOVES TO REC APPROVAL. HARWELL SECONDS. (5-0).

4. Land Use 901 Forest View Drive: Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

- a. Staff Briefing

Briefing is given. 10' in particular sections. Previous variance had been approved for

DRAFT

several years. We received a letter from a neighbor against. Staff Recommendation: Approval.

b. Presentation by applicant

June is the applicant. Brandon is also present. On page 23 of your packet is what we are requesting to replace a 20 year old fence and a variance for height in that one section with some panels on top of the fence. It will be on the property line where it has been for the last 28 years. We purchased the house in 1992. We obtained a permit in 2000 to replace the fence at the same height and same place. We paid the total cost of that fence. We want to keep one section tall. When it was built in 1960 there wasn't a house behind us. A two-story was built in 1980. I met with neighbors who property lines we share. I'm happy to answer any questions.

Brandon: The fence was built before the neighbor bought their place. We will be willing to re-survey to show it is on our property.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

d. Deliberation and Action

Harwell: Is the fence the letter owner's property? He has issues with the production.

Chair: The city cannot issue a permit to build a fence on someone else's property. Get that done first to make sure the line is where it supposed to be.

BV: I didn't have a problem with it when the photos make it very clear. It's important that the neighbor has some input of how it looks.

Brandon: I don't think he has issues with the style; it's the disruption.

LM: Is there any reason for safety concerns for having a fence that high?

Brandon: It's been that way 28 years and we're lowering it.

LM: You're asking for over 4' more than what we allow. Are you making it that high to provide security or privacy?

June: Privacy, no other reason.

LM: Thank you.

Chair: The ordinance requires that it meets the minimum goal that is not as disruptive as our ordinance scheme. If the issues is privacy, the answer is a window treatment and not a fence. I don't think the city can go with a new variance. It does allow you to repair but does not allow a new fence.

DRAFT

BV: I'm a confused about the initial construction. That was 12' feet high. Why are having a new variance if they are rpelacing it lower?

Chair: This does require a variance. The old one won't cover it.

Pledger: Mr. Janes are partners and I believe that privacy is a reasonable basis for a higher fence. We have approved fences for privacy.

BV: The need for height is much more obvious for this smaller lot.

Vaughan: Since they already had a variance, it should be restricted to repairing. It makes fence to me to move forward with it. It's an improvement.

BV: We can condition that the approval based on survey confirmation.

BV MOVES TO REC APPROVAL WITH VEREIFICATION OF PROPERTY LINE.
PLEDGER SECONDS. (3-2)

5. **Land Use 917 Calithea Road:** Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.

- a. Staff Briefing

Staff report is given. This property is over 2 acres and is very steep. Neighbors are supportive. Staff Recommendation: Approval.

- b. Presentation by applicant

Cornthey Johnson is the owner. Our lot is extremely steep. The location is located on Page 61 with pictures showing the hardship. Our neighbors have been supportive as well.

- c. **Public Hearing:** All persons wishing to speak for or against shall be heard.

Public hearing is closed.

- d. Deliberation and Action

BV: Have you considered it being moved to the middle of the property?

Cortney: We did consider a number of locations. There were concerns but we would have the same variance request because of the topography. This was less invasive. Page 75 is more clear of the retaining that the neighbor has installed.
The wall is below grade and is less visible.

LM: This is design driven.

BV MOVES TO REC APPROVAL. HARWELL SECONDS. (4-1) LM DISAOPROVES.

6. Land Use 301 Buckeye Trail: Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 - 14" Cedar (West Lake Hills Code Sec. 22.03.304); 2) removal of Tree # 218 - 16" double Live Oak (West Lake Hills Code Sec. 22.03.304); 3) encroachment of a new structure into side and rear building setbacks (West Lake Hills Code Sec. 22.03.281); and 4) exceed maximum impervious cover up to 30.5% (West Lake Hills Code Sec. 22.03.281). Owner Ben Brieger/Applicant Marc Madely.

a. Staff Briefing

Staff Briefing is given that this is back. Letters of support are provided from neighbors.
Staff Recommendation: Denial.

b. Presentation by applicant

Ben Brieger: I'm still applying for the same variances. A few have changed. The whole reason for this is safety to continue this hobby. I have explored some alternatives. Bill Vandersteel came up with several solutions. Putting the garage in the front yard it would effect large oak trees. Third was impervious cover. I appreciate Bill's help with this. I've looked at alternatives. The two effective neighbors have written letters in support of this.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Vaughan: Alternatives?

BV: We met and tried to come up with solutions that would fit. The spaces weren't quite large enough.

Chair: I need to offer an observation that this is design driven. This is too much too far.

Pledger MOVES TO REC DENIAL FOR LACK OF HARDSHIP. HARWELL SECONDS.

7. Land Use 119 Redbud Trail: Discussion/recommendation of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining

DRAFT

wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owner Charles Holley/Applicant Scott Cassel.

a. Staff Briefing

Staff Briefing is given. Staff Recommendation: Approval

Harwell: Impervious Cover?

Charles: the previous built a small concrete parking area and put in gravel. We have closed that up. That is just a parking area. Scott Cassel is also on.

LM: How long is the driveway from the street to the garage?

BV: It's about 50' from the garage to the street.

Chair: Is there a history in the file?

Mark: It had a hammerhead for a turnaround.

Chair: It was not on the building plan set.

BV: Was it ever built?

Chair: It's there.

b. Presentation by applicant

Scott Caasel is the landscape architect. The grade is 16.5%. The driveway is 51' from the roadway. The hardship is it impossible to turnaround. They have to back out onto Redbud. People go so fast on that roadway. Due to that issue we deem it a hardship. The impervious cover is under. The two trees to be removed are crape mertles which are not native. The other homes all have driveways with the same issues.

Charles: The hammerhead was approved about three months before we bought eh house.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Chair: I don't see why you need a cut there other than convenience.

Charles: There is enough room to back up to the left but to get out is more difficult if you

DRAFT

have another car. It's impossible.

BV: If the hammerhead was deeper it would be adequate.

Charles: Are you saying to expand the hammerhead?

BV: You can't back into that. I'm suggesting on the other side of the driveway.

Charles: It will still be difficult if another car is in the driveway.

Scott: There is also the visibility and safety issue.

LM: Looking at it it's a 3 car garage. We use our hammerhead, it looks like it would be possible and would do the job and not require a variance. The variance is more design driven.

Charles: People will still have to back out and create a very dangerous situation.

Chair: Redbud is a problem.

BV: Would delivery would be using it or parking in the street?

Charles: There is going to be no gate.

PLEDGER believes it would be beneficial I'm leaning approval.

BV MOVES TO REC APPROVAL. JAMES VAUGH SECONDS.

HARWELL: If the drivers on Redbud are speeding, using traffic calming and enforce the limits in place, that would be preferable.

Pledger: I don't disagree I think it's a design issue. It's a weird lot. The better solution is to add a second driveway.

(5-0) approval.

8. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:04 p.m.

DRAFT

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.



SIGN APPLICATION STAFF REPORT

MAY 27, 2020

Project Name: 4609 Bee Cave Road – Creekside at the Hills– Sign Application

Requested Action: The applicant is seeking approval of projecting/wall-mounted address numeral signs on a new commercial building.

Agenda Item: Land Use: **4609 Bee Cave Road**: A sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

Applicant Information: CND Signs – Paul DiBernardini

Location: The property is located south of Bee Cave Road, west of Buckeye Trail and east of Sundown Parkway.

Zoning & Site Characteristics:

The property is zoned B – 2 – Business 2 District. The property includes a newly constructed commercial building and is approximately 6.56 acres.

Hearing Dates:

May 6, 2020	Building Design Committee
May 20, 2020	Zoning and Planning Commission
May 27, 2020	City Council

Background/Analysis:

The Creekside at the Hills building has recently completed construction (site plan and building permits were approved by the City in 2019). The project is now going through the sign permitting process. The applicant is currently applying for address numeral signs that will be wall-mounted on the building. The signs generally comply with the Sign Ordinance (see analysis below).

The signs were reviewed by the Building Design Committee on May 6, 2020 and the Committee motioned to move the application forward to ZAPCO.

Code Analysis (Reviewed under Chapter 32, Sec. 32.03.006 – Bee Cave Road and Loop 360 Corridor Street Number)

- 1) Purpose. To identify the numerical street address of a multitenant shopping or office complex. | **Complies**
- 2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches. | **Please provide dimensions of individual numerals**
- 3) Height. No part of the numbers shall extend above the roof line of the building. | **Complies**
- 4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360. | **Site plan showing locations provided and locations appear to meet requirements.**
- 5) Location. On the building complex at the corner of the complex closest to the street. | **See comment above.**
- 6) Design. The sign shall contain only the number of the street address (e.g., 3415). | **Please verify if sign will have shiny or matte/brushed finish (See Code Sec. 38.01.013). Otherwise design complies.**
- 7) Lighting. None. | **Complies, no lighting proposed.**
- 8) Landscaping. None. | **Not applicable**

Traffic/Transportation

Not expected to have an impact on traffic.

Lighting

The signs will not be illuminated.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This will not impact the subdivision.

Comprehensive Planning Analysis

The use with the Master Plan in terms of existing and future land use.

ZAPCO Recommendation

During the May 20, 2020 Zoning and Planning Commission meeting, the Commissioners unanimously recommended approval by a vote of 5 – 0.

Staff Recommendation

Staff recommends approval of the signs since they comply with the Code.

Code of Ordinances:

Chapter 32 – Signs

Sec. 32.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator. A member of the city staff appointed by the city administrator, designated to administer and enforce this chapter.

Average grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure.

Billboard. Any sign that is freestanding or attached to or part of a building and is an off-premises sign.

Building design committee (BDC). A subcommittee of the zoning and planning commission consisting of three members.

City. The City of West Lake Hills, Travis County, Texas, and its area of extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code chapter 42.

Commercial sign. A sign which directs the attention of the general public to a place of business that sells goods or services, or other contains commercial or business activity.

Commission or zoning and planning commission. The zoning and planning commission (ZAPCO) of the city.

Compensable cost. Those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this chapter is entitled to be compensated pursuant to V.T.C.A., Local Government Code chapter 216, which costs, if required to be paid by the statute, shall be calculated in accordance with the formula set forth in the statute.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill, and the like.

Freestanding sign. Any sign which is not attached to or on the walls, face, or exterior of a building.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by a property owner as mandated by the federal, state, or local government either directly or to enforce a property owner's rights.

Handheld sign. Any sign held by a person.

Indirect lighting. A light source from a shielded and hooded fixture mounted to the top of the sign, pointed towards the ground and that is diffused to provide an even illumination without glare. This type of lighting must conform with the lighting requirements in [article 24.03](#).

Landscaping. To change the natural features by adding trees, bushes, flowers, etc.

Manual on Uniform Traffic-Control Devices (MUTCD). The state publication for streets and highways.

Notice. Actual notice or written notice sent by registered or certified mail.

Office complex. Two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. Any sign other than an on-premises sign.

On-premises sign. A commercial sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefor.

Projecting or hanging sign. Any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and luminous paint.

Restoration. The routine maintenance and painting of existing, approved signs that do not change the approved design and color in any way.

Shopping center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots on tracts of land.

Sign. A name, identification, image, light device, figure, painting, drawing, message, plaque, poster, billboard, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Displays of merchandise customarily sold at the site without illumination or lettering which are placed behind a store window are not signs or parts of signs.

Surface area of a sign. The total surface including frame and mounting. The actual area of the sign shall be calculated using trigonometric methods when the sign is not a simple rectangle. The allowed area of the sign as stated in the ordinance equals one side of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign.

Temporary sign. A banner, pennant, poster, or advertising display constructed of papers, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the city planner to be displayed for a limited period of time.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Wall sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall and not projecting more than nine inches from the face of the wall at any point.

Zone. A zoning district as shown on the official zoning map of the city.

Sec. 32.01.013 Design review guidelines

- (a) Harmonious with city scale. Sign location, configuration, design, materials, and colors should be harmonious with the Hill Country setting and the rural scale of the city.
- (b) Materials. Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood. Other materials may be substituted when in the opinion of the building design committee they meet the design criteria of the city.
- (c) Architectural harmony. The sign and its supporting structure shall be in architectural harmony with the surrounding structures.
- (d) Colors. Black and earth tones shall be favored and bright colors shall be used only as accent colors. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments such as umber, ochre, and sienna.
- (e) Landscaping. Landscaping is required and shall be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein.
- (f) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (g) Lighting. All lighting of signs shall be indirect lighting as defined herein and all floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or

varies in color or intensity from time to time. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

(h) Moving parts. No sign shall contain any moving parts.

(i) Commercial logo/logograms. Graphic symbols, used to represent or identify a business entity or organizations, are permitted to be displayed on signs only under the following conditions:

- (1) The design and materials comprising the logo shall be consistent with the guidelines in this section;
- (2) Commercial logos shall be permitted only on sign categories set forth in section 32.03.001(b)(4), (6), (7), and (9); and
- (3) Commercial logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Sec. 32.03.006 Bee Cave Road and Loop 360 corridor street number

Numerical street address for multitenant center or office complex on Bee Cave Road or Loop 360 shall be regulated as follows:

- (1) Purpose. To identify the numerical street address of a multitenant shopping or office complex.
- (2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches.
- (3) Height. No part of the numbers shall extend above the roof line of the building.
- (4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360.
- (5) Location. On the building complex at the corner of the complex closest to the street.
- (6) Design. The sign shall contain only the number of the street address (e.g., 3415).
- (7) Lighting. None.
- (8) Landscaping. None.

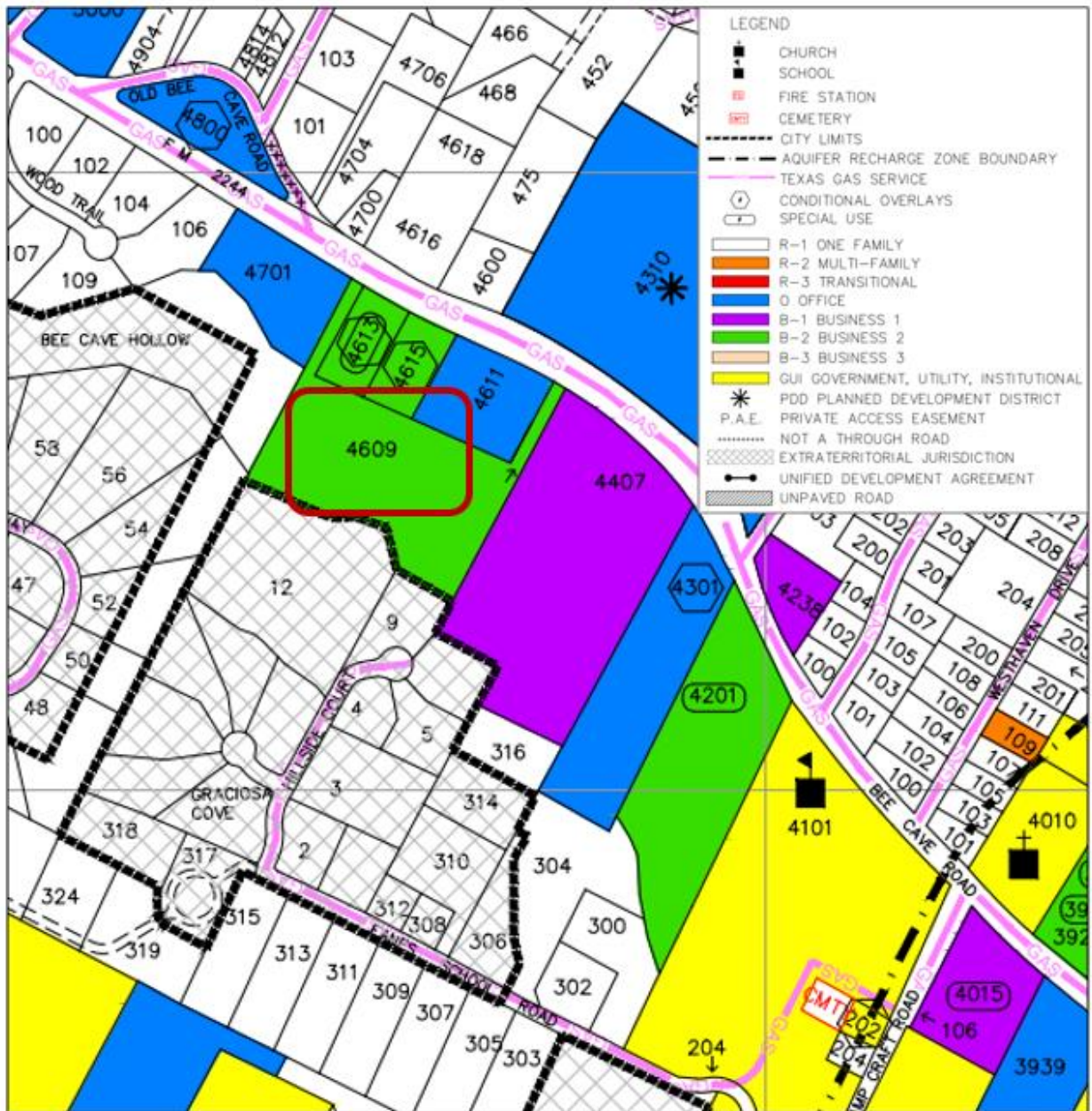
Sec. 32.03.008 Projecting, wall and hanging commercial signs

Projecting, wall, and hanging commercial signs, individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances, shall be regulated as follows:

- (1) Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.
- (2) Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multipaneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet.
- (3) Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways.
- (4) Number. One sign per pedestrian way on which the building abuts, as determined by the administrator with a maximum of two signs, subject to review by the zoning and planning commission.
- (5) Location. Perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.
- (6) Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. Except for those in B-3 districts, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the zoning and planning commission has approved a uniform design for every sign in the entire complex and the city administrator certifies that the proposed new sign meets the uniform design approved by the city.

- (7) Lighting. Indirect.
- (8) Landscaping. Not applicable.
- (9) Special provisions. Shall be as follows:
 - (A) A joint directory sign is permitted subject to the provisions of this chapter;
 - (B) A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;
 - (C) Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building, in [section 32.03.009](#); and
 - (D) An individual business with a basement entrance with no calculable frontage may have one sign with a maximum area of six square feet.
- (10) Increase of size, number. Notwithstanding the foregoing, the maximum size of a projecting, wall or hanging commercial internal sign for a business within a shopping center designated B-3 may be increased to 24 square feet for a retail store with less than 20,000 square feet of retail use floor area, and to 36 square feet for a retail store with more than 20,000 square feet but less than 35,000 square feet of retail use floor area, and to 48 square feet for a retail store with more than 35,000 square feet of retail use. If site conditions permit two sides of a retail store to be visible from the interior of the site, a sign may be approved for each of the two sides.

Zoning:



Aerial:





SIGN PERMIT APPLICATION

Date of Receipt: 4/27/2020 Permit Fees: _____
Collected By: _____ Date Permit Issued: _____

APPLICANT INFORMATION

Property Address: 4609 Bee Caves Road, West Lake, Texas 78746
Street City State Zip

Block: _____ Lot: _____ Tax Parcel ID: _____ Zoning District: _____

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: _____ Phone: _____ Email: vero@cndsigns.com

Address: 4609 Bee Caves Road, West Lake, Texas 78746 City: _____ State: _____ Zip: _____

Agent (with written approval from Owner):

Name: _____ Phone: _____ Email: vero@cndsigns.com

Address: _____ City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

Sign Contractor: CND Signs LLC Phone: 512-888-9788 Email: vero@cndsigns.com

Address: 5213 Tucker Hill Lane City: Cedar Creek State: TX Zip: 78612

SIGN SPECIFICATIONS*

Check one option below:
☒ Permanent Sign ☐ Temporary Sign ☐ Uniform Sign Agreement Amendment

Sign Category (*refer to Code, Sec. 32.03*): _____

Is the property subject to a Uniform Sign Agreement? ☐ Y ☐ N

Dimensions: 5'3" x 1'9" Total Square Feet: 9.39 Each # of Signs Proposed: 2

Type of Material: Aluminum Sign Colors: Dark Bronze

Method of Attachment: Pin Mounted

Type of Sign Lighting (if applicable): Non-illuminated

Width of Storefront: _____ Linear Frontage of Business: _____

Sign Message: 4609 (1 on the North elevation and 1 on on East elvation)

Temporary Signs Only:



SIGN PERMIT APPLICATION

Duration – Start Date: _____ End Date: _____

*Application must include sign renderings showing sign dimensions, letter dimensions, color, material, location, lighting specifications (refer to Chapter 24, Article 24.03 & Chapter 32), landscaping plans if applicable, and any other details required by staff. Commercial sign applications should include an Assumed Name Certificate/DBA for Business. If sign is under a Uniform Sign Agreement, sign must comply with the Agreement or else applicant must request an Amendment to the Uniform Sign Agreement.

VARIANCES & AMENDMENTS TO UNIFORM SIGN AGREEMENT

Variance

Are you applying for a variance to the Sign Ordinance? ☐ Yes ☐ No
(If yes, you will also need to submit a separate variance application and fee)

Amendment to Uniform Sign Agreement

Name/Address of Uniform Sign Agreement: _____
Reason for Amendment: _____

Please attach a separate sheet describing the sign specifications applicant is requesting to change/remove/add to the Uniform Sign Agreement. Please also submit a cover letter addressed to the ZAPCO Chairperson explaining your project.

APPROVAL NOTES – FOR COMPLETION BY STAFF ONLY

Administrative Approval Sign Meets Requirements: ☐ Yes ☐ No

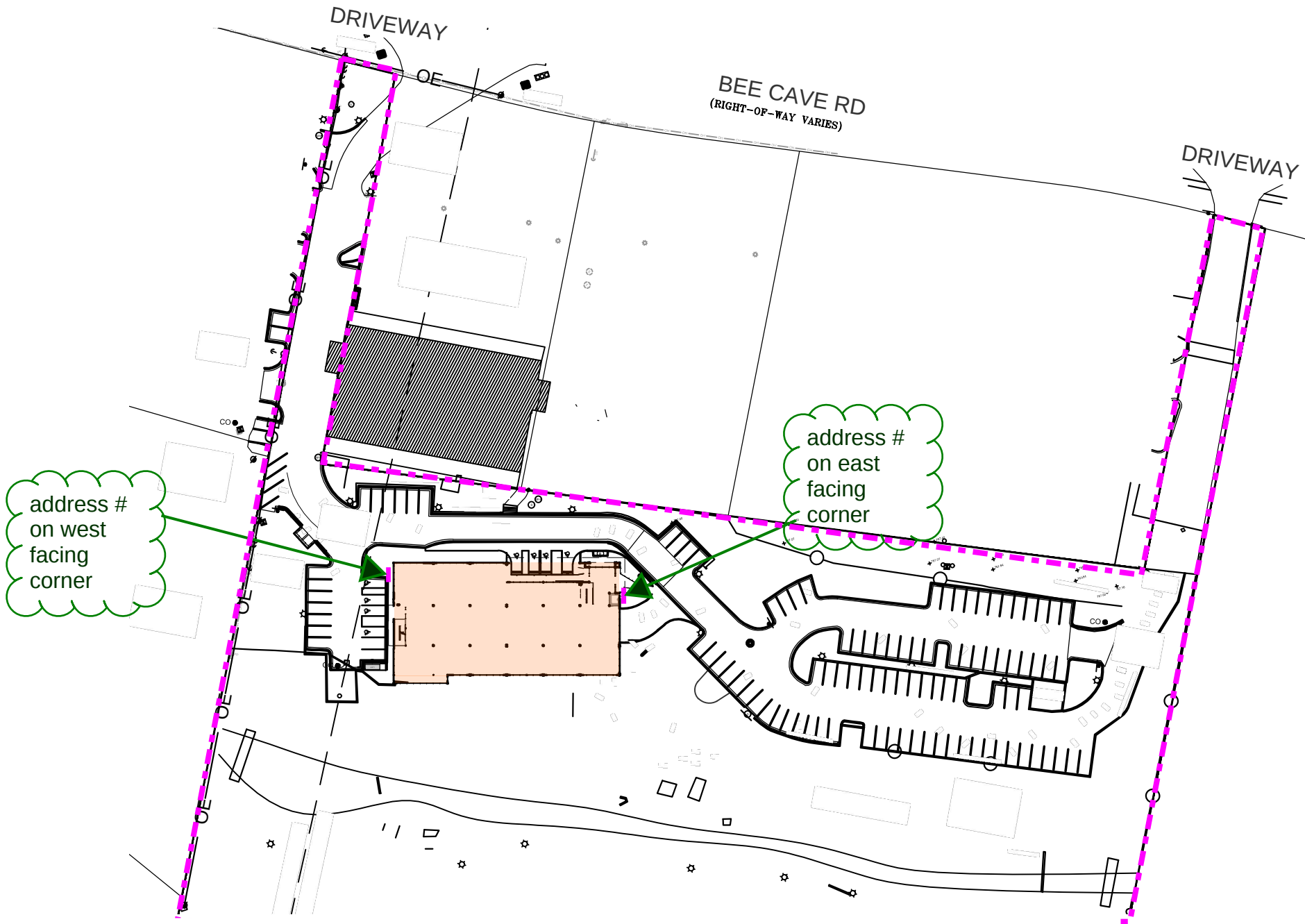
Approved by City Administrator: _____ Date: _____

City Council Approval (Non-Administrative Approval)

BDC Date and Comments: _____

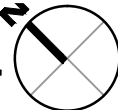
ZAPCO Date & Recommendation: _____

City Council Date & Action: _____



1 OVERALL SITE PLAN

1" = 100'





CREEKSIDE AT THE HILLS

512.888.9788 | 5213 Tucker Hill Ln., Cedar Creek TX 78612 | www.CNDSigns.com



Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE 2 OF 3

ART
VERSION 190550-6

DATE 04/23/19

SALES Paul

PM PM

DESIGN Capo

04/21/20 REMOVE ILLUMINATION
ON BUILDING NUMEBRS

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.

A/ NON ILLUMINATED WALL SIGN (NORTH ELEVATION)

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD

SQ. FT: 9.39

SCALE: 1:100

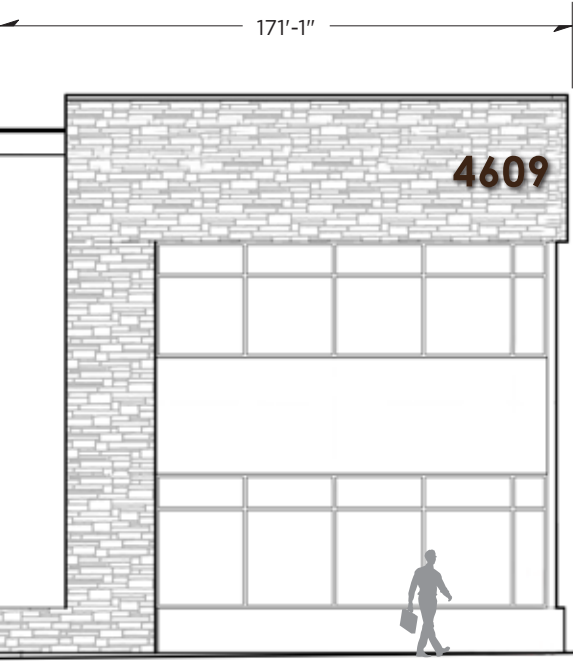
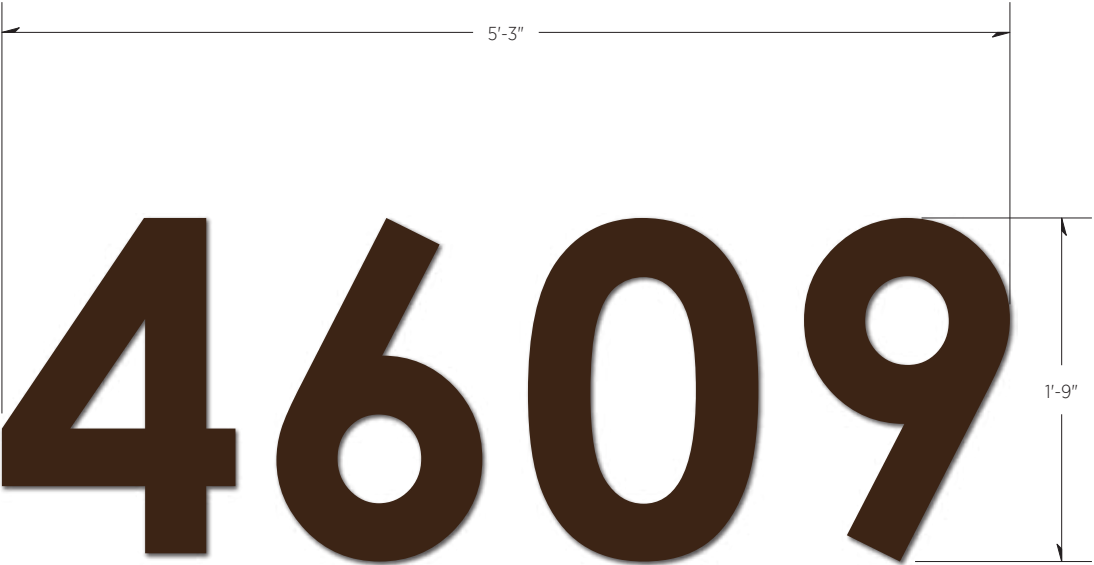
SCOPE OF WORK: FABRICATE AND INSTALL **ONE (1)** SIGN TO SPECIFICATIONS

ADDRESS NUMBERS:

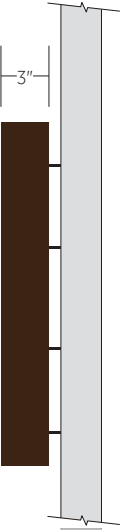
- .090" ALUMINUM FACES FINISHED TO MATCH DARK BRONZE
- .063" RETURNS FINISHED TO MATCH DARK BRONZE
- PIN MOUNTED



COLOR TO MATCH DARK BRONZE



PROPOSED



Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE	3	OF	3
ART VERSION	190550-6		
DATE	04/23/19		
SALES	Paul		
PM	PM		
DESIGN	Capo		

04/21/20 REMOVE ILLUMINATION ON BUILDING NUMEBRS

CONCEPTUAL DESIGN ONLY FINAL DIMENSIONS DETERMINED AT PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR THE SOLE USE OF CND SIGNS. CND SIGNS RETAINS RIGHTS TO ALL ARTWORK, DESIGNS AND LAYOUTS UNTIL FURTHER ARRANGEMENTS ARE MADE IN A WRITTEN CONTRACTUAL AGREEMENT. CND SIGNS DOES NOT HESITATE TO PROSECUTE FOR UNAUTHORIZED REPRODUCTION OF ITS DESIGNS UPON DISCOVERY THAT A DESIGN HAS BEEN SHARED, RECREATED OR REPRODUCED WITHOUT APPROPRIATE PERMISSIONS.

B/

NON ILLUMINATED WALL SIGN (EAST ELEVATION)

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD

SQ. FT: 9.39

SCALE: 1:100

SCOPE OF WORK: FABRICATE AND INSTALL **ONE (1)** SIGN TO SPECIFICATIONS

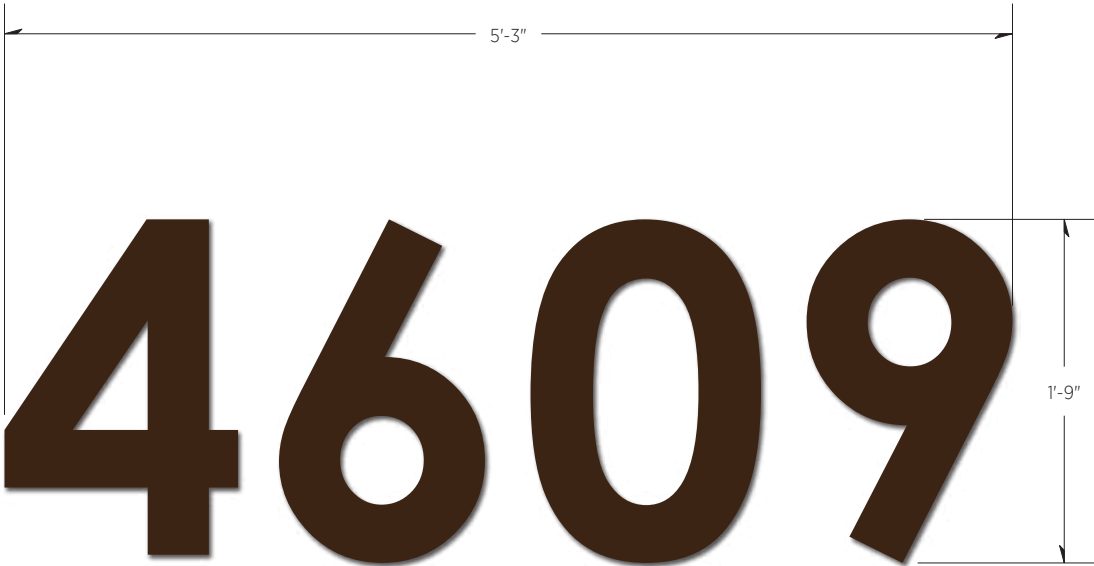
ADDRESS NUMBERS:

.090" ALUMINUM FACES FINISHED TO MATCH DARK BRONZE

.063" RETURNS FINISHED TO MATCH DARK BRONZE

PIN MOUNTED

COLOR TO MATCH DARK BRONZE



DRAFT

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, May 20, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the April 15, 2020 Regular Meeting Minutes.

LAURIE MOVES TO APPROVE AS PRESENTED. BILL VANDERSTEEL. (5-0).

3. Land Use 4609 Bee Cave Road: Discussion/recommendation of a sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

- a. Staff Briefing

Anjali provides staff report. Signs comply with the Code. Staff Recommendation: Approval of the two signs.

- b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action

MOVES TO REC APPROVAL. HARWELL SECONDS. (5-0).

4. Land Use 901 Forest View Drive: Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

- a. Staff Briefing

Briefing is given. 10' in particular sections. Previous variance had been approved for

DRAFT

several years. We received a letter from a neighbor against. Staff Recommendation: Approval.

b. Presentation by applicant

June is the applicant. Brandon is also present. On page 23 of your packet is what we are requesting to replace a 20 year old fence and a variance for height in that one section with some panels on top of the fence. It will be on the property line where it has been for the last 28 years. We purchased the house in 1992. We obtained a permit in 2000 to replace the fence at the same height and same place. We paid the total cost of that fence. We want to keep one section tall. When it was built in 1960 there wasn't a house behind us. A two-story was built in 1980. I met with neighbors who property lines we share. I'm happy to answer any questions.

Brandon: The fence was built before the neighbor bought their place. We will be willing to re-survey to show it is on our property.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

d. Deliberation and Action

Harwell: Is the fence the letter owner's property? He has issues with the production.

Chair: The city cannot issue a permit to build a fence on someone else's property. Get that done first to make sure the line is where it supposed to be.

BV: I didn't have a problem with it when the photos make it very clear. It's important that the neighbor has some input of how it looks.

Brandon: I don't think he has issues with the style; it's the disruption.

LM: Is there any reason for safety concerns for having a fence that high?

Brandon: It's been that way 28 years and we're lowering it.

LM: You're asking for over 4' more than what we allow. Are you making it that high to provide security or privacy?

June: Privacy, no other reason.

LM: Thank you.

Chair: The ordinance requires that it meets the minimum goal that is not as disruptive as our ordinance scheme. If the issues is privacy, the answer is a window treatment and not a fence. I don't think the city can go with a new variance. It does allow you to repair but does not allow a new fence.

DRAFT

BV: I'm a confused about the initial construction. That was 12' feet high. Why are having a new variance if they are rpelacing it lower?

Chair: This does require a variance. The old one won't cover it.

Pledger: Mr. Janes are partners and I believe that privacy is a reasonable basis for a higher fence. We have approved fences for privacy.

BV: The need for height is much more obvious for this smaller lot.

Vaughan: Since they already had a variance, it should be restricted to repairing. It makes fence to me to move forward with it. It's an improvement.

BV: We can condition that the approval based on survey confirmation.

BV MOVES TO REC APPROVAL WITH VEREIFICATION OF PROPERTY LINE.
PLEDGER SECONDS. (3-2)

5. **Land Use 917 Calithea Road:** Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.

- a. Staff Briefing

Staff report is given. This property is over 2 acres and is very steep. Neighbors are supportive. Staff Recommendation: Approval.

- b. Presentation by applicant

Cornthey Johnson is the owner. Our lot is extremely steep. The location is located on Page 61 with pictures showing the hardship. Our neighbors have been supportive as well.

- c. **Public Hearing:** All persons wishing to speak for or against shall be heard.

Public hearing is closed.

- d. Deliberation and Action

BV: Have you considered it being moved to the middle of the property?

Cortney: We did consider a number of locations. There were concerns but we would have the same variance request because of the topography. This was less invasive. Page 75 is more clear of the retaining that the neighbor has installed.
The wall is below grade and is less visible.

LM: This is design driven.

BV MOVES TO REC APPROVAL. HARWELL SECONDS. (4-1) LM DISAOPROVES.

6. Land Use 301 Buckeye Trail: Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 - 14" Cedar (West Lake Hills Code Sec. 22.03.304); 2) removal of Tree # 218 - 16" double Live Oak (West Lake Hills Code Sec. 22.03.304); 3) encroachment of a new structure into side and rear building setbacks (West Lake Hills Code Sec. 22.03.281); and 4) exceed maximum impervious cover up to 30.5% (West Lake Hills Code Sec. 22.03.281). Owner Ben Brieger/Applicant Marc Madely.

a. Staff Briefing

Staff Briefing is given that this is back. Letters of support are provided from neighbors.
Staff Recommendation: Denial.

b. Presentation by applicant

Ben Brieger: I'm still applying for the same variances. A few have changed. The whole reason for this is safety to continue this hobby. I have explored some alternatives. Bill Vandersteel came up with several solutions. Putting the garage in the front yard it would effect large oak trees. Third was impervious cover. I appreciate Bill's help with this. I've looked at alternatives. The two effective neighbors have written letters in support of this.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Vaughan: Alternatives?

BV: We met and tried to come up with solutions that would fit. The spaces weren't quite large enough.

Chair: I need to offer an observation that this is design driven. This is too much too far.

Pledger MOVES TO REC DENIAL FOR LACK OF HARDSHIP. HARWELL SECONDS.

7. Land Use 119 Redbud Trail: Discussion/recommendation of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining

DRAFT

wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owner Charles Holley/Applicant Scott Cassel.

a. Staff Briefing

Staff Briefing is given. Staff Recommendation: Approval

Harwell: Impervious Cover?

Charles: the previous built a small concrete parking area and put in gravel. We have closed that up. That is just a parking area. Scott Cassel is also on.

LM: How long is the driveway from the street to the garage?

BV: It's about 50' from the garage to the street.

Chair: Is there a history in the file?

Mark: It had a hammerhead for a turnaround.

Chair: It was not on the building plan set.

BV: Was it ever built?

Chair: It's there.

b. Presentation by applicant

Scott Caasel is the landscape architect. The grade is 16.5%. The driveway is 51' from the roadway. The hardship is it impossible to turnaround. They have to back out onto Redbud. People go so fast on that roadway. Due to that issue we deem it a hardship. The impervious cover is under. The two trees to be removed are crape mertles which are not native. The other homes all have driveways with the same issues.

Charles: The hammerhead was approved about three months before we bought eh house.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Chair: I don't see why you need a cut there other than convenience.

Charles: There is enough room to back up to the left but to get out is more difficult if you

DRAFT

have another car. It's impossible.

BV: If the hammerhead was deeper it would be adequate.

Charles: Are you saying to expand the hammerhead?

BV: You can't back into that. I'm suggesting on the other side of the driveway.

Charles: It will still be difficult if another car is in the driveway.

Scott: There is also the visibility and safety issue.

LM: Looking at it it's a 3 car garage. We use our hammerhead, it looks like it would be possible and would do the job and not require a variance. The variance is more design driven.

Charles: People will still have to back out and create a very dangerous situation.

Chair: Redbud is a problem.

BV: Would delivery would be using it or parking in the street?

Charles: There is going to be no gate.

PLEDGER believes it would be beneficial I'm leaning approval.

BV MOVES TO REC APPROVAL. JAMES VAUGH SECONDS.

HARWELL: If the drivers on Redbud are speeding, using traffic calming and enforce the limits in place, that would be preferable.

Pledger: I don't disagree I think it's a design issue. It's a weird lot. The better solution is to add a second driveway.

(5-0) approval.

8. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:04 p.m.

DRAFT

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.