



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, January 12, 2022 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 12th day of January 12, 2022 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 Stage 5 status in Travis County, any citizens or applicants that wish to speak at the meeting are required to attend virtually.

Join Zoom Meeting: Copy and Paste the link below:

<https://us02web.zoom.us/j/89235496776?pwd=Nmc5WWJxYnNxbEFYam9jS3RrMUk2Zz09>

Meeting ID: 892 3549 6776

Passcode: 143984

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 892 3549 6776, Password: 143984 .

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.gov by 1:00 P.M. on January 12, 2022

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.gov. Comments must be received by 1:00 P.M. on January 12, 2022

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. Ceremonial Approve the Appointment of Ryan Henry as Presiding and Jay Caballero as Associate Judge
4. Announcements Recognition of Talia Maldonado for Obtaining the Level 1 Court Clerk Certification
5. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
 - a. Approval of the December 8, 2021 Regular Meeting Minutes
6. Finance Consideration and possible action on a Reimbursement Resolution expressing intent to finance expenditures.
7. Land Use Discuss and consider action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 38, Article 38.02, Section 38.02.007 of the Code of Ordinances by adding factors the Board of Adjustment may consider in exercising its authority to authorize variances from the terms of a zoning ordinance to determine whether compliance with an ordinance as applied to a structure would result in unnecessary hardship; and providing for the following: findings of fact; enactment; repealer; severability; penalty; codification; effective date; and proper notice & meeting
8. Administration Discussion and Update Regarding the Timeline for Bond Items
9. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, section 551.071 for:
 - a. Deliberation Regarding Real Property (Texas Government Code Section 551.072)
 - b. Consultation with City Attorney Regarding an Update on Cause No. D-1-GN-001858, City of West Lake Hills vs. Yaupon Partners, LLC and Ray McMackin; Case No. 12-12734-tmd, In re: Raymond McMackin; and Adversary No. 13-01049-tmd, City of West Lake Hills v. Raymond McMackin
 - c. Consultation with Legal Counsel to discuss pending litigation in Cause No. 2019-03-28-01; City of West Lake Hills, Plaintiff, v. Jaff Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D-1-GN-19-007546; City of West Lake Hills, Plaintiff v. Jaff Ventures, LLC and Douglas Jaffe III
 - d. Discuss pending litigation in Cause No. D-1-GN-21-007357; *Alvarez v. City of West Lake Hills Board of Adjustment*, 200th District Court, Travis County, Texas – 1505 Wildcat Hollow
10. Administration Take any Necessary or Appropriate Action on Matters Posted for Consideration in Closed/Executive Session

11. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the January 12, 2022 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, January 7, 2022 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, December 8, 2021 at 7:00 PM

1. Call to Order Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 8:19 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Walker, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Gordon Bowman.

2. Citizen Communications

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 (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 November 10, 2021 Regular Meeting Minutes
 - b. Adopt a Resolution Amending both the (1) Investment Policy and Strategy and the (2) Financial Procedures and Controls

A Motion to Add Item 4: Wildcat Harbor Minor Plat to the Consent Agenda Made by Councilmember McCollough with a Second by Councilmember Plunkett. The Motion to Add Item 4 to the Consent Agenda Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

A Motion for Approval of the Consent Agenda Made by Mayor Pro Tem Walker with a Second by Councilmember Bowman. The Motion for Approval Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

4. Land Use **Wildcat Harbor Minor Plat:** Discuss and Consider Action on an Application for a Minor Subdivision Plat at 1501 Wildcat Hollow, 1.1426 acres of Land, Zoned One-Family Residential. (West Lake Hills Code Chapter 36 - Subdivisions). Davin Fillpot, Agent for Vincent and Heidi Restivo.

This Item was Added to the Consent Agenda and Approved

5. Resolution Discuss And Consider Action On a Resolution Joining with the State of Texas and Political Subdivisions of the State as a Party in the Texas Opioid Settlement Agreements Secured by the Office of the Attorney General; Authorizing the Mayor to Execute Settlement Participation Forms; and Establishing An Effective Date

A Motion for the Adoption of the Resolution Made by Councilmember Bowman with a Second by Councilmember McCollough.

The Motion for Adoption Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

6. Land Use Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, Authorizing the Administrative Approval of Short-Term Rental Permits; Updating the Fees for Short-Term Rental Permits and Renewals; Providing for Other Related Matters; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Penalty; Codification; Effective Date; and Proper Notice & Meeting

A Motion for the Adoption of an Ordinance Made by Mayor Pro Tem Walker with a Second by Councilmember McCollough.

The Motion for Adoption Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

7. Administration Discussion and Update Regarding the Timeline for the Bond Items

No Action Taken on This Item

8. Administration Discuss and Consider Action on the Legal Services Request for Qualifications Submittals

No Action was Taken on this Item.

9. Personnel Discuss and Consider Action on a Position Update to Expand the Part Time Permit Assistant Position to a Full Time Development Coordinator Position in the Building & Development Services Department.

A Motion for Approval on the Permit Assistant Position Expansion Made by Councilmember Plunkett with a Second by Councilmember South.

The Motion for Approval Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

10. Personnel Discuss and Consider Action on the Recruitment of the City Administrator Position

A Motion for Approval to Utilize Strategic Government Resources for the City Administrator Recruitment Made by Councilmember Bowman with a Second by Mayor Pro Tem Walker

The Motion for Approval Carried Unanimously by a Vote of 5 Ayes to 0 Nays.

11. Administration 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 an Update on Cause No. D-1-GN-001858, City of West Lake Hills vs. Yaupon Partners, LLC and Ray McMackin;

Case No. 12-12734-tmd, In re: Raymond McMackin; and Adversary No. 13-01049-tmd, City of West Lake Hills v. Raymond McMackin

b. Deliberation Regarding Real Property (Texas Government Code Section 551.072)

Council went into Executive Session at 8:57 p.m. and reconvened in Open Session at 9:27 p.m.

12. Administration Take any Necessary or Appropriate Action on Matters Posted for Consideration in Closed/Executive Session

No Action Was Taken on This Item

13. Adjournment

A Motion to Adjourn the Meeting Made at 9:27 p.m. by Mayor Pro Tem Walker with a Second by Councilmember Plunkett.

Motion to Adjourn 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 _____, 2022.

**RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES
(CITY OF WEST LAKE HILLS, TEXAS)**

WHEREAS, the City of West Lake Hills, Texas (the “City”), a political subdivision of the State of Texas, is authorized to finance its activities by issuing obligations pursuant to the Constitution and general laws of the State, including, but not limited to Chapter 1331, Texas Government Code, as amended, which may include obligations the interest on which is excludable from gross income for federal income tax purposes (“Obligations”), pursuant to Section 103 of the Internal Revenue of 1986, as amended (the “Code”); and

WHEREAS, the City has made, within the last 60 days, and/or will continue to make payments with respect to the project(s) listed on Exhibit A attached hereto (the “Project”); and

WHEREAS, the City reasonably expects to issue Obligations to reimburse itself for the costs associated with the Project; and

WHEREAS, the City desires to reimburse itself for the costs associated with the Project from the proceeds of Obligations to be issued subsequent to the date hereof.

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

Section 1. The City hereby declares its intent to reimburse itself for all costs paid within the last 60 days and that will be paid on or subsequent to the date hereof in connection with the Project from the proceeds of Obligations to be issued subsequent to the date hereof.

Section 2. The City reasonably expects that the maximum principal amount of Obligations issued by the City to reimburse costs associated with the Project will not exceed \$10,000,000.

Section 3. This Resolution will be kept in the books and records maintained by the City with respect to the Obligations.

[Signature page follows]

PASSED AND APPROVED this _____, 2022.

CITY OF WEST LAKE HILLS, TEXAS

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

(SEAL)

EXHIBIT A

The Project

Making permanent public improvements, to wit:

- (a) constructing, improving, renovating, extending, expanding and developing streets, roads and related drainage improvements, including traffic signalization, lighting, sidewalks, soundwalls and landscaping, and acquiring right-of-way related thereto, with respect to Camp Craft Road, Laurel Valley Road, Redbud Trail, Westlake Drive, Yaupon Valley Road and Terrace Mountain Drive; and
- (b) constructing, acquiring, improving, renovating, expanding and developing a new City Hall and Police Building and related infrastructure.



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January 5, 2022

Via Federal Express

Mr. Ashby Grundman
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Re: *City of West Lake Hills, Texas - Resolution Expressing Intent to Finance Expenditures*

Dear Mr. Grundman:

Enclosed please find three (3) execution copies of the referenced Resolution. Please have the appropriate City officials execute each tabbed signature page.

Please return the signed documents to the address listed above using the enclosed FedEx envelope.

Please call me if you have any questions.

Very truly yours,



Jerry V. Kyle, Jr.

Enclosures

cc: Vonda Ragsdale, City of West Lake Hills
Stephanie Mills, City of West Lake Hills
Blake Roberts, PFM Financial Advisors LLC
Dennis Waley, PFM Financial Advisors LLC
Thomas Lastrapes, PFM Financial Advisors LLC
Ben Morse (Firm)



**STR ORDINANCE AMENDMENTS
STAFF REPORT**

January 12, 2022

Agenda Item: Ordinance: Discuss and consider action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 38, Article 38.02, Section 38.02.007 of the Code of Ordinances by adding factors the Board of Adjustment may consider in exercising its authority to authorize variances from the terms of a zoning ordinance to determine whether compliance with an ordinance as applied to a structure would result in unnecessary hardship; and providing for the following: findings of fact; enactment; repealer; severability; penalty; codification; effective date; and proper notice & meeting.

Summary of Proposed Code Amendments:

The Texas Legislature adopted House Bill 1475 (2021) relating to municipal board of adjustment zoning variances based on unnecessary hardship. H.B. 1475 authorizes the Board of Adjustment in exercising its authority to authorize variances from the terms of a zoning ordinance, to consider certain factors as grounds to determine whether compliance with an ordinance as applied to a structure would result in unnecessary hardship.

The new additional criteria include purely financial considerations that can qualify an applicant for a variance; the BOA may now consider whether the cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll.

The proposed amendments add the variance criteria factors consistent with state law.

Staff Recommendation:

Staff recommends approval of the proposed Code amendments.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING CHAPTER 38, ARTICLE 38.02, SECTION 38.02.007 OF THE CODE OF ORDINANCES BY ADDING FACTORS THE BOARD OF ADJUSTMENT MAY CONSIDER IN EXERCISING ITS AUTHORITY TO AUTHORIZE VARIANCES FROM THE TERMS OF A ZONING ORDINANCE TO DETERMINE WHETHER COMPLIANCE WITH AN ORDINANCE AS APPLIED TO A STRUCTURE WOULD RESULT IN UNNECESSARY HARDSHIP; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of West Lake Hills, Texas (“City”); and

WHEREAS, the Texas Legislature adopted House Bill 1475 (2021) relating to municipal board of adjustment zoning variances based on unnecessary hardship; and

WHEREAS, H.B. 1475 authorizes the Board of Adjustment in exercising its authority to authorize variances from the terms of a zoning ordinance, to consider certain factors as grounds to determine whether compliance with an ordinance as applied to a structure would result in unnecessary hardship; and

WHEREAS, the City Council desires to amend the zoning variance criteria to incorporate the factors from H.B. 1475; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

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. ENACTMENT

Chapter 38, Article 38.02, Section 38.02.007 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added and struck-through and bracketed text shall be deleted as indicated in *Attachment "A"*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. 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 _____, 2021

CITY OF WEST LAKE HILLS:

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CHAPTER 38 ZONING

Sec. 38.02.007 Interpretive criteria for the granting of variances

(a) The board, in performing its respective duties in reference to applications for variances, shall be guided by the interpretative criteria set forth in section 38.05.033 of the Code.

(b) In exercising its authority under Section 38.02.005(d)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code;

(2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) the City considers the structure to be a nonconforming structure.



Timetable

City of West Lake Hills, Texas

General Obligation Bonds, Series 2022

*Preliminary, subject to change.

Issuer - City of West Lake Hills (WLH)
Bond Counsel - Orrick, Herrington & Sutcliffe LLP (BC)
Financial Advisor - PFM Financial Advisors LLC (PFM)
Purchaser - TBD
Paying Agent - TBD

Date	Action	Responsible Party
November 2	Bond Election	WLH
November 11	Veterans Day Holiday - Bond Market Closed	
November 25	Thanksgiving Day Holiday - Bond Market Closed	
December 3	Circulate first draft POS/NOS to working group Request Paying Agent bids	PFM PFM
December 10	Submit comments to PFM on first draft POS/NOS Receive Paying Agent bids	Working Group PFM
December 17	Circulate second draft POS/NOS to working group Send POS and plan of finance information to Rating Agency	PFM PFM
December 24	Christmas Holiday - Bond Market Closed	
December 28	Submit comments to PFM on second draft POS/NOS	Working Group
December 31	New Year's Holiday - Bond Market Closed	
January 4	Circulate third draft POS/NOS to working group	PFM
Week of January 10	Virtual call with Rating Agency	WLH, PFM
January 11	Submit comments to PFM on third draft POS/NOS	Working Group
January 17	Martin Luther King Jr. Day Holiday - Bond Market Closed	
January 18	Circulate final draft of POS/NOS	PFM
January 25	Final comments due on final draft of POS/NOS	Working Group
January 28	Receive bond rating - review and comment on press release for factual accuracy	WLH, PFM
February 1	Post POS/NOS electronically	PFM
February 9	Bond pricing via competitive sales / bid opening	Working Group
February 10	Circulate draft Final Official Statement to working group	PFM
February 14	Submit final comments on draft Final Official Statement	Working Group
February 16	Post Final Official Statement electronically	PFM
February 18	Final Official Statement due to underwriter Circulate draft closing memorandum	PFM PFM
February 21	Presidents Day Holiday - Bond Market Closed	
February 23	Submit comments on draft closing memorandum	Working Group
February 28	Circulate final closing memorandum	PFM
March 8	Pre-Closing call; if necessary	Working Group
March 9	Bond Closings	Working Group

NOVEMBER						
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- City Council presentation
- City Council Approval / Bond Sale
- Bond closing
- FOMC Meeting
- Holiday