



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, April 27, 2022 at 7:30 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 27th day of April 2022 at 7:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

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

Join Zoom Meeting: Copy and Paste the link below:

<https://us02web.zoom.us/j/88137473290?pwd=aVhCYzlmdWUvS0NLYzdFQVdXaUdEdz09>

Meeting ID: 881 3747 3290

Passcode: 366466

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 881 3747 3290 , Password: 366466 .

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 April 27, 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 April 27, 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. 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 April 13, 2022 Regular Meeting Minutes
 - b. Presentation of Proclamation in Honor of Police Week
4. Ordinance Discuss and consider action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Section 22.03.302, Preservation of Existing Landscape Vegetation and Natural Features, of the Code of Ordinances to update the penalty provision; and providing for the following: findings of fact; enactment; repealer; severability; penalty; codification; effective date; and proper notice & meeting
5. Ordinance Discuss and Consider Action on amending Ordinance 2022-002, to ratify and confirm the emergency appointments of Robert King as the Alternate Election Judge, Robert Meisel as the Early Voting Presiding Judge and Karen Bartoletti as the Early Voting Alternate Election Judge; and update the compensation for services at a polling place
6. Administration Discussion and Update on the upcoming May 7, 2022 General Election
7. Administration Discussion and Update on Bond Items including the new City Hall Property
8. Administration Discuss and Consider Action to approve the Compromise and Settlement Agreement regarding Cause No D-1- GN-22-000843; Taylor v. City of West Lake Hills Board of Adjustment, 261st District Court, Travis County, Texas - 1109 Yaupon Valley Road, and authorize the Mayor to execute the settlement agreement.
9. Executive Session Executive Session An Executive Session may be held in accordance with the contained in Texas Government Code, section 551.071 for:
 - a. 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
 - b. Consultation with City Attorney Regarding Pending Litigation on the Denial of the Moore Estates Subdivision Application: Project 16329 located at 803 Westlake Drive. (Texas Government Code Section 551.071)
 - c. Consultation with City Attorney regarding pending litigation in Cause No D-1- GN-22-000843; Taylor v. City of West Lake Hills Board of Adjustment, 261st District Court, Travis County, Texas - 1109 Yaupon Valley Road
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 April 27, 2022 City Council Regular Meeting was posted online and on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, April 22, 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, April 13, 2022 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:23 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 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

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 March 23, 2022 Regular Meeting Minutes
 - b. Resolution Regarding the Grant Application and Participation in the Body-Worn Camera Grant Program, FY22

A Motion for Approval was made by Councilmember Plunkett with a Second by Mayor Pro Tem Walker.

The Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays.

4. Land Use 4609 Bee Cave Road: Discussion and possible action on a proposed Sign Variance and Permit Application for a new monument sign (West Lake Hills Code Chapter 32).

A Motion for Denial was made by Mayor Pro Tem Walker with a Second by Councilmember Bowman.

The Motion for Denial carried unanimously by a vote of 5 ayes to 0 nays.

5. Administration Discuss and Consider Action on the report and recommendation from the subcommittee charged with the City Administrator search.

A Motion for Approval was made by Mayor Pro Tem Walker with a Second by Councilmember South.

The Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays.

6. Administration Discuss and Consider Action on the acceptance of the resignation of City Secretary Stephanie Mills and possible Interim options

A Motion for Approval was made by Mayor Pro Tem Walker with a Second by Councilmember South.

The Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays.

7. Finance Discussion and Presentation of the FY20-21 Financial Audit

No action was taken on this item

8. Finance Discussion and Presentation of the First and Second Quarter Finance update

No action was taken on this item

9. Ordinance Discuss and Consider Action on amending Ordinance 2022-002, to update the voting locations, early voting locations, and election officers.

A Motion for Approval was 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.

10. Administration Discussion and Update on the upcoming May 7, 2022 General Election

No action was taken on this item

11. Administration Discussion and Update on Bond Items including the new City Hall Property

No action was taken on this item

12. Administration Discuss and Consider Action on the Rescheduling of the April 27, 2022 City Council Meeting

A Motion for Approval to move the April 27, 2022 Council meeting to start at 7:30 pm was 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.

13. Executive Session Executive Session An Executive Session may be held in accordance with the contained in Texas Government Code, section 551.071 for:

- a. 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 (Texas Government Code Section 551.071)
- b. Consultation with City Attorney Regarding Pending Litigation on the Denial of the Moore Estates Subdivision Application: Project 16329 located at 803 Westlake Drive. (Texas Government Code Section 551.071)
- c. 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
- d. Consultation with City Attorney regarding pending litigation in Cause No D-1-GN-22-000843; Taylor v. City of West Lake Hills Board of Adjustment, 261st District Court, Travis County, Texas - 1109 Yaupon Valley Road

Council went into Executive Session at 8:37 p.m.
Mayor Anthony left the meeting during the Executive Session
Council reconvened in Open Session at 9:54 p.m.

14. Adjournment

A Motion to Adjourn was made by Councilmember Plunkett with a Second by Councilmember South.
The Motion for Adjournment carried unanimously by a vote of 4 ayes to 0 nays, with Mayor Anthony absent

Respectfully submitted,

 LINDA ANTHONY, MAYOR

ATTEST:

 Stephanie Mills, City Secretary

These minutes were approved on _____, 2022.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING SECTION 22.03.302, OF THE CODE OF ORDINANCES, PRESERVATION OF EXISTING LANDSCAPE VEGETATION AND NATURAL FEATURES, TO UPDATE THE PENALTY PROVISION; 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 reasonable fees; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 54.001(b), a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000; and

WHEREAS, the City Council finds that a violation of section 22.03.302(b) creates a serious threat to public health and fire safety; 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

Section 22.03.302 of the City of West Lake Hills Code of Ordinances is hereby amended so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance 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 _____, 2022.

CITY OF WEST LAKE HILLS:

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT A

Sec. 22.03.302 Preservation of existing landscape vegetation and natural features

- (a) Landscape shall be preserved in its natural state to the greatest extent possible.
- (b) Vegetative screening shall be maintained to the greatest extent possible, especially along the perimeter of all properties in order to maximize the screening and buffering of structures, driveways and parking areas from adjacent properties.
- (c) Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural terrain and to minimize the necessity for removing trees, vegetation, and soil, or the addition of fill.
- (d) It is unlawful for any property owner or tenant to harbor dead trees, dead vegetation, dead brush piles, and other flammable dead organic material on their property. Exceptions would be allowed for contained compost piles and stacked and stored firewood. In order to reduce the risk of fire on all properties, all dead trees and brush piles, and other flammable dead organic material shall be cleared and removed in accordance with section 22.03.303 below. In the case of dead trees and understory, the city inspector must confirm that the vegetation is dead prior to its removal in order for the owner to avoid replacement requirements as described in section 22.03.304(d) below. Any person, corporation, or entity who or which violates this subsection commits a Class C misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.
- (e) The city is responsible for all vegetation and trees that are located on city-owned property.

ORDINANCE 2022-

AN ORDINANCE AMENDING ORDINANCE NO. 2022-002 OF THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS CALLING A GENERAL ELECTION AND ESTABLISHING THE PROCEDURE FOR THE GENERAL ELECTION FOR CITY OFFICERS TO BE HELD ON MAY 7, 2022 IN THE CITY OF WEST LAKE HILLS, TEXAS, TO RATIFY AND CONFIRM EMERGENCY APPOINTMENTS AND UPDATE THE COMPENSATION FOR SERVICES AT A POLLING PLACE PURSUANT TO SECTION 32.091 OF THE TEXAS ELECTION CODE; AND PROVIDING OTHER MATTERS RELATING TO THE ELECTION

WHEREAS, the laws of the State of Texas provide that on May 7, 2022, there shall be a general election for municipal officers; and

WHEREAS, on January 26, 2022, the City Council adopted Ordinance 2022-002 calling a general election and establishing the procedure for the general election for City Officers to be held on May 7, 2022; and

WHEREAS, on April 13, 2022, the City Council adopted Ordinance 2022-005 amending Ordinance No. 2022-002 to update the polling places and election officers, and other matters related to said election; and

WHEREAS, pursuant to Section 32.007 of the Texas Election Code, the Mayor of the City of West Lake Hills, Texas, made certain emergency appointments on April 21, 2022; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election and designating the voting place for said election; and

WHEREAS, the City Council desires to amend the Election Order, Ordinance No. 2022-002, to ratify and confirm such emergency appointments and update the compensation for services at a polling place pursuant to Section 32.091 of the Texas Election Code; and

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

Section 1. That Ordinance No. 2022-002, as amended by Ordinance 2022-005, is hereby amended by deleting Section 5 in its entirety and replacing it with the following:

5. ELECTION OFFICERS

City Secretary Stephanie Mills, or her successor, is appointed to serve as the City's Election Officer, Regular Early Voting Clerk and the Joint Custodian of Records for precincts which may be affected, to conduct the City's elections on May 7, 2022.

The following named individuals are hereby appointed to serve as Presiding Election Judge at the election:

Presiding Election Judge Name: Robert Meisel

The emergency appointments of the following named individuals are hereby confirmed and ratified to serve as Alternate Presiding Judge, Early Voting Presiding Election Judge and Alternate Presiding Judge, respectively, at the election:

Alternate Presiding Judge Name: Robert Lee King

Early Voting Presiding Election Judge Name: Robert Meisel

Early Voting Alternate Presiding Judge Name: Karen Bartoletti

These appointments shall be for the single election specified herein. The Presiding Election Judge and Alternate Presiding Judge shall be qualified voters of the City. The City Secretary shall deliver the notices of appointment in accordance with Chapter 32 of the Texas Election Code. The Presiding Election Judge shall appoint Election Clerks necessary for the proper conduct of the election, but not less than four (4) clerks. The Presiding Election Judge shall make a reasonable effort to appoint at least one (1) bilingual, Spanish-speaking Election Clerk. The City Administrator may additionally employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots. In accordance with Section 32.091 of the Texas Election Code, the judges and clerks shall be paid the rate of \$25.00 per hour, and the election judge shall receive an additional \$25.00 for delivery of the returns of the election

Section 2. That Sections 1 through 8 of Ordinance 2022-002, except as amended by Ordinance 2022-022 and herein, are hereby reiterated, repeated, recited, and republished as if set forth in full.

PASSED AND APPROVED this 27th day of April, 2022.

Linda Anthony, Mayor

ATTEST:

Kathy Roche, Deputy City Secretary

ORDENANZA 2022-

UNA ORDENANZA MODIFICANDO ORDENANZA NO. 2022-002 DEL CONCEJO MUNICIPAL DE LA CIUDAD DE WEST LAKE HILLS CONVOCANDO UNA ELECCIÓN GENERAL Y ESTABLECIENDO EL PROCEDIMIENTO PARA LA ELECCIÓN GENERAL PARA FUNCIONARIOS MUNICIPALES PARA SER CELEBRADA EL 7 DE MAYO DE 2022 EN LA CIUDAD DE WEST LAKE HILLS, TEXAS; Y PROPORCIONANDO OTROS ASUNTOS RELACIONADOS CON LA ELECCIÓN

CONSIDERANDO QUE, las leyes del Estado de Texas estipulan que el 7 de mayo de 2022, habrá una elección general para funcionarios municipales; y

CONSIDERANDO QUE, el 26 de enero de 2022, el Concejo Municipal adoptó la Ordenanza 2022-002 convocando una elección general y estableciendo el procedimiento para la elección general de Funcionarios Municipales que se llevará a cabo el 7 de mayo de 2022; y

CONSIDERANDO QUE, el 13 de abril de 2022, el Concejo Municipal adoptó la Ordenanza 2022-005 que modifica la Ordenanza Núm. 2022-002 para actualizar los lugares de votación y los funcionarios electorales, y otros asuntos relacionados con dicha elección; y

CONSIDERANDO QUE, de conformidad con la Sección 32.007 del Código Electoral de Texas, la Alcaldesa de la Ciudad de West Lake Hills, Texas, hizo ciertos nombramientos de emergencia el 21 de abril de 2022; y

CONSIDERANDO QUE, el Código Electoral de Texas es aplicable a dicha elección, y para cumplir con dicho Código, una ordenanza debería ser aprobada convocando la elección y estableciendo los procedimientos que se seguirán en dicha elección, y estableciendo el lugar de votación para dicha elección; y

CONSIDERANDO QUE, el Concejo Municipal desea enmendar la Orden Electoral, Ordenanza No. 2022-002 para ratificar y confirmar dichos nombramientos de emergencia y actualizar la compensación por los servicios en un lugar de votación de conformidad con la Sección 32.091 del Código Electoral de Texas; y

AHORA, POR LO TANTO, SE ORDENA POR EL CONSEJO MUNICIPAL DE LA CIUDAD DE WEST LAKE HILLS, TEXAS, QUE:

Sección 1. Que la Ordenanza n.º 2022-002, modificada por la Ordenanza 2022-005, se modifica por la presente eliminando la Sección 5 en su totalidad y reemplazándola por la siguiente:

5. LOS ENCARGADOS ELECTORALES

Secretario Municipal Stephanie Mills, o su sucesora, es designada para servir como oficial de la elección de la Ciudad, Oficial de votación anticipada regular y el Depositario Común de los Récorde de los recintos que puedan resultar afectados, para llevar a cabo las elecciones de la Ciudad el 7 de mayo de 2022.

Por la presente, se designa a las siguientes personas nombradas para servir como Juez Presidente de la Elección en la elección:

Nombre del Juez Presidente de la Elección: Robert Meisel

Por la presente, se confirman y ratifican los nombramientos de emergencia de las siguientes personas nombradas para desempeñarse como Juez Presidente Alterno, Juez Presidente de la Votación Anticipada y Juez Presidente Suplente de la Votación Anticipada, respectivamente, en la elección::

Nombre del Juez Presidente Alterno: Robert Lee King

Nombre del Juez Presidente de la Votación Anticipada: Robert Meisel

Nombre del Juez Presidente Suplente de la Votación Anticipada: Karen Bartoletti

Estos nombramientos serán para la elección única aquí especificada. El Juez Presidente de Elecciones y el Juez Presidente alterno serán votantes calificados de la Ciudad. El Secretario de la Ciudad deberá entregar al Juez Presidente de Elecciones y al Juez Presidente Alterno un aviso de sus nombramientos de acuerdo con el Capítulo 32 del Código Electoral de Texas. El Juez Presidente de Elecciones nombrará a los Funcionarios Electorales necesarios o para la realización adecuada de la elección, pero no menos de cuatro (4) funcionarios. El Juez Presidente de Elecciones hará un esfuerzo razonable para nombrar al menos un (1) Funcionario Electoral bilingüe que hable español. El Administrador de la Ciudad también puede emplear a otro personal necesario para la administración adecuada de la Elección, incluida la ayuda de medio tiempo que sea necesaria para prepararse para la Elección, para garantizar la entrega oportuna de suministros durante la votación anticipada y el Día de la Elección, y para la tabulación eficiente de las boletas. De acuerdo con la Sección 32.091 del Código Electoral de Texas, a los jueces y funcionarios se les pagará la tarifa de \$25.00 por hora, y el juez electoral recibirá \$ 25.00 adicionales por la entrega de los resultados de las elecciones

Sección 2. Que las Secciones 1 a 8 de la Ordenanza 2022-002, excepto por las modificaciones de la Ordenanza y las contenidas en este documento, se reiteran, repiten, recitan y vuelven a publicar como si se establecieran en su totalidad.

HECHO PÚBLICO Y APROBADO este, el 27 día de abril de 2022.

Linda Anthony, Alcaldesa

ATESTIGUADO:

Kathy Roche, Secretaria Adjunta

COMPROMISE SETTLEMENT AGREEMENT

The Parties to this Compromise Settlement Agreement (hereinafter “Settlement Agreement” or “Agreement”) acknowledge that Jeff Taylor (“Petitioner”) filed suit against the City of West Lake Hills, Texas, and the West Lake Hills Board of Adjustment (together referred to as “Respondents” and with Petitioner referred to as the “Parties” or individually as a “Party”), requesting judicial review of the Board of Adjustment ruling denying Petitioner’s after-the-fact variance on February 9, 2022, as set out in the pleadings in Cause No. D-1-GN-22-000843; *Jeffrey Taylor v. City of West Lake Hills, Texas and West Lake Hills Board of Adjustment*; in the 261st Judicial District of Travis County, Texas (the “Underlying Litigation”).

In consideration of the premises and mutual promises contained herein, Petitioner and the Respondents mutually acknowledge, represent, and agree to enter into a full and complete compromise and settlement of Parties’ claims.

THEREFORE, it is agreed as follows:

1. The Parties to this Settlement, Petitioner and Respondents, mutually acknowledge and represent that this is a compromise of the Underlying Litigation to avoid the complexities of further code enforcement efforts and to avoid the uncertainty, time, and expense of further litigation.
2. As part of this settlement, within sixty (60) days from the execution of this Agreement (the “Execution Date”) and at his sole cost, Petitioner agrees to:
 - a. Remove two dead cedar trees that died or were damaged during the February 2021 winter storm and failed to fully recover, and which are located near the eastern boundary line of 1109 Yaupon Valley Road, West Lake Hills, Texas 78746 (hereinafter the “Property”); and
 - b. Acquire and install twenty-five (25) trees of deer-resistant native species along approximately a 40-foot section of the Property’s eastern boundary line as set forth in Exhibit A, attached hereto and incorporated herein for all intents and purposes (the “Replacement Trees”); and
 - c. Maintain the Replacement Trees; and
 - d. Replant all Replacement Trees that do not survive a two (2) year period (the “Replacement Period”) beginning from the Execution Date.
 - e. Petitioner shall draft and file an Notice of Nonsuit With Prejudice in the Underlying Litigation upon signing this Agreement.
3. As part of this Settlement Agreement, and specifically conditioned upon the execution of the stipulations set forth in Section 2 hereof, Respondent West Lake Hills Board of Adjustment has conditionally approved Petitioner’s request for an after-the-fact variance at the April 13, 2022, West Lake Hills Board of Adjustment meeting.
4. In consideration of the mutual promises of the Parties set forth in this Settlement Agreement, the Parties, on their own their behalf or on behalf of any current or former officers, employees, subsidiaries, affiliates, and successors, intending to be legally bound, hereby

irrevocably and unconditionally release the another, its governing body, the city council, board, council members, board members, committees, public officials, officers, agents and successors, employees, or representatives, or their successions or assigns from any and all causes of action, liabilities, obligations, suits, claims, and demands of whatsoever kind or nature in law, equity or otherwise, resulting from, connected to, arising out of or in any way relating to the matters involved in the Underlying Litigation and this Settlement Agreement.

5. The Parties agree that the settlement consideration described herein addresses any claim(s) the Parties have asserted in the Underlying Litigation or may assert in a similar matter. This Agreement shall not be construed to render either Party a “prevailing party” within the meaning of any statute providing for allowance of any attorney’s fees and costs. The Parties agree to waive any potential rights to recover attorney fees, court costs, or other costs associated with the Underlying Litigation. Accordingly, each Party is responsible for the payment of their own attorney’s fees and costs. Nothing else of value has been promised, except as provided herein, and no other representations, either of fact or of law, other than the provisions contained within this Settlement, have been made to induce any party to agree to enter into this Agreement.

6. The Parties understand and agree that this Agreement and execution by the Parties does not represent an admission of wrongdoing or that either Party is liable to another. Rather, this Agreement is the good faith settlement of disputed claims. It is understood and agreed that the settlement evidenced by this Agreement is a compromise of all claims herein specified, whether past, present, or future, that such claims are doubtful and disputed, and that execution of this Agreement is not to be construed as an admission of liability on the part of any of the Parties. Rather, liability is expressly denied. The consideration expressly mentioned herein is the only consideration provided or to be provided.

7. This Agreement is severable, and if one or more of the provisions contained in this Agreement shall, for any reason, be determined to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any of the remaining provisions, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. This Agreement shall be binding on the Parties and their successors in interest, heirs, and assigns.

8. This Agreement shall be governed by, enforced in accordance with, and subject to the laws of the State of Texas. For any cause of action in any way related to this Agreement, venue shall be in Travis County, Texas.

9. This Agreement and the terms contained herein are contractual in nature and not mere recitals. The terms of this Agreement shall bind and inure to the benefit of the Parties hereto, their heirs, successors, and assigns. The Parties represent and warrant that the undersigned have full authority to enter into this Settlement and to bind the Parties, their successors, heirs, assigns, and agents.

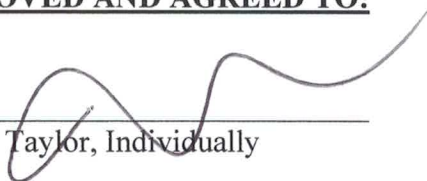
10. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

11. This Agreement has been and shall be construed to have been drafted by Petitioner and Respondents so that the rule of construing ambiguities against the drafter shall have no force or effect.

12. *The Parties represent and agree that they each have read and fully understand this Agreement, that they are fully competent to enter into and sign this Agreement, and that they are executing this Agreement voluntarily, free of any duress or coercion.*

CONSULT WITH YOUR ATTORNEY PRIOR TO SIGNING THIS DOCUMENT.

APPROVED AND AGREED TO:



Jeffrey Taylor, Individually

4/19/2022

Date

APPROVED AND AGREED TO:

City of West Lake Hills

Date

APPROVED AND AGREED TO:

West Lake Hills Board of Adjustment

Date