



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, April 8, 2020 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 8th day of April 2020 at 7:00 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 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 (COVID-19).

The public may participate in this meeting by dialing in to the following toll-free number **1-346-248-7799, Meeting ID 575 746 445, Password: 993803**

If you wish to speak during the meeting, we will need your **name, phone number and the item #** you wish to speak on at least 2 hours prior to the meeting (5:00 p.m. on Wednesday April 8th)

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 5:00 P.M. on April 8th.**

The meeting will be live streamed here: <http://mixlr.com/city-of-west-lake-hills/> 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 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.

3. Consent Agenda The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council Meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.
 - a. Approval of the February 26, 2020 Regular Meeting Minutes
 - b. Accept and File Annual Racial Profiling Report
4. Ordinance Discuss and Consider Action to Adopt an Ordinance Postponing the May 2, 2020 Bond Election
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
5. Resolution Discuss and Consider Action on a Resolution for the Denial of the Texas Gas Service Proposed Rate Increase
 - a. Citizens Communications: All persons wishing to speak on this matter shall be heard
6. 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. 2019-03-28-01; 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. D-1-GN-19-007546: City of West Lake Hills, Plaintiff v. Jaffe Ventures, LLC and Douglas Jaffe III
7. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the April 8, 2020 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on April 3, 2020 at 3:00 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, February 26, 2020 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Pro Tem Jim O'Connor called the meeting to order at 6:58 pm. Members in attendance were: Mayor Pro Tem O'Connor and 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 Pro Tem O'Connor opened the meeting for public comments. Hearing none, the public comment section was closed

3. Consent Agenda The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council Meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

- a. Approval of the February 12, 2020 Regular Meeting Minutes

Motion for approval of the consent agenda as listed made by Councilmember Plunkett with a Second by Councilmember McCollough. Motion carried unanimously by a vote of 5 ayes to 0 nays

4. Personnel Recognition of Pam Williams, West Lake Police Department Administrative Assistant, for her 20 years of service to the City

Mayor Pro Tem O'Connor presented a Proclamation to Pam Williams declaring February 29, 2020 as Pam Williams Day

5. Administration Discuss and Consider Action on the Approval of an Ordinance Cancelling the May 2, 2020 General Election and Declaring the Unopposed Candidates for the Offices of Mayor and Two Councilmembers as Elected

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

Motion for Approval made by Councilmember McCollough with a Second by Councilmember Plunkett. Motion carried by a vote of 4 ayes to 1 nay

6. Administration Discuss and Consider Action on Approval of an Election Services Agreement with Travis County for the May 2, 2020 Special Election

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

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

7. Administration Discuss and Consider Action on the Acceptance of Street, Drainage and Water Improvements for East Ledge Way Subdivision. Owner: McCall Realty Holdings, LLC

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

Motion for Approval made by Councilmember Walker with a Second by Councilmember McCollough. Motion carried unanimously by a vote of 5 ayes to 0 nays

8. Administration Discussion and Update on the Special Bond Election for Proposition A City Hall and Police Building and Proposition B for Streets and Drainage Improvements Scheduled for May 2, 2020

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

No Action Taken

9. Administration Discussion and Update on Area Infrastructure Projects, including Ullrich Water Treatment Plant, Water District 10 and Bee Caves Road

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

No Action Taken

10. 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. 2019-03-28-01; 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. D-1-GN-19-007546; City of West Lake Hills, Plaintiff v. Jaff Ventures, LLC and Douglas Jaffe III

Council began Executive Session at 7:33 p.m. and reconvened in open session at 8:10 p.m.

11. Adjournment

**Motion to Adjourn made by Councilmember Walker at 8:10 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.

Racial Profiling Report | Full

Reporting Date: 02/11/2020

Agency Name: WEST LAKE HILLS POLICE DEPT.
TCOLE Agency Number: 453207

Chief Administrator: SCOTT E. GERDES

Agency Contact Information:
Phone: (512) 327-1195
Email: sgerdes@westlakehills.org

Mailing Address:
911 WESTLAKE DRIVE
WEST LAKE HILLS, TX 78746

This Agency filed a full report

WEST LAKE HILLS POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the WEST LAKE HILLS POLICE DEPT. from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the WEST LAKE HILLS POLICE DEPT. if the individual believes that a peace officer employed by the WEST LAKE HILLS POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the WEST LAKE HILLS POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the WEST LAKE HILLS POLICE DEPT. policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
 - a.) the Commission on Law Enforcement; and
 - b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Scott Gerdes, Chief of Police

Date: 02/11/2020

Total stops: 4296

Gender

Female	1921
Male	2375

Race / Ethnicity

Black	227
Asian / Pacific Islander	253
Hispanic / Latino	3312
White	474
Alaska Native / American	30

Was race or ethnicity known prior to stop?

Yes	30
No	4266

Reason for stop?

Violation of law	245
Preexisting knowledge	13
Moving traffic violation	3567
Vehicle traffic violation	471

Street address or approximate location of the stop

City street	2922
US highway	1366
County road	1
State highway	0
Private property or other	7

Was a search conducted?

Yes	26
No	4270

Reason for Search?

consent	0
contraband	2
probable	13
inventory	5

ncident to arrest	6
Was Contraband discovered?	
Yes	19
No	7
Description of contraband	
Drugs	15
Currency	0
Weapons	0
Alcohol	0
Stolen property	1
Other	3
Result of the stop	
Verbal warning	0
Written warning	2336
Citation	1944
Written warning and arrest	0
Citation and arrest	7
Arrest	9
Arrest based on	
Violation of Penal Code	4
Violation of Traffic Law	1
Violation of City Ordinance	0
Outstanding Warrant	11
Was physical force resulting in bodily injury used during stop?	
Yes	0
No	4296

Submitted electronically to the



The Texas Commission on Law
Enforcement

CITIZEN CONTACTS - WEST LAKE HILLS PD

January 2019 - Dec 2019

Combined Totals

RACE	
Alaska Native or American Indian	30
Asian/Pacific Islander	253
Black	227
Hispanic/Latino	474
White	3312
TOTALS	<u>4296</u>

GENDER	
Female	1921
Male	2375
TOTALS	<u>4296</u>

REASON FOR STOP	
Violation of Law	245
Pre-existing Knowledge	13
Moving Traffic Violation	3567
Vehicle Traffic Violation	471
TOTALS	<u>4296</u>

STREET ADDRESS/ APPROX LOCATION	
City Street	2922
US Highway	1366
County Road	1
Private Property or other	7
TOTALS	<u>4296</u>

WAS A SEARCH CONDUCTED	
No	4270
Yes	26
TOTALS	<u>4296</u>

RACE OR ETHNICITY KNOWN PRIOR TO STOP	
Yes	30
No	4266
TOTALS	<u>4296</u>

REASON FOR SEARCH	
Consent	0
Contraband in Plain View	2
Probable Cause	13
Inventory	5
Incident to Arrest	6
TOTALS	<u>26</u>

WAS CONTRABAND DISCOVERED	
No	7
Yes	19
TOTALS	<u>26</u>

DESCRIPTION OF CONTRABAND	
Drugs	15
Currency	0
Weapons	0
Alcohol	0
Stolen Property	1
Other	3
TOTALS	<u>19</u>

RESULT OF THE STOP	
Verbal Warning	0
Written Warning	2336
Citation	1944
Citation and Arrest	7
Arrest	9
TOTALS	<u>4296</u>

ARREST BASED ON	
Violation of Penal Code	4
Violation of Traffic Law	1
Violation of City Ordinance	0
Outstanding Warrant	11
TOTALS	<u>16</u>

PHYSICAL FORCE RESULTING IN INJURY USED	
Yes	0
No	4296
TOTALS	<u>4296</u>

ORDINANCE NO. 2020-004

**AN ORDINANCE DECLARING POSTPONEMENT OF MAY 2, 2020
ELECTION AND PROVIDING FOR OTHER MATTERS INCIDENTAL
AND RELATED THERETO**

WHEREAS, the City of West Lake Hills, Texas (the “City”) is a political subdivision of the State of Texas (the “State”) and on February 12, 2020, the City Council of the City (the “City Council”) approved that certain Ordinance Calling a Bond Election (the “*Original Ordinance*”) calling a bond election to be held within the boundaries of the City on May 2, 2020 (the “*Election*”); and

WHEREAS, the public health risks posed by Coronavirus Disease 2019 (“*COVID-19*”) have resulted in the closure of schools and businesses and governmental decrees restricting and prohibiting public gatherings statewide and such closures, restrictions and prohibitions are reasonably anticipated to interfere with the Election; and

WHEREAS, City administration continues to evaluate and respond to new and evolving recommendations and guidance related to public health and safety from national and state public health officials, including the Governor of the State, Greg Abbott (the “*Governor*”); and

WHEREAS, pursuant to Section 418.018, Texas Government Code, the Governor issued a proclamation on March 13, 2020 certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in the State; and

WHEREAS, pursuant to Section 418.016, Texas Government Code, the Governor issued a proclamation on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date (collectively with the proclamation issued on March 13, 2020, the “*Proclamation*”); and

WHEREAS, the Governor suspended certain provisions of Chapter 551, Texas Government Code, as amended, to allow governmental bodies to conduct meetings via teleconference or video conference, subject to certain provisions of the Proclamations; and

WHEREAS, the City Council has determined that the public health risks posed by COVID-19 threaten the health and safety of voters and election officials in the City and that such threat to the health and safety of voters and election officials is expected to persist throughout the period for early voting and election day voting for the Election; and

WHEREAS, the City Council hereby finds and determines that it is in the best interest of the City to postpone the Election to the November 3, 2020 uniform election date.

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY
OF WEST LAKE HILLS, TEXAS:**

Section 1. The declarations, determinations and findings set forth in the recitals of this Ordinance are hereby restated and incorporated into and made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. Pursuant to the Proclamation, the City Council hereby exercises the authority conferred by the Proclamation and orders the Election postponed until the November 3, 2020 uniform election date.

At a subsequent meeting which shall occur not later than August 17, 2020, the City Council shall meet to consider any necessary action to revise the Original Ordinance, including changes to the date of the Election, changes in the location of the main early voting location, changes to early voting dates and hours, changes to the identity of and contact information for the early voting clerk, changes to branch early voting locations and such other changes as the City Council shall deem necessary or appropriate.

Section 3. The City Council further authorizes and directs the City Secretary to take any and all necessary action contemplated by this Ordinance to facilitate the postponement of the Election to the November 3, 2020 uniform election date, including posting notice of the postponement of the Election on the City's website, notifying the appropriate county election officer and providing any other notice deemed appropriate in connection with the postponement.

Section 4. All ordinances, orders and resolutions, or parts thereof, which 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 resolved herein.

Section 5. All applications for ballots by mail for voters in the City that have been submitted to the early voting clerk by voters who are over the age of 65 or disabled will be valid for the November 3, 2020 uniform election date, however, applications for ballots by mail submitted by voters who expect to be absent from the City on the May 2, 2020 election date and during the related period for early voting by personal appearance will not be valid for the November 3, 2020 election date.

Section 6. For the November 3, 2020 uniform election date, the voter registration deadline is October 5, 2020; the deadline to submit an application for ballot by mail is October 23, 2020; and the period for early voting shall commence on October 19, 2020 and end on October 30, 2020.

Section 7. This Ordinance shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was in compliance with the advisory issued by the Governor and public notice of the time, place, and subject matter of the public business to be considered at such meeting,

including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Ordinance shall be in force and effect from and after the date of its adoption.

PASSED AND APPROVED this __ day of April, 2020.

Linda Anthony, Mayor
City of West Lake Hills, Texas

Attest:

Stephanie Mills, City Secretary
City of West Lake Hills, Texas

(SEAL)

RESOLUTION NO. 2020-04-01

**RESOLUTION OF THE CITY OF WEST LAKE HILLS
DENYING TEXAS GAS SERVICE COMPANY'S
REQUESTED RATE INCREASE; REQUIRING THE
COMPANY TO REIMBURSE THE CITY'S REASONABLE
RATEMAKING EXPENSES; FINDING THAT THE
MEETING AT WHICH THIS RESOLUTION IS PASSED IS
OPEN TO THE PUBLIC AS REQUIRED BY LAW;
REQUIRING NOTICE OF THIS RESOLUTION TO THE
COMPANY AND THE CITY'S LEGAL COUNSEL**

WHEREAS, the City of West Lake Hills, Texas ("City") is a gas utility customer of Texas Gas Service Company, a Division of ONE Gas, Inc., ("TGS" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA"), and under Chapter 104, § 104.001 et seq. of GURA has exclusive original jurisdiction over TGS's rates, operations, and services within the City; and

WHEREAS, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in TGS's Central Texas Service Area and Gulf Coast Service Area ("CTSA Cities" and "GCSA Cities"); and

WHEREAS, on or about December 20, 2019, the Company filed a Statement of Intent with the City to increase rates in all municipalities exercising original jurisdiction within the City of Beaumont, the Central Texas Service Area, and the Gulf Coast Service Area by \$15,670,445, and to consolidate these Service Areas into the proposed Central-Gulf Coast Service Area; and

WHEREAS, TGS proposed February 6, 2020 as the effective date for its requested increase in rates; and

WHEREAS, the City passed resolution No. 2020-01-01 to suspend the effective date of TGS's requested rate increase for the maximum period allowed by law, until May 6, 2020; and

WHEREAS, the CTSA Cities and GCSA Cities hired and directed legal counsel and consultants to prepare a common response to the Company's requested system-wide rate increase and proposed consolidation of service areas, which resulted in a conclusion that TGS's rates are not reasonable, the proposed consolidation of services areas is not reasonable, and a recommendation that the rate request and consolidation be denied; and

WHEREAS, the GURA § 103.022 provides that costs incurred by CTSA Cities and GCSA Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by TGS to be recovered through its gas rates charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the company.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to TGS, care of Stephanie G. Houle, Texas Gas Service Company, Barton Skyway IV, 1301 S. Mopac, Suite 400, Austin, Texas 78746 (Stephanie.Houle@onegas.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this _____ day of _____, 2020.

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary