

MINUTES OF CITY COUNCIL PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
Wednesday, March 23, 2016  
7:05 p.m.

**Present: Mayor Linda Anthony, Mayor Pro Tern Stan Graham, Councilmembers Jim O'Connor, Brian Plunkett, Beth South, and Darin Walker.**

**Absent: None.**

**1. Called to Order by Mayor Linda Anthony at 7:10 PM.**

2. Citizens 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 must sign up with the City Secretary before speaking. Speakers shall limit their comments to five (5) minutes each.

**Carrie Peace of 102 Westhaven read a statement and presented exhibits regarding their pending lawsuits with the City of West Lake Hills.**

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.
- Approval of the March 23, 2016 Regular Meeting Minutes. City Secretary Lacie Hale.
  - Acceptance of certification from the City Secretary declaring unopposed status for the Special Municipal Election to be held on May 7, 2016. City Secretary Lacie Hale.
  - Decision regarding Ordinance 429, declaring the unopposed candidates elected to the following offices: Council Member (Place 1), Rhonda McCollough. City Secretary Lacie Hale.
  - Approval of the Public Safety Report for February 2016. Chief Gerdes.
  - REQUEST TO POSTPONE: Land Use: Variance request to remove a tree greater than 14 inches in trunk diameter at 118 Reveille Road. (Section 22.03.304 of the West Lake Hills Code.) Applicants Paul and Maureen Christen.
  - REQUEST TO POSTPONE: Land Use: Commercial Site Development Permit for Sway Restaurant at 3437 Bee Cave Road. (Chapter 22 of the West Lake Hills Code.) Applicant Gabe Hovdey.

**MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE CONSENT AGENDA WITH COUNCILMAN PLUNKETT'S CORRECTION OF THE MEETING MINUTES BEING MARCH 9, 2016 NOT MARCH 23, 2016 AND THE ADDITION OF AGENDA ITEM #7 FOR APPROVAL. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.**

4. Land Use: Update from the subcommittee on the short-term rental of single-family homes. Mayor Pro Tem Stan Graham and Councilmember Darin Walker.

a. Staff Briefing. Mayor Anthony gave briefing that the agenda item is misleading and it was meant to discuss a survey to see what the community at large has to say about short-term rentals. Mayor Pro Tem Graham explained that short-term rentals need to be reviewed with a larger audience. The committee decided to pause and proposed a citywide online survey for residents only to the Council. The intent is to gather hard data and comments from the public. He then explained that this survey is not meant to be a vote and asked Council to possibly schedule a Town Hall Meeting to discuss short-term rentals. Councilmember Walker then went through each question of the proposed survey.

b. Public Hearing:

David Garza of Wildcat Hollow shared that he did not realize this was that big of an issue in West Lake Hills. He think it would be good for the residents to know the statistics of how many short-term rental complaints are spread throughout different residences. He thinks that the price point for the value of the homes would inhibit renters to conduct themselves in such a way to cause complaints. Mr. Garza then shared his experience on an offer for renting his home during Formula 1. He asked that the survey be revisited because of how it is written and ask that it be reviewed in a more scientific way.

Scott Griffin of Wildcat Hollow shared that the survey seems to presuppose that there should ordinances and regulations. He would prefer to statistically say that a numbered percentage of residents have a problem instead of starting with regulation.

Tom Shelflin of Wildcat Hollow shared his concerns with the survey question of allowing residents who are homeowner occupied short-term rentals.

Jennifer Griffin of Wildcat Hollow felt that sending a survey out to the community should be neutral and then there should be discussions regarding how regulations should be determined.

Gretchen Shartle of 1624 Westlake Drive thinks that the important thing is to not stereotype because of the negative experiences. She has no problem with licensing.

- c. Deliberation and action.  
**Council discussed the survey and asked the subcommittee review it again.**

**MAYOR PRO TEM GRAHAM MOTIONED TO POSTPONE THIS AGENDA ITEM UNTIL THE FIRST MEETING IN APRIL. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.**

**Councilmember Plunkett recused himself from the dais.**

- 5. Land Use: Request for the removal of trees greater than 14 inches in trunk diameter at 311 Westlake Drive. (Section 22.03.304 of the West Lake Hills Code.) Applicant Liana Davis.
  - a. Staff Briefing. **None was given.**
  - b. Presentation by applicant. **Applicant Liana Davis gave a briefing of the proposed vegetation plan for the removal of the requested trees.**
  - c. Public Hearing: **No one spoke.**
  - d. Deliberation and action.  
**Council shared a concern for guest parking and the impervious cover.**

**MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE REQUEST TO REMOVE TREES GREATER THAN 14 INCH IN TRUNK DIAMETER AT 311 WESTLAKE DRIVE. COUNCILMEMBER PLUNKETT SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.**

- 6. Land Use: Variances to request removal of trees greater than 14 inches in trunk diameter at 3 Valbella Drive. (Section 22.03.304 of the West Lake Hills Code.) Applicant Owen Norton.
  - a. Staff Briefing. **None was given.**
  - b. Presentation by applicant. **Applicant's Representative John Hathaway briefed Council on the proposed house project and their request to remove one oak tree.**
  - c. Public Hearing:  
**Tom Sheflin of Wildcat Hollow explained that grass could not grow under a cedar tree. He shared that it is one cedar tree and seems ridiculous to spend this much time discussing a tree.**

**Chris Gunter of Skyline Drive expressed that he feels differently than the previous speaker. He then went into the details of the project and asked about how there were originally three trees that required variances, now it is one. Council has the tree ordinance to use as a tool and can cause folks to downsize their projects.**

**Beck Butchek of 701 Windsong Trail shared that she has been opposed to this development from the very beginning. She explained what that the developer said that it could be developed without variances, with 3,000 square foot home footprint. Now the homes are 9 to 10,000 square foot homes. This is the third request for a variance from that development. The neighbors rely on the trees to buffer sound and light. She also shared an experience of a resident that lives at the bottom of the canyon, where the water runs. Ms. Butchek asked if there had been any kind of environmental impact study done. She also thinks that we need to be consistent, no variances means no variances.**

**Ace Pickens of Windsong Trail asked what difference does one tree make. He then shared a story of how one tree canopy prevents him from seeing the Butler tract.**

**Haeri Sina of 711 Windsong Trail shared that he is realistic and has no objection to the development. His concern is that he has spent many nights attending meetings and receiving the assurance from Mayor Claunch and the City Council that these properties were going to be built within the promised specs. He concluded by stating the house should be made smaller.**

d. Deliberation and action.

**Council discussed the project and shared their concerns recognizing the hardship to show why the house has to be in the proposed location, on top of the tree.**

**COUNCIL MEMBER WALKER MOTIONED TO APPROVE THE VARIANCES AS REQUESTED. MAYOR PRO TEM GRAHAM SECONDED THE MOTION AND IT FAILED BY 2-3 VOTE. COUNCILMEMBERS PLUNKETT, SOUTH, AND O'CONNOR OPPOSED.**

7. Land Use: Final plat of 324 and 326 Eanes School Road in the Dorsetshire Estates Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Alan Rhames.
- Staff Briefing.
  - Presentation by applicant.
  - Public Hearing: All persons wishing to speak for or against shall be heard.
  - Deliberation and action.

**Item was moved to the consent agenda for approval.**

8. Zoning Amendment: Proposed amendment to Planned Development District regulations for a parking lot addition at Belmont Village located at 4310 Bee Cave Road. (Chapter 38 of the West Lake Hills Code.) Applicant Stephen Brollier.
- Staff Briefing. **None was given.**
  - Presentation by applicant. **Applicant's Representative Mark McLain explained the proposed amendment. It consisted of increasing the amount of parking spaces to 100. They are proposing to do this in two phases.**
  - Public Hearing: **No one spoke.**

**Council shared that they are generally supportive of the amendment request.**

**MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE AMENDMENT TO THE PLANNED DEVELOPMENT DISTRICT. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.**

9. Land Use: Zoning Extension for Westlake Grocery/Westlake Auto Care at 96/98 Redbud Trail. (Section Chapter 38 of the West Lake Hills Code.) Applicant Hamid Miri.
- Staff Briefing. **City Planner Ashby Grundman gave a briefing of the ZAPCO meeting, zoning history, and previous extensions. The expiration date for the current extension is December 2020.**

- b. Presentation by applicant. **Applicant's Representative Dan Ross of 926 Terrace Mountain Drive provided more background of the property and introduced the owner. Hamid Miri, property owner, shared that he is asking for this in advance because he wants to remodel the property and have the certainty that his business will be there.**
- c. Public Hearing:  
**David Garza shared how gracious Hamid is to the community. He also shared how much he appreciates the auto care and convenience store. He cannot imagine that property being used for anything other zoning and couldn't understand why permanent zoning would not be granted. This zoning is pivotal for the owner so he can have a succession plan in place. He asked Council to please assist the property owner with permanent zoning for this property.**

**Becky Butchek of Windsong has been a resident since 1989. She stated that this is our gas station. The owners took the time to teach ten 11 year old cub scouts to pump gas and change a tire. When shared that there has been published articles regarding the impact it has on the community. It not just a gas station but a very important part of the community.**

**Jeffrey Dochen held a sign that stated, "Let's Keep It".**

- d. Deliberation and action.

**Council asked for a more accurate survey but asked staff to work with the property owner to determine if a Planned Development District or a permanent change to B-2 with a zoning overlay would be the best solution for permanent zoning.**

- 10. Public Safety: Discussion/decision on code amendment of Section 16.05.068 (b) regarding prohibition of parking on a portion of Westlake Drive. Councilmember Brian Plunkett.

- a. Staff Briefing. **Councilmember Plunkett shared why he added this to the Council agenda. He explained that the reason for this proposed code amendment is for safety.**
- b. Public Hearing: **No one spoke.**
- c. Deliberation and action.  
**Council asked about signage and clarified what Hull Circle is being referenced in the ordinance language.**

**COUNCILMEMBER PLUNKETT MOTIONED TO APPROVE THE CODE AMENDMENT AS MODIFIED AT THE DAIS. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.**

- 11. Personnel: Discussion/possible decision on filling vacant position on Zoning and Planning Commission and Building Design Committee. Mayor Linda Anthony.
  - a. Executive Session per Section 551 .074 of the Texas Government Code for personnel matters.
  - b. Public Hearing: **No one spoke.**
  - c. Deliberation and action.  
**Council decided to publicize the vacancies and then possibly make an appointment at the first Council meeting in April.**

12. Administration: Update on improvements to policies and procedures including plan review, building inspections, information in Council meeting packets, and financial information available on city website. Mayor Linda Anthony.
- a. Staff Briefing. **Mayor Anthony introduced Councilmember Walker's welcome packet project that will be posted on the City's website. Councilmember Walker then explained the packets content, the intent, and how it will be dispersed to new homeowners.**
  - b. Public Hearing: **No one spoke.**
  - c. Deliberation and action.  
**Council discussed how it would be circulated. City Administrator Robert Wood added that there have been financial information uploaded on the city's website to submit for the Comptroller's Award.**
13. Administration: Update on City and other area infrastructure improvement projects including Bee Cave Road, drainage master plan, and Camp Craft Road. City Administrator Robert Wood.
- a. Staff Briefing. **City Administrator Robert Wood gave briefing that there is still not an official start date for the Bee Cave Road project. They have scheduled a meeting next week. The Drainage Master Plan will be on the next agenda. He also updated Council regarding Camp Craft Road. Hopefully there will be a proposal at the next meeting for Council to review. The survey work for the Oak Wilt Project has been done. Now he needs to meet with Mayor Anthony and Councilmember Plunkett to determine the next steps. He also updated Council on the Mopac Project and Redbud Bridge Project.**
  - b. Public Hearing: **No one spoke.**
  - c. Deliberation and action.

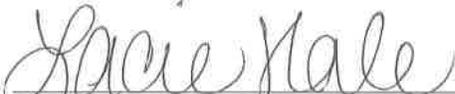
**No Council action was taken.**

**14. Adjourned by Mayor Linda Anthony at 9:55 pm.**

Certificate

  
LINDA ANTHONY, MAYOR

ATTEST:

  
LACIE HALE, CITY SECRETARY

