

MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, August 24, 2016
7:00 p.m.

Present: Mayor Linda Anthony, Mayor Pro Tem Stan Graham, Councilmembers Rhonda McCollough, Jim O'Connor, Brian Plunkett, and Darin Walker.

Absent: None.

1. **Called to Order by Mayor Linda Anthony at 7:02 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.

Laurie Maccini of 202 Reveille Road thanked Council for the no parking signage at Reveille and Bee Cave Road. She asked Council to consider installing one more sign.

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 August 10, 2016 Regular Meeting Minutes.** City Secretary Lacie Hale.
 - b. **Public Safety:** Approval of the Public Safety Report for July 2016. Chief Scott Gerdes.
 - c. **Finance:** Approval of Quarterly Investment Reports for quarters ended 6/30/2016, and 3/31/16. City Administrator Robert Wood.
 - d. **REQUEST TO POSTPONE: Land Use:** Request for a Plat Vacation of Pledger Addition with a variance at 1007 Madrone Road. (Sections 22.03.281 and 36.01.004(f) of the West Lake Hills Code.) Applicant Jim Pledger.

COUNCILMEMBER WALKER MOTIONED TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF AGENDA ITEM #4 FOR APPROVAL, AGENDA ITEM # 7 FOR POSTPONEMENT, AND AGENDA # 11 FOR

POSTPONEMENT. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

4. Land Use: Commercial Wall Hanging Sign for Quillinan Estate Jewelry at 3736 Bee Cave Road, Suite 3. (Section 32.03.008 of the West Lake Hills Code.) Applicant John Quillinan.
 - a. Staff Briefing.
 - b. Presentation by applicant.
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and action.

Item was moved to the consent agenda for approval.

5. Land Use: Request for an After-the-Fact variance for the removal of a tree with a trunk diameter of 14 inches or greater at 2002 Yaupon Valley Road. (Section 22.03.304 of the West Lake Hills Code.) Applicant Steve Hughes.
 - a. Staff Briefing. **City Planner Ashby Grundman explained that it was a 16-inch cedar tree and by code, they owe 24 inches.**
 - b. Presentation by applicant. **Applicant Steve Hughes explained that he had sent an employee to trim the tree but instead the employee cut it tree down.**
 - c. Public Hearing: **No one spoke.**
 - d. Deliberation and action.

Council shared their frustrations and concerns with how the tree was removed.

COUNCILMEMBER McCOLLOUGH MOTIONED TO APPROVE THE AFTER THE FACT VARIANCE WITH THE STIPULATION OF PLANTING A FOUR INCH TREE IN THE LOCATION OF THE ORIGINAL TREE. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 4-1 VOTE. MAYOR PRO TEM GRAHAM OPPOSED.

6. Land Use: Proposed site plan amendment for Eanes ISD at 4300 Westbank Drive. (Section 28.03.098 of the West Lake Hills Code.) Applicant Don Sansom.
 - a. Staff Briefing. None was given.
 - b. Presentation by applicant. **Applicant Don Sansom explained that the reasons for the amendment were the distance error between the buildings and the neighbors on Konstanty. The second reason was to add sidewalks for students to walk safely to the high school.**
 - c. Public Hearing: **Laurie Maccini shared that she appreciates the addition of the sidewalks and wished that this entire property would be considered as one plan, not split up in a PDD. There are discussions to of an auditorium that will require more safety items. She is very frustrated by this entire timeline of events. She hopes that whatever is decided by the city is for the safety of the kids, employees, and is good for the long term.**
 - d. Deliberation and action.

COUNCILMEMBER O'CONNOR MOTIONED TO APPROVE THE PROPOSED SITE PLAN AMENDMENT. COUNCILMEMBER WALKER SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

7. Public Safety: Discussion/decision regarding proposed traffic calming measures on North Peak Road. Councilmember Brian Plunkett.

Item was moved to the consent agenda for postponement.

8. Public Safety: Discussion/decision on survey results regarding traffic calming measures on Ridgewood Road. Councilmember Brian Plunkett.

Mayor Anthony introduced John Ott and explained how this was brought up a few years ago. Councilmember Plunkett shared that John Ott recently brought this forward. Ridgewood is a straight and wide road. The neighbors have concerns about speeding a cut through. Mr. Ott has spearheaded a survey and the neighbors are asking Council to approve an engineering study.

John Ott shared the history of discussions regarding Ridgewood Road. He received 18 responses, roughly 70% to 80% of the total responses, from the survey support speed humps in the section between Gentry and the City of West Lake Hills city limits. He requested that speed humps be installed in this section of the road.

Angela Hovis of 1010 Madrone Road shared that if all of the roads in West Lake Hills has speed humps she is going to pull her hair out. It is crazy with all of the studies. She urged Council to not spend money on the studies and not make the whole city crazy with speed humps.

Council discussed the multiple jurisdictions that would be involved when proposing traffic measures. They inquired about the scope and schematics of the speed humps.

MAYOR PRO TEM GRAHAM MOTIONED TO ENGAGE AN ENGINEER FOR A TRAFFIC CALMING PLAN, TO INCLUDE LANE NARROWING AND SPEED HUMPS, BETWEEN GENTRY AND THE CITY LIMITS OF WEST LAKE HILLS. COUNCILMEMBER PLUNKETT SECONDED THE MOTION AND IT PASSED BY 4-1 VOTE. COUNCILMEMBER O'CONNOR OPPOSED.

9. Land Use: Update from the subcommittee on the short-term rental of residential properties. Mayor Pro Tern Stan Graham and Councilmember Rhonda McCollough.
 - a. Staff Briefing. **Mayor Anthony thanked everyone who has taken the time speak during multiple the public hearings, participated in the survey, and the subcommittee for their work. Mayor Pro Tem Graham introduced a PowerPoint presentation given by the Assistant City Attorney Laura Mueller. Assistant City Attorney Laura Mueller shared a staff report written by City Planner Ashby Grundman. She then presented a PowerPoint of the proposed ordinance. Councilmember McCollough further outlined the ordinance. She also shared how it is a response for the feedback received during the public hearings and online survey.**
 - b. Public Hearing:
Mayor Anthony opened the public hearing for questions, the following people spoke:

Angela Hovis

**Scott Griffin
Brad Keoun
Wilfred Navarro
Gaylen Kimble
David Castano**

During the Comments portion of the Public Hearing, the following people spoke:

Brad Keoun of 720 Buckeye agreed that this is a new animal. He thinks that short-term rentals are an amazing thing. He offers his home and uses short-term rentals all over the country. Personally, he does not think the permit is necessary. The code needs to be changed to make this legal. He agrees with the point that guests need to be good neighbors too. He does not want a neighbor with an empty house that has it strictly available for a commercial entity. He would rather have someone in his house when he is gone than have it empty and it is really good money. Proposed a permit exemption for those that rent their house less than 6 weeks a year. He thinks the \$250 fee is an egregious figure. It should be less than \$50. He considers the two persons per room per bed seems arbitrary. Different families have different cultures and he does not know where this came from. A living room does not count as a bedroom. He would be happy putting his relatives on a pull out couch in the living room, especially if they are kids.

Gaylen Kimble of 1419 Redbud felt that, as someone who uses their home on Airbnb, this seems fair. She is comfortable with the fee. She thanked Council and the committee.

Scott Griffin of 1511 Wildcat Hollow shared that his concern and complaint is that there is a lot of to do for something there is not a lot of substantive data around, in terms of a problem. He has had the police coming out twice for a noise complaint. They were both because of noise caused by him. There can be issues with any resident without data to know if short-term rental residents are worse or not as bad. He hopes that Council will collect the data, until it is proven necessary. He hopes that Council will consider keeping the barrier as low as possible for a permit or permission. Asked Council to also reconsider properties that are adjacent to the owners.

Gretchen Lara Shartle of 1624 Westlake thanked Council because she knows it is hard. It is important that the renter be a West Lake Hills resident. If the renter's home is near the house they are renting, is almost better than renting their own house. She is within 70 feet or less of the other house. She hears everything that is happening and has rented for 10 years without any problems. She does not think that they should be penalized. The survey did not have any criticisms of these type 2 rentals. In her case, their house is used for family. They stayed there for 2 years when they remodeled their house. She thinks it is important not to penalize everyone as these decisions are made. She thinks the worst case of renting is when you have a non-West

Lake Hills resident renting out their home when they are in Oregon or some place. There should be a differentiation between someone is a resident, maybe they can be grandfathered in. She asked for this to be looked at with compassion and not one case makes all.

Wilfred Navarro of Rocky River Road shared that his concerns are that the ordinance has an arbitrary aspect, much to do about nothing; the City will conduct a study to change a speed limit sign, but not public safety to adopt an ordinance that affects a great number of people. He thinks the statistics are available. If there are concerns about certain properties because the source of complaints, pull that information and see how many complaints there are for that property. The \$250 fee is an arbitrary numbers. Just because other permits cost that amount does not mean that this permit should cost that amount. If people are renting out there house fewer than 30 days, then maybe it should be a lower fee. He thinks there are serious questions on if the city has the authority to adopt this ordinance. If Council is going to adopt it then it should have minimal impact. If you living next door to the property, you are there to observe it. He thinks there are due process issues with substantive complaints and it should be addressed. He urged the city to move cautiously with respect to this. He commended the City for taking a relatively light approach. People have a right to rent out there home but disagrees that the city should give permission. Whatever goes on within the four walls, there is a lot of constitutional protection there and scrutiny. Minimize the impact, costs, and weaknesses that have been pointed out with respect to this ordinance.

David Castano of 941 Roadrunner shared that West Lake Hills is totally different, these are high-end homes. The rules that sound good every else, you do not have the same kind of people here. Mr. Castona continued by stating his concerns are keeping Constitutional compliance, keeping the ordinance light, 2-person limit is arbitrary, City Administrator acting as the judge is dicey, type 2 goes to the nature of West Lake Hills and the availability of owner response.

Angela Hovis encouraged Council to not grant more people per bedroom. It is too many people going in and out. She would hate to live next to a short-term rental with multiple people coming in and out of the house. When it is a short-term rental, it is a different atmosphere you are on vacation. It is different when people occupy the house and have to work, so forth. In regards to have rental property next door to their homestead, could rent their house for one, two, three months. There are ways to rent it out and still have it available for your family's use. For people who do not want short-term rentals, she asked Council to not get too generous with this and keep West Lake Hills as residential as possible.

Chris Yurkanan of 905 Yaupon Valley Road and concurred with everything Ms. Hovis said. He then read an email that he sent to the Council and City Administrator.

- c. Deliberation and action.

Council asked the subcommittee to review the ordinance based on the feedback received and come back to Council at the first meeting in November. Council also requested the draft ordinance to be posted on the website a few weeks before that meeting.

Councilmember Plunkett recused himself from the dais.

- 10. **Utilities:** Discussion/decision on proposed ordinance amendment regarding wastewater monthly rates. City Administrator Robert Wood.
 - a. **Staff Briefing. Wastewater Chairman Steve Hudson explained that the Wastewater Commission met and recommend the proposed rates for the upcoming years. They conducted a rate study that showed a 2% rate increase for the next two years, than a 4% increase. The wastewater commission is recommending a 3% rate increase for the next two years instead of the 5% rate increase that is in the ordinance.**
 - b. **Public Hearing: No one spoke.**
 - c. Deliberation and action

MAYOR PRO TEM GRAHAM MOTIONED TO APPROVE THE WASTEWATER COMMISSION'S RECOMMENDATION OF 3% INSTEAD OF 5% FOR THE NEXT TWO YEARS. COUNCILMEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-0 VOTE.

- 11. **Administration:** Discussion regarding AT&T telecommunication tower lease for 911 Westlake Drive. City Administrator Wood.
 - a. **Staff Briefing**
Executive Session per Section 551.071 of the Texas Government Code for Consultation with Attorney.
 - b. **Public Hearing:** All persons wishing to speak for or against shall be heard.
 - c. **Council deliberation and action.**

Item was moved to the consent agenda for postponement.

- 12. **Administration:** Update on City and other area infrastructure improvement projects including Bee Cave Road, drainage master plan, Water District 10, and Camp Craft Road. City Administrator Robert Wood.
 - a. **Staff Briefing. Mayor Anthony gave a brief update that Water District 10 is getting closer to obtaining the parcel for pump station #3. TCEQ has preliminary approved the Westwood Terrace Project. Later this year, the City should receive an updated list of the project and timeline, so we can start preparing for street repairs. Regarding the Bee Cave Road project, it looks like it will not start until probably next year. City Administrator Robert Wood updated Council that the survey work has been completed for Camp Craft Road and is being reviewed by CH2MHill to generate the plans.**
 - b. **Public Hearing: No one spoke.**

- c. Deliberation and action.

No Council action was taken.

13. **Finance:** Budget for FY2016-17. Discussion of draft budget with Council and record vote on proposed property tax rate. Mayor Linda Anthony.
- a. **Staff Briefing.** Mayor Linda Anthony shared that some budget discoveries were made. City Administrator Robert Wood further explained that designated money had been netted out of what was available.
 - b. **Public Hearing:** No one spoke.
 - c. Deliberation and action.

Council scheduled a workshop to consider cuts and review requested items.

No Council action was taken.

14. **Land Use:** Discussion regarding future use or sale of 110 Westlake Drive (property currently owned by the City of West Lake Hills.) City Administrator Robert Wood.
- a. Executive Session per Texas Government Code, Section 551.071 for Consultation with Attorney and 551.072 Deliberation Regarding Real Property.
 - b. **Public Hearing:** All persons wishing to speak for or against shall be heard.
 - c. Deliberation and action.

COUNCIL HELD AN EXECUTIVE SESSION ON ITEM #14 FROM 10:40 PM TO 11:00 PM.

15. **Public Safety:** Discussion/decision on safety and security of the Police Department and Administration buildings.
- a. Executive Session per Texas Government Code, Section 551.076 for deliberations about security devices.
 - b. **Public Hearing:** All persons wishing to speak for or against shall be heard.
 - c. Deliberation and action.

Item was not discussed.

16. **Adjourned by Mayor Linda Anthony at 11:01 PM.**

Certificate

Linda Anthony
LINDA ANTHONY, MAYOR

ATTEST:

Lacie Hale
LACIE HALE, CITY SECRETARY

