CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, November 8, 2023 at 7:00 PM

1. Call to Order

   With a quorum present, Mayor Pro-Tem Bowman called the meeting to order at 7:00 p.m.

CITY COUNCIL PRESENT:	**CITY STAFF PRESENT:**
Mayor Pro-Tem Gordon Bowman	City Administrator Trey Fletcher
James Vaughan	City Secretary Terry Blanchard
Brian Plunkett (** *arrived late*)	Director of BDS Jennifer Bills
Beth South	Chief of Police Scott Gerdes
Darin Walker	City Attorney Patty Akers

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 or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

   Mayor Pro-Tem Bowman 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 requested by a Council Member.

   a. Approval of the October 25, 2023 Regular Meeting Minutes.
   b. Approval of an electric utility easement to the City of Austin at 4010 Bee Cave Road and authorizing the Mayor to execute the same.
   c. Accept wastewater infrastructure for Wildcat Club Subdivision.

   ** Councilmember Plunkett arrived at 7:04 p.m.

   MOTION: Upon a motion made by Councilmember Vaughan and a second by Councilmember South, the Council voted four (4) for and none (0) opposed with one (1) abstention to approve the Consent Agenda as presented. Councilmember Walker abstained. Motion carried.

   The meeting was recessed at 7:06 p.m.

   The meeting was reconvened at 7:18 p.m.

4. Land Use **904 Old Stonehedge** - Discuss and consider action on two variances to allow the reconstruction of a non-conforming privacy fence: (1) to encroach into the 30-foot front fence setback approximately 15 feet; and (2) for the front yard fence to be a solid wood privacy-style fence where 80% transparency is required (Section 22.03.173 of the West Lake Hills Code). Applicant Dan Littlejohn.

   Director Bills gave a brief summary.

   MOTION: Upon a motion made by Councilmember Vaughan and a second by Councilmember Walker, the Council voted four (4) for and one (1) opposed to approve the variances as requested. Voting for the motion were Bowman, Vaughan, South, and Walker. Voting against was Plunkett. Motion carried.

5. Land Use **1200 Westlake Drive** - Discuss and consider action on variances for the installation of a fence on a vacant lot and the development of a turf sport field on a vacant lot and within the 30-foot rear setback (Section 22.03.173 and 38.03.032 (b) of the West Lake Hills Code). Applicant Hughes Holland.

   Director Bills gave a brief summary. City Attorney Akers recommends replatting the properties before seeking a variance.

   MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember South, the Council voted five (5) for and none (0) opposed to deny the variances as requested. Motion carried.

6. Land Use **300 Block of Laurel Valley** - Discuss and consider action on a replat of East Ledgeway Subdivision, Lot 4 to create two lots, Lot 4A and 4B (Section 36.01.004 of the West Lake Hills Code). Applicants Jeffery and Michelle Sunshine.

   Director Bills gave a brief summary.

   MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Vaughan, the Council voted five (5) for and none (0) opposed to approve the request as presented. Motion carried.

7. Land Use **900 Live Oak Circle** - Discuss and consider action on a variance to replace an existing fence approximately 20 feet from the street edge (30 feet is required) and an 8-foot-tall side yard fence along the western side property line (6-foot height maximum) (Section 22.03.173 of the West Lake Hills Code). Applicant Leah Romero, Word + Carr Design Group.

   Director Bills gave a brief summary.

   The following individuals provided comments to Council:
   - Jason Karp (property owner) - Wants to change current fence due to safety issues. Asks to use the current location of the fence to avoid disturbing plants and trees on property.

- Brenda Smith (925 Live Oak Circle) - Neutral on the request. Questions hardship, use of terminology, and distance from the street.
- Leah Romero (landscape architect) - Stated hardship is no different from previous agenda item that was approved. Fence post holes will be reused with new fence.
- Gail O'Dell (935 Live Oak Circle) - Shares concerns with Brenda Smith. Does not see a hardship. Appreciates the effort for wildlife safety, but doesn't care for existing fence size or location. She is in favor of accommodating trees.
- Suzanne Meade (904 Live Oak Ridge Road) - The proposed fence would be wonderful for privacy. Feels like the hardship is the lack of privacy with literally no back yard for this location.

Councilmember Vaughan made a motion to approve both variances as requested. Motion died for lack of second.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted five (5) for and none (0) opposed to approve the 8-foot tall side yard fence variance. Motion carried.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted three (3) for and two (2) opposed to deny the variance to replace an existing fence approximately 20 feet from the street edge. Voting for the motion were Plunkett, South, and Walker. Voting against were Bowman and Vaughan. Motion carried.

8. <u>Administration</u> Discuss and consider approving a Task Order contract with Walter P Moore Engineering for 2023-2024 Street and Drainage Improvements and authorizing the City Administrator to execute the same.

   City Administrator Fletcher gave a brief summary.

   MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted five (5) for and none (0) opposed to approve the Task Order contract and authorize the City Administrator to execute said contract. Motion carried.

9. <u>Administration</u> Discussion and update on bond items regarding Proposition A (new municipal complex) and Proposition B (streets and drainage projects).

   City Administrator Fletcher gave a presentation. Stephen Karp with AGCM updated the Council on the schedule to GMP.

10. <u>Executive Session</u> In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess in Executive Session (closed meeting) to discuss the following:
    a. Section 551.071 - Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:

1. Jaffe - 1405 Wildcat Hollow;
2. Alvarez - 1505 Wildcat Hollow;
3. Lambert - 1600 Westlake Drive; and
4. 1836 Real Estate, LLC - 707 Butler Cove.

b. Section 551.072 - Deliberations about Real Property.

Council convened into Executive Session at 8:49 p.m.

11. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Councils' discretion regarding consultation with attorney and deliberations about real property.

Council reconvened in Open Session at 9:07 p.m. No action was taken.

12. Adjournment

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember Plunkett, the Council voted five (5) for and none (0) opposed to adjourn the meeting at 9:08 p.m. Motion carried.

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on November 21, 2023.

CITY OF WEST LAKE HILLS
CORPORATE SEAL
TEXAS