

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
April 22, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Steve Braasch, Mayor Pro Tem (arrived at 6:07 p.m.)
Zelda Auslander, Council Member
Michelle Bliss, Council Member
Bill Goodwin, Council Member (arrived at 6:01 p.m.)
Kara King, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katherine Griffin, Director of Finance
Bill Pitmon, Detective
Lindsey Oskoui, Director of Planning and Development
Giancarlo Patino, City Engineer
Stephen Myrick, Building Official
David Theriault, Systems Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, April 22, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Adrian Overstreet, Managing Partner of the Hill Country Galleria, invited everyone to attend the candidate forum on Sunday, April 27th.

Veronica Putney, 13308 Overland, commented that the Terrace and the Backyard at Bee Cave would bring a large transient population to the City and that Bee Cave will look like Los Angeles.

Mike Murphy, 4010 Lochwood Bend Court, commented that the majority of people who move to Bee Cave do so because what is here. Mr. Milam has been a good partner with the City so the Council needs to hear what he has to offer.

John Colman, 5201 Great Divide, commented that there are a number of red flags on the Backyard/Terrace project. The traffic and congestion is going to get worse and the height of the buildings and screening has not been addressed.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on March 25, 2014.
- B. Consider Proclamation recognizing the month of April as National Safe Digging Month.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to approve consent agenda item A.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay: None
Absent: None

The motion carried.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to approve consent agenda item B.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy and Council Members Auslander, Bliss, Goodwin and King
Voting Nay: None
Absent: None
Abstain: Mayor Pro Tem Braasch

The motion carried.

Discuss and consider action on a sign variance for Ashcreek Homes/Wildwood located on Yellow Bell Bend.

Building Official Stephen Myrick presented this item.

Scott Morledge of Ash Creek Homes also spoke on this item and addressed the non-trademarked logo.

Carrell Killebrew, 5410 Great Divide, encouraged the council to deny the sign variance.

Executive Session:

The City Council closed the Open Session at 6:40 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held on the above item and identified the section of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

The City Council closed the Executive Session at 6:54 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve the sign variance request for Ashcreek Homes/Wildwood.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	None

The motion carried.

Public hearing, discussion and consider action on Ordinance No. 198 regarding a Planned Development District amendment, amending the concept plan for PD-TC, Ordinance 05-03-08-A Hill Country Galleria Planned Development District ordinance as amended, to establish new development standards for Lots 2B and 22B of Block A, Lots 3 and 8, Block B, to add office as a permitted use for Lot 22B, Block A, and retail as a permitted use to Lot 8, Block B, and to include standards for special events, including fireworks, and easements applicable to the entire project.

Mayor Murphy opened the public hearing at 6:55 p.m.

Mr. Killebrew commented that the easements for the pedestrian trails should be for bikers also.

Mr. Overstreet stated that the amendment would allow them to construct another office building next to Dillard's. It will be lowered so that from Bee Cave Parkway you will only see the top 2 stories and part of the 3rd. This will also provide better handicap access. The office space is what makes the Hill Country Galleria work.

There being no other person wishing to give public testimony, the public hearing was closed at 7:04 p.m.

Planning and Development Director Lindsey Oskoui reviewed the proposed changes as follows:

- 1) *Amendment to the concept plan and development standards for Lot 22B, Block A, which is located immediately west of the westernmost Avanti Hills building, at the northeast corner of Galleria Circle and Vista Ridge.*
 - This is currently a re-irrigation lot with pedestrian trails. The applicant has submitted an engineering study that proves this area is in excess of what is needed to meet the acreage requirements per the original water quality plan for the Galleria. He is proposing it for office use instead. The trails will be relocated along the northern, eastern, and western boundaries. Per staff's recommendation, the applicant has agreed to stripe two crosswalks on Vista Ridge to connect with the trails across the street.
 - He is requesting to have no minimum parking requirement and instead be subject to the shared parking agreement that overlays the rest of the Hill Country Galleria. The majority of office tenants will park in the existing garage to the south. A striped crosswalk exists across Galleria Circle. Per staff's recommendation and pursuant to the project's covenants, he will build a sidewalk (that counts against his impervious cover) to complete the pedestrian connection to the garage entrance.
 - He is requesting to be able to build below grade, stone-covered retaining walls and parking within the 25' setback. The walls will not be visible from the Parkway.
- 2) *Amendment to the concept plan and development standards for Lot 2B, Block A, which is located immediately northwest of BB&T bank.*
 - This was originally shown as a pad site on the concept plan in Ordinance 72. No development standards were applied at the time.
 - The applicant is proposing office/retail with access through BB&T bank, in concert with staff's recommendation to avoid an additional curb cut onto Bee Cave Parkway.
 - Regarding parking, because the use is not narrowed down at this time, staff recommends determining the proper amount at site plan. While the location isn't suitable to be part of the HCG-wide shared parking program, there may be an opportunity to use some of BB&T's lot. Staff recommends the applicant pursue this when he obtains his shared use agreement for the driveway, which will be required at site plan approval. Since he currently owns both lots, no one anticipates a hurdle.
 - He is requesting to be able to build below grade, stone-covered retaining walls and parking within the 25' setback. The walls will not be visible from the Parkway.
- 3) *Amendment to the concept plan and development standards for Lot 3, Block B, which is north of Bee Cave Parkway between the two tracts proposed as the Terraces at Bee Cave.*
 - The original concept plan contained this lot, but did not assign it a use. Office/retail is proposed.

- Regarding parking, because the use is not narrowed down at this time, staff recommends determining the proper amount at site plan.
- He is requesting to be able to build below grade, stone-covered retaining walls and parking within the 25' setback. The walls will not be visible from the Parkway.
- Pursuant to staff's request, the applicant will grant a pedestrian easement along the front lot line for hike and bike purposes.

4) *Amendment to the concept plan and development standards for Lot 8, Block B, which is west of Walgreens.*

- This was originally shown as a pad site on the concept plan in Ordinance 72. No development standards or use were applied at the time.
- Similar to other lots, staff recommends determining appropriate parking at site plan and pursuing shared parking options.
- Similar to other lots, he is requesting parking and retaining walls in the setback.
- The applicant has agreed to grant a pedestrian easement along the front property line.

5) *All previous transfers of impervious cover from or to HCG Lot 1, Block A are hereby clarified to reference HCG Lot 1B, Block A.*

- This is a clean-up item. With the approval of the replat at the last meeting, Lot 1, Block A no longer exists.

6) *Project Wide Standard: The Hill Country Galleria shall have the right to dedicate easements by separate instrument.*

7) *Project Wide Development Standard: The Hill Country Galleria may hold festivals and other events without the need of a special events permit provided however that the City Manager or his designee must approve any fireworks display, or closure of public streets.*

8) *Changes to square footage caps by use. Increase retail from 650,000 to 850,000 sf. Increase total square footage from 1,500,000 to 1,700,000 sf and, including hotel, from 1,600,000 to 1,900,000 sf.*

City Attorney Patty Akers stated that she has specifically identified that the new pad sites, if used for retail purposes or if they generate sales tax, will not be included in the reimbursement requirements under the Chapter 380 Agreement.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member King, to approve Ordinance No. 198 as discussed and including removal of the parking from the concept plan.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and consider action regarding the Replat of Lot 22B, Block A, to remove a water quality easement, of the “Replat of Lot 22, Block A, Amended final plat Hill Country Galleria of Lots 1-3, 6-8 and 10-26, Block A, Lots 1-3, Block B and Lot 1, Block C,” as recorded in document number 201200190 of the official public records of Travis County, Texas.

Mayor Murphy opened the public hearing at 7:30 p.m.

Mr. Overstreet spoke on this item.

There being no other person wishing to give public testimony, the public hearing was closed at 7:31 p.m.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the replat of Lot 22B, Block A of the Hill Country Galleria to remove the water quality/re-irrigation easement.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Masonwood 71 & Terra Colinas Amended Preliminary Plat located south of SH-71 and east of the approved Masonwood Preliminary Plat in the City’s extra-territorial jurisdiction.

City Engineer Giancarlo Patino reported that the amended Preliminary Plat for Terra Colinas / Bella Colinas proposes approximately 190 single-family residential lots, 1 amenity center lot, 2 parking lots, 4 water quality/detention lots, and 6 commercial lots on 47.3 acres of land already approved within the concept plan exhibit in the *Amended and Restated Masonwood Development Agreement*. Due to the removal of the multi-family component (300 units) and reincorporating the four commercial lots included in the approved Preliminary Plat, the total amended preliminary plat area is approximately 73.82 acres. The reconfiguration from the approved multi-family portion of the development to single family lots impacted 19 of the single-family lots in the original preliminary plat and two streets (Cinca Terra Drive and Cabrillo Way), hence aligning and providing reciprocal access between both subdivisions (Bella Colinas & Terra Colinas). The Amended Preliminary Plat is proposed to be platted in four different

phases. Phase 3 containing the neighborhood services lots fronting SH-71 and Phase 4 includes approximately 16 single family lots currently owned by Meritage Homes.

Jim Meredith and Walter Hoysa of Masonwood 71 also spoke on this item.

The City Council asked numerous questions about the project and expressed concern about the number of curb cuts and the connectivity to the signalized intersection.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Mayor Murphy, to approve the Masonwood 71 & Terra Colinas amended preliminary plat.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and Goodwin.
Voting Nay: Council Member King
Absent: None

The motion carried 5-1.

Discuss and consider action on an update of the Comprehensive Plan Survey including extension of the deadline to respond.

There was no action taken on this item.

Discuss and consider action on Ordinance No. 199 amending Chapter 12, Article 12.02 – Municipal Court regarding terms of office for the Municipal Judge and Associate Judges and repealing references to City Administrator and replacing them with City Manager in accordance with the Home Rule Charter.

Council Member King stepped away from the dias at 8:38 p.m.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to approve Ordinance No. 199 amending Chapter 12 of the Code of Ordinances.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and Goodwin
Voting Nay: None
Absent: Council Member King

The motion carried 5-0.

Council Member King returned to her seat at the dias.

Discuss and consider action on a professional services agreement with Freese & Nichols, Inc. to assist with the development and implementation of the City's Municipal Separate Storm Sewer System (MS4).

Patrick Garnett of Freese & Nichols explained the MS4 program.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member King, to approve the contract with Freese & Nichols in the amount of \$28,920.00 as submitted.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session:

The City Council closed the Open Session at 8:46 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the section of the Open Meeting Law under which the meeting would be held.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may adjourn into the Conference Room for the executive session.

- Consultation with Attorney regarding CCNG/Spanish Oaks Development Agreement.

Council Member Auslander left the meeting at 9:38 p.m.

The City Council closed the Executive Session at 9:55 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Bliss, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Bliss,
Goodwin and King
Voting Nay: None
Absent: Council Member Auslander

The motion carried.

The City Council adjourned the meeting at 9:55 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary