

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
May 13, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Steve Braasch, Mayor Pro Tem
Zelda Auslander, Council Member
Michelle Bliss, Council Member
Bill Goodwin, Council Member
Kara King, Council Member

Absent:

Caroline Murphy, Mayor

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Katherine Griffin, Director of Finance
Vincent Montez, Police Lieutenant
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 Pro Tem Braasch at 6:00 p.m. on Tuesday, May 13, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Carrell Killebrew, 5410 Great Divide, thanked Mayor Pro Tem Braasch and Council Member Auslander for their service to the City.

Mike Murphy, 4010 Lochwood Bend Court, apologized to anyone he might have offended for a posting he made on a local blog. He stated that he needed to remind himself to concentrate on what brings us together and spend our effort and time on reaching agreements on the big issues and let go of the petty in-fighting. He also thanked Braasch and Auslander for their service.

John Colman, 5201 Great Divide, commented that he is dismayed by the Council's apparent disdain for the existing City regulations and the principles outlined in the City's comprehensive plan by granting developers whatever they request. Council should spell out the real public improvements for the City not the necessities that must be included to make the projects feasible.

Mayor Pro Tem Braasch thanked all of the citizens for their engagement during citizen comments. He stated that it has been a real honor to serve Bee Cave.

Council Member Auslander stated that serving has been one of the most fulfilling contributions that she has been a part of in her life. It has been a privilege to have been on the ground floor of creating a City and to work with the team of council members and staff.

Minutes.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve the minutes of the Regular Meeting minutes of April 22, 2014.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 200 approving the Texas Gas Service 2014 Gas Reliability Infrastructure Program (GRIP) schedules and tariffs as presented to the City of Austin on February 11, 2014.

City Manager Frank Salvato reported on this item.

Marilyn Fox of Fox, Smollen and Associates also spoke on this item.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Goodwin, to approve Ordinance No. 200 approving the Texas Gas Service 2014 Gas Reliability Infrastructure Program (GRIP) schedules and tariffs.

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

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

The motion carried.

Discuss and consider action on the reappointment of Municipal Court Judge David Garza and extension of contract.

Mr. Salvato reported on this item.

Executive Session:

The City Council closed the Open Session at 6:23 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Pro Tem Braasch 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 551.074 – Personnel. The Council may adjourn into the Conference Room for the executive session.

The City Council closed the Executive Session at 6:57 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to reappoint Municipal Court Judge David Garza and approve the extension of his contract with a \$300 a month increase.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 201, amending Ordinance 12-113, Planned Development-Retail (PD-R), for Hill Country Indoor, located on Lot 1, Block A, HCI Subdivision, City of Bee Cave, Texas, as recorded in document number 201300022 of the official public records of Travis County, Texas, consisting of 8.60 acres generally north of Highway 71, west of Highway 620, and south of Bee Cave Parkway, adjacent to the Backyard property, to amend the Concept Plan (Exhibit "B") for location of buildings, site improvements, and building elevations, and to amend the Planned Development Standards (Exhibit "C").

Planning and Development Director Lindsey Oskoui reported on this item.

Mayor Pro Tem Braasch opened the public hearing at 7:16 p.m.

John Colman, 5201 Great Divide, appreciates the changes the developer has made to this structure. He asked that if the variances are approved they do not set a precedent for other requests.

Bobby Ott, 17013 Rush Pea Circle, spoke in support of the overall concept.

There being no other person wishing to give public testimony, the public hearing was closed at 7:23 p.m.

Josh McKay, one of the four partners for Hill Country Indoor, made a presentation on this item.

Jeff Kent, a partner with Hill Country Indoor, also spoke on this item.

The City Council had numerous questions about the project including the use of grasscrete and artificial turf.

Executive Session:

The City Council closed the Open Session at 8:38 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Pro Tem Braasch 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 9:41 p.m. and reconvened in Regular Session in the Council Chambers.

Continue discussion of above item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to postpone the above item until June 24th.

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

Voting Aye: Mayor Pro Tem Braasch, Council Members Auslander, Bliss and Goodwin
Voting Nay: Council Member King
Absent: Mayor Murphy

The motion carried 4-1.

Public hearing, discussion and possible action on Ordinance No. 202 requesting a Conditional Use Permit for “Kiosk” in R (Retail) District for an Ice Machine Kiosk for Lot 1, Hawthorne Ridge Subdivision, City of Bee Cave, Travis County, Texas, as recorded in Vol. 96, Pg. 61-63 of the official plat records of Travis County, located at 3595 Ranch Road 620, Bee Cave, Texas. “Kiosk” is a Conditional Use within the R Zoning District (Code reference 32.04.001 Charts, Use Charts, City of Bee Cave Code of Ordinances).

This item was withdrawn at the request of the applicant.

Discuss and consider action on the formal and final acceptance for streets, drainage improvements, signage and associated improvements for Ladera, Phase 4B.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to formally and finally accept the streets, drainage improvements, signage and associated improvements for Ladera, Phase 4B

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

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

The motion carried.

Discuss and consider action on a proposal from Sledge Engineering regarding the RR 620 hike and bike trail evaluation.

Casey Sledge of Sledge Engineering spoke on this item.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member King, to approve the proposal from Sledge Engineering regarding the RR 620 hike and bike trail evaluation.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 10:47 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Pro Tem Braasch 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 551.072 – Deliberation regarding real property; and 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 interpretation of amended and restated Masonwood Development Agreement regarding building permits.
- Consultation with attorney regarding authority of city to annex property in the Extra Territorial Jurisdiction.
- Consultation with attorney regarding CCNG/Spanish Oaks Development Agreement.

The City Council closed the Executive Session at 11:32 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Auslander, that Masonwood is required to get building permits per their development agreement.

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

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

The motion carried.

Adjournment

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

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

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

The motion carried.

The City Council adjourned the meeting at 11:32 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary