

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
January 28, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

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

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Lindsey Withrow, Director of Planning and Development
Katherine Griffin, Director of Finance
Russell Pancoast, Police Chief
Giancarlo Patino, City Engineer
Barbara Hathaway, Library Director
Stephen Myrick, Building Official

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, January 28, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Scott Morledge, Ash Creek Homes, commented on the proposed hike and bike trail from Lake Travis High School to Bee Cave Central Park.

Maureen Appling, Round Top Circle, commented that the Council should “guard the door on developers”. She asked that the Council follow the current master plan and to not grant any variances until the new master plan is in place.

Veronica Putney, Bee Cave, commented that she was worried about the hill country and the enormous amount of development. She asked the Council to follow the master plan.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on January 14, 2014.
- B. Consider approval of minutes of the Special Session conducted on January 21, 2014.
- C. Consider approval of the monthly financial and investment reports. (December)
- D. Consider approval of the 2013 Racial profiling report.

MOTION: A motion was made by Council Member King, seconded by Council Member Goodwin, to approve consent agenda items A, C & D.

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.

Mayor Pro Tem Braasch stated that he left the meeting before the adjournment at the Special Session on January 21st.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Goodwin, to approve the minutes of January 21st as amended.

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 the Audit report for Fiscal Year Ending September 30, 2013.

Paula Lowe of Pattillo, Brown & Hill, LLP presented the audit report.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to approve the audit for fiscal year ending September 30, 2013.

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 a sign variance for Chase Flooring/Town & Country Leather located at 12703 Highway 71 West.

Building Official Stephen Myrick presented this item.

Marc Chase of Chase Flooring Group spoke about the business.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the sign variance for Chase Flooring/Town & Country Leather.

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 a Site & NPS plan for the West Travis County-Public Utility Agency 12 inch Wastewater Force Main and 12 inch Effluent Force Main Extension Project.

City Engineer Giancarlo Patino presented this item.

Don Rauschuber, General Manager for the West Travis County Public Utility Agency, spoke on this item and fielded questions from the Council.

Dennis Lozano, Murfee Engineering Company, was also present and answered questions.

After a lengthy discussion on the performance bond and paving of Bee Cave Parkway, Mayor Murphy called for a motion.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve the West Travis Public Utility Agency 12 Inch Wastewater force main and 12 inch effluent force main Site & NPS plan contingent on the conditions of easement acquisition, with a five year performance bond, authorizing staff to release partial permits based on the easement acquisition for the alignment of the project and consideration of forgiveness of fees and special detail of Bee Cave Parkway by repaving full access (curb to curb).

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

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

The motion carried 4-2.

Discuss and consider action on a Site & NPS Plan for the CCNG Office Expansion located at 13453 Highway 71 West.

Mr. Patino presented this item.

Jack Creveling of CCNG was present at the meeting and spoke on this item.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve the Site and NPS plan for the CCNG Office Expansion subject to receipt of the vegetative filter strip recorded document.

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.

Presentation and discussion on a pre-concept plan for The Terrace in Bee Cave located at 13500 Bee Cave Parkway.

Presentation and discussion on a pre-concept plan for The Backyard in Bee Cave located at 13801 Bee Cave Parkway.

The above two items were opened together.

Chris Milam, President of International Development Management, presented the pre-concept planned development proposal for the Terrace at Bee Cave and the Backyard at Bee Cave.

Members of the City Council agreed that the density and the height of the proposed projects was a problem.

John Colman, read a letter from Carroll Killebrew expressing his opposition to the condominium development.

John Colman, 5201 Great Divide, commented that the concept plans had some interesting and positive features. He stated that he was opposed to the condominiums because they are multi-family. He was also opposed to the height of the development.

Monte Parker, Ladera Ranch, commented that he was concerned about the traffic and lights on Bee Cave Parkway. He asked that the parking garages be moved.

Maureen Appling commented that she was concerned about the noise from the Backyard

Tim O'Connor of the Backyard spoke about containing the noise from the music venues at the Backyard.

No action was taken at this time.

The City Council recessed at 9:52 p.m. and reconvened at 10:02 p.m.

Discuss and consider action on the final acceptance of the trail system along Bee Cave Parkway.

Adrian Overstreet, Managing Partner for the Hill Country Galleria, spoke on this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the final acceptance of the trail system along Bee Cave Parkway.

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 a change order with Merrigan Electric to convert the 85 KW generator gas feed to a propane liquid feed.

Police Chief Russell Pancoast presented this item.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to approve the change order in the amount of \$4227.50 with Merrigan Electric to convert the generator gas feed to propane liquid feed.

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 Ordinance No. 184, an ordinance calling a General Election in the City of Bee Cave on May 10, 2014 to elect a Mayor and two Council Members.

Tratar y considerar tomar acción sobre la Ordenanza No. 184, una ordenanza para convocar una Elección General en City of Bee Cave el 10 de Mayo, 2014 para elegir el Alcalde y a dos Miembros del Consejo.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve Ordinance No. 184 calling a General Election for May 10, 2014.

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 Ordinance No. 185, an ordinance calling a Special Election in the City of Bee Cave for May 10, 2014 to fill the unexpired term of one year on the City Council.

Tratar y considerar tomar acción sobre la Ordenanza No. 185, una ordenanza para convocar una Elección Especial en City of Bee Cave el 10 de Mayo, 2014 para llenar un puesto con un plazo aun no vencido de un año en el Consejo de la Ciudad.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 185 calling a Special Election for May 10, 2014.

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 Ordinance No. 186, an ordinance of the City of Bee Cave adopting an amended Fee Schedule and amending various fees charged by the City.

No action was taken on this item at this time.

Discuss and consider direction from Council on scope and options on City Hall/Library space planning.

City Manager Frank Salvato presented this item.

The City Council agreed that the financial implications were huge with this project. They also agreed that the current size of the library is adequate with the City's current population.

The City Staff will look into pricing to move city services upstairs and as an initial phase to expand the library into the atrium and vestibule.

No action was taken on this item at this time.

Discuss and consider action on Ordinance No. 187, an ordinance to amend section 1.04.031 of the city's emergency management program in order to provide for the order of succession of authority required by section 15.11 of the City's Home Rule Charter.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 187 as presented.

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 Ordinance No. 188, an ordinance related to the authority of the city council to inquire into the conduct of any office, department, agency, officer, or employee of the city, and to make investigations as to municipal affairs as required by the City's Home Rule Charter.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 188 as presented.

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 11:05 p.m. to convene in Executive Session 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 sections 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.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- B. Consultation with Attorney regarding authority of City to adopt regulations associated with election spending and donations.

Mayor Pro Tem Braasch left the meeting at 11:36 p.m.

The City Council closed the Executive Session at 11:47 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 and Council Members Auslander, Bliss, Goodwin and King
Voting Nay: None
Absent: Mayor Pro Tem Braasch

The motion carried.

The City Council adjourned the meeting at 11:47 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary