

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
April 23, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Steve Braasch, Council Member
Bob Dorsett, Council Member
Bill Goodwin., Council Member

Absent:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Amy Kelley, Chief Technology Officer

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 Council Member Goodwin at 6:00 p.m. on Tuesday, April 23, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Consent Agenda

- A. Consider approval of minutes of the Regular meeting conducted on April 9, 2013.
- B. Consider action on the monthly financial and investment report.
- C. Proclamation recognizing Older American Month in May 2013
- D. Proclamation recognizing the 35th anniversary of the Lake Travis Youth Association

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve items A, B and C.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Consent Agenda Item D.

Council Member Dorsett introduced David Sewell, President of the LTYA, Ken McCannon, Vice President and Chad Wilbanks, Past President.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve the Proclamation recognizing the 35th Anniversary of the Lake Travis Youth Association.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on the site and NPS plan for CVS Pharmacy, located at 14057 Bee Cave Parkway.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the site and NPS plan for CVS Pharmacy including the trademark sign color.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on the site plan amendment for Sleep Experts, located at 12400 Highway 71 West, Suite 600.

Mr. Patino presented this item.

Tony Brutsche' of ICON Architects addressed the total cost of the improvements and whether the cost of the renovations exceeds 40% of the total building value.

Veronica Putney, 13308 Overland Pass, inquired if there were any trees around the improvements that would be damaged.

Mr. Brutsche' stated that no trees or landscaping would be affected and no additional parking would be added.

John Colman, 5201 Great Divide, asked the applicants and Council to show some constraint on the colors of the signs.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the site plan amendment for Sleep Experts.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on the relocation of the Bee Cave Central Park Dog Park, extension of trails and proposals for professional services.

City Administrator Frank Salvato presented this item.

Casey Sledge of Sledge Engineering and Jody Jarrett, Landscape Architect, also spoke on this item.

John Stevens, Chair of the Friends of the Bee Cave Dog Park, thanked the Council for their attention to the issue. He introduced members of the Friends Board.

John Colman, commented that the parking at the Central park is underutilized unless there is a party at the pavilions. They are hoping that the park becomes more popular with a better location of the dog park.

Mike Murphy, 4010 Lochwood Bend, stated that one of the original plans was to have an emergency or secondary entrance from the Montessori school that would be used as overflow parking if necessary but that idea was dropped from the early rendition of the park.

Kara King, 16005 Snowdonia Cove, would like to see a more natural parking lot instead of pouring more concrete.

Veronica Putney also commented that she would like a more natural parking lot.

Mr. Sledge will bring back better cost estimates after the survey is completed.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the surveying/field work with Sledge Engineering in an amount not to exceed \$5,500 and direct the Staff to bring this item back at the next meeting.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on Ordinance No. 143, an ordinance amending Chapter 20, Article 20.04 –Nonpoint Source Pollution Control in order to authorize relocation of water quality easements associated with vegetative filter strips in accordance with the process set out in Chapter 32 of the Bee Cave Code of Ordinances.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve Ordinance No. 143 as presented.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on the City of Bee Cave participating in a Household Hazardous Waste permanent collection site.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to authorize Staff to contribute \$15,000 for the construction of the Household Hazardous Waste permanent collection site and is not intended to be anything related to future participation.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Discuss and consider action on granting an extension for the filing of the Final Plat for the Bella Colinas Subdivision, Section One.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the extension for filing of the final plat for the Bella Colinas Subdivision, Section One.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Executive Session

The City Council closed the Open Session at 7:30 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Council Member Goodwin 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.

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.

- A. Consultation with Attorney regarding Texas Department of Licensing and Regulation and Federal A.D.A. requirements associated with property acquisition of primitive park and legal issues related to City's interlocal agreement with City of Austin.
- B. Consultation with Attorney regarding legal issues with proposed legislation regarding water/wastewater systems located in Bee Cave.

The City Council closed the Executive Session at 8:44 p.m. and reconvened in Regular Session in the Council Chambers.

Item A in open Session:

Council Member Dorsett read the following statement for the record:

“For the past several years, the City of Bee Cave has been very involved in the West Travis County Public Utility Agency and its formation. Bee Cave carried a lot of the water throughout the rate case litigation and we put a lot at risk for our citizens. The City of Bee Cave had approved the original language in the West Travis County PUA legislation as it was originally proposed. However, the proposed changes in the bill’s language that are currently before the Legislature are not indicative of the language this City Council approved on December 11, 2012. Specifically, the original motion was made by Council Member Braasch and seconded by myself. Therefore, because the language is as it stands today, we cannot support the bill as written.”

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to direct staff to send Council’s concerns to the members of the PUA Board and to the representatives carrying the bill.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to adjourn.

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

Voting Aye: Council Members Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: Mayor Pro Tem McCool and Council Member Auslander

The motion carried.

The City Council adjourned the meeting at 8:46 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

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Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary