

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
September 9, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem
Michelle Bliss, Council Member
Kara King, Council Member
Marie Lowman, Council Member

Absent:

Tom Matzen, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Kaylynn Holloway, City Secretary
Patty Akers, City Attorney
Katherine Griffin, Director of Finance
Russell Pancoast, Police Chief
Lindsey Oskoui, Director of Planning and Development
Giancarlo Patino, City Engineer
Barbara Hathaway, Library Director
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, September 9, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Swearing in of Police Chief and Police Officers

Mayor Murphy delivered the Oath of Office to the newly appointed Police Chief Gary Miller, Lieutenant Pitmon, Sergeant Navarro, Sr. Police Officer Flores, and Police Officers Reid, Hendricks and Halley.

Citizen Comments

Mayor Murphy commented that Items 10-13 related to the Backyard and Terrace would not be considered at this meeting.

Adrian Overstreet, President of the newly formed Bee Cave Chamber of Commerce, spoke about the Chamber. He invited everyone to a membership party at Revival on Highway 71 West.

Chris Baumli, 4025, Gandara Bend, asked the Council to not grant any variances to developers.

Stephen Dotson, 4121 Gandara Bend, also asked the Council to not grant any variances to developers.

Veronica Putney, 13308 Overland Pass, reminded the Council that they represent the citizens and not developers. She encouraged the Council to follow the Master plan.

Avi Bhatt, 4020 Vinalapo Drive, commented that he was opposed to the Backyard events because of the noise and traffic.

Carroll Killebrew, 5410 Great Divide, encouraged the Council to conduct a formal search for a new City Manager and to take applications.

Maureen Appling, 13105 Roundtop Circle, asked the Council to oppose the development of the Backyard and Terrace. She asked the Council to stand up for the citizens.

Carlos Redondo, 4125 Gandara Bend, submitted a petition to the City opposing the Planet Earth Movie Studios in Bee Cave.

Gene Appling, 13105 Roundtop Circle, commented that he was against the granting of any variances to developers.

Minutes

MOTION: A motion was made by Council Member Bliss, seconded by Council Member King, to approve the minutes of August 26, 2014.

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

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

Absent: Council Member Matzen

The motion carried.

Public Hearing, discussion possible action on Target replat; the Final Plat of the replat of Lot 1, Block B of the Home Depot Addition as recorded in document number 200100004 of the official public records of Travis County, Texas. The purpose of the replat is to divide one lot into two lots.

Mayor Murphy called the public hearing to order at 6:41 p.m.

There being no one wishing to make public testimony, the public hearing was closed at 6:41 p.m.

Planning and Development Director Lindsey Oskoui reported on this item.

Danny Miller from LJA Engineering spoke on this item.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve the Target replat; the Final Plat of the replat of Lot 1, Block B with removal of the clerical errors on page 3 of the plat.

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

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

The motion carried.

Discuss and consider action on a request for an extension to the September 13, 2014 expiration of the Terra Colinas Phase One final plat application.

Ms. Oskoui presented this item.

MOTION: A motion was made by Council Member King, seconded by Council Member Lowman, to approve the request for an extension of the Terra Colinas Phase One final plat application.

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

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

The motion carried.

Presentation and discussion on a pre-concept plan for Canyonside located at Vail Divide Drive and West Highway 71.

Scott Morledge and Jenna Gracey presented this item to the Council for discussion only.

Canyonside consists of 67 detached single-family residential units, one amenity center, and an 11,000 square foot commercial building proposed by Ash Creek Homes. This project has access from Highway 71, from Vail Divide (for the commercial building) and via the access easement to the primitive park. On the Future Land Use map the parcel is depicted as Planned Density Residential; the Zoning Map depicts it as PD-MU (Falconhead West Planned Development District).

The Council discussed the proposed ingress/egress onto Highway 71. This location is on an incline with poor site distance and pre-existing traffic and safety issues.

Some members of the City Council and Staff recommended that a wrought iron fence be placed behind the homes that backup to the primitive park. There was also concern about the parking for the amenity center.

Veronica Putney expressed concerned about the removal of trees.

Don Walden, Developer, commented that the primitive park should be fenced.

The Council generally received the project positively. No action was taken on this item.

Public hearing, discussion and possible action on Ordinance No. 211 regarding a comprehensive plan amendment of Plate 8-1, the Future Land Use Map, from Mixed Use to Office for Lots 1 and 2, Block A, a Final Plat of Planet Earth Music Subdivision, City of Bee Cave, Travis County, Texas, as recorded in document number 201000097 of the official public records of Travis County Texas.

This item was not considered.

Public hearing, discussion and possible action on Ordinance No. 212 regarding a zoning change request from Planned Development District – Retail (PD-R), as set out in Ordinance 09-01, as amended, to Planned Development District – Office (PD-O) for Lots 1 and 2, Block A, a Final Plat of Planet Earth Music Subdivision, City of Bee Cave, Travis County, Texas, as recorded in document number 201000097 of the official public records of Travis County Texas. (Backyard at Bee Cave)

This item was not considered.

Public hearing, discussion and possible action on Ordinance No. 213 regarding a comprehensive plan amendment of Plate 8-1, the Future Land Use Map, from Retail, Town Center, and Public/Semi Public to Mixed Use for Lots 1, 2, 4, and 5, Block B, of the Amended Final Plat of the Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B, and Lot 1, Block A, City of Bee Cave, Travis County, Texas, as recorded in document number 200700378 of the official public records of Travis County Texas.

This item was not considered.

Public hearing, discussion and possible action on Ordinance No. 214 regarding a zoning change request from Retail (R) to Planned Development District – Mixed Use (PD-MU) for Lots 1, 2, and 4, Block B, of the Amended Final Plat of the Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B, and Lot 1, Block A, City of Bee Cave, Travis County, Texas, as recorded in document number 200700378 of the official public records of Travis County Texas. and a zoning change request from Planned Development District – Town Center (PD-TC), as set out in Ordinance 05-03-08-A, as amended, to Planned Development District – Mixed Use (PD-MU) for Lot 5, Block B, of the Amended Final Plat of the Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B, and Lot 1, Block A, City of Bee Cave, Travis County, Texas, as recorded in document number 200700378 of the official public records of Travis County Texas. (Terrace)

This item was not considered.

Council Member Goodwin left the dias at 8:01 p.m.

Discuss and consider action on a Site and NPS plan for the Park at Bee Cave located at the northwest corner of RR 620 South and SH-71.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member King, to postpone this item until October 28, 2014.

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

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

The motion carried.

Council Member Goodwin returned to the dias at 8:03 p.m.

Discuss and consider action on Revision #3 of the Site and NPS Plan for Lots 1A through 1E, Block A (Bee Cave Senior Living), Mountain Laurel, located at 14058 Bee Cave Parkway.

City Engineer Giancarlo Patino presented this item.

Ron Cibulka, Director of Development for Meridian, also spoke on this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Lowman, to approve Revision # 3 of the Site and NPS plan for Lots 1A through 1E, Block A, Mountain Laurel, subject to the posting of fiscal security in the amount of \$15,840 for the estimated amount of a replacement tank and correcting the lighting fixtures.

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

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

The motion carried 4-1.

Discuss and consider action on appointing members to the Economic Development Board.

Mayor Murphy presented a potential conflict of interest and was not present during the discussion of the above item.

With Mayor Pro Tem Goodwin presiding, the Council discussed the reappointment of current members.

Heather Cadenhead, current Board member, addressed the Council about her desire to be reappointed.

Steve Albert, 5308 Great Divide, presented his application to be appointed to the Board. He suggested that the Council defer the appointments and post notice of the openings on the Board. He stated that the Council needs to have a conversation about the roles of the Board.

Don Walden, Developer, also commented that he would like to be appointed to the Board.

MOTION: A motion was made by Council Member King, seconded by Council Member Lowman, to postpone this item until the next meeting and to post notice of the openings on the website.

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

Voting Aye: Mayor Murphy, Mayor Pro Tem Goodwin Council Members Bliss, King, and Lowman

Voting Nay: None
Absent: Mayor Murphy and Council Member Matzen

The motion carried 4-0.

Mayor Murphy returned to the dias.

Update on priority projects from the City Council's Strategic Planning Session.

City Manager Frank Salvato reviewed the list of priority projects.

John Colman, 5208 Great Divide, commented that he continues to hear how the City Staff is overworked. Constantly debating and negotiating with developers over the City's ordinances and our rules is also a tremendous drain on not just the city staff resources but the Council's. He stated that now is the time to build the staff and efficiency. He suggested that there be electronic distribution of the Council packets to the public.

No action was taken on this item.

Public hearing, discussion and possible action on Ordinance No. 215, an ordinance of the City of Bee Cave adopting an Annual Budget for Fiscal Year 2014-2015.

Mayor Murphy called the public hearing to order at 9:16 p.m.

There being no one wishing to make public testimony, the public hearing was closed at 9:16 p.m.

Director of Finance Katie Griffin spoke on this item.

Council Member Bliss left the dias at 9:20 p.m.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to adopt Ordinance No. 215 approving an annual budget for fiscal year 2014-15.

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

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

The motion carried.

Council Member Bliss returned to the dias.

Public hearing, discussion and possible action on Ordinance No. 216, an ordinance of the City of Bee Cave approving the Certified Appraisal Roll for the City and adopting an Ad Valorem Tax Rate for Debt Service for the Fiscal Year 2014-2015.

Mayor Murphy called the public hearing to order at 9:21 p.m.

There being no one wishing to make public testimony, the public hearing was closed at 9:21 p.m.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Bliss, that the property tax rate be increased by the adoption of a tax rate of \$.02 per \$100 valuation, which is effectively a .0015% increase in the tax rate and to adopt Ordinance No. 216 approving the Certified Roll and setting the ad valorem tax rate at \$.02/\$100 valuation.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 217, an ordinance adopting a budget for FY 2014-2015 for the Economic Development Corporation.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Goodwin, to adopt Ordinance No. 217 approving a budget for the Economic Development Corporation for fiscal year 2014-15.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 9:29 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 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 CCNG/Spanish Oaks Development Agreement.
- Deliberation regarding acquisition of real property for municipal purposes and authority to acquire property through eminent domain.
- Consultation with attorney regarding the Participation Agreement with West Travis County MUD #5 and Hays County on the creation of the West Travis County Public Utility Agency.
- Consultation with Attorney regarding proposed legislation regarding the West Travis County Public Utility Agency.
- Consultation with attorney regarding a strategic partnership in the Extra Territorial Jurisdiction.

The City Council closed the Executive Session at 10:29 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 Goodwin, Council Members Bliss, King and Lowman
Voting Nay: None
Absent: Council Member Matzen

The motion carried.

The City Council adjourned the meeting at 10:29 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2014.

Caroline Murphy, Mayor

MN090914

ATTEST:

Kaylynn Holloway, City Secretary