

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
June 25, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Mayor Pro Tem
Kara King, Council Member
Paul Kline, Council Member

Absent:

Michelle Bliss, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Bill Pitmon, Interim Police Chief
Lindsey Withrow, Director of Community Services
Katie Griffin, Director of Finance
Giancarlo Patino, City Engineer
Stephen Myrick, Building Official
Amy Kelley, Chief Technology Officer
Barbara Hathaway, Library Director

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, June 25, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Steve Albert, 5308 Great Divide, presented the Lake Travis Fire Rescue 2012 Annual Report.

Carroll Killebrew, 5410 Great Divide, commented that he visited the TCEQ to research the dump site on the Covert property on Highway 71. He also stated that he was opposed to the Shops at the Galleria removing additional vegetation to make their signs more visible.

Consent Agenda

- A. Consider approval of minutes of the Special Session conducted on June 10, 2013
- B. Consider approval of minutes of the Regular meeting conducted on June 11, 2013.
- C. Consider approval of the financial and investment reports.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the consent agenda.

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

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

The motion carried.

Discuss and consider action on the Site and NPS plan for Cielo Homes Phase 2 and a variance to City of Austin Environmental Criteria Manual; Section 1.6.7 (A) Retention/Irrigation Systems, located on RR 620 near Falconhead Boulevard in the Bee Cave's ETJ.

City Engineer Giancarlo Patino reported on this item.

The City Council asked numerous questions about the variance request regarding the re-irrigation of the land with slopes greater than 10% and erosion. They also asked questions about a maintenance agreement, lighting and noise standards.

Ben Montgomery with Madrone Apartments was present at the meeting to answer questions. He commented that if the variance was not approved he would have to re-grade the area to be less than 10% and this would be a significant expense. He would then add additional units to offset the cost.

Monty Parker, President of the Enclave HOA and Vice President of Alta Vista, stated that the neighbors are in favor of the variance because the alternative would be to strip the land and take away what little trees and vegetation is left.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, that in recognition of the applicant's previous agreement to comply with the lighting and noise ordinance, to approve the site and NPS Plan for Cielo Homes Phase 2 and the variance to the City of Austin Environmental Criteria Manual as cited, contingent upon the maintenance agreement being approved after being reviewed by staff. Also, restating the hours of construction as 7am to 7pm with no work on Sunday which is within the noise provisions that the applicant agreed too.

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

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

The motion carried.

Discuss and consider action to exchange fiscal security posted in the form of a check/cash to a performance bond for Madrone Apartments/Cielo Homes Phase 2 Site and NPS temporary and permanent erosion and sedimentation controls.

This item was postponed.

Discuss and consider action to exchange fiscal security posted in the form of a letter of credit to a performance bond for Cielo Homes Phase 1 Site and NPS temporary and permanent erosion and sedimentation controls.

Mr. Patino presented this item.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the exchange of fiscal security in the form of a letter of credit to a performance bond for Cielo Homes Phase 1 as submitted.

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

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

The motion carried.

Discuss and consider action regarding the emergency notification system – Code Red.

Interim Police Chief Bill Pitmon presented this item.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to approve the purchase of the Code Red System in the amount of \$1,839.00 for the remainder of this fiscal year and \$7,361.00 per year for subsequent fiscal years.

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

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

The motion carried.

Discuss and consider action on purchasing and implementing TraQ Evidence Module.

This item was postponed.

Discuss and consider a policy on absences of City Councilmembers.

The City Council discussed the language in the new Home Rule Charter relating to absences and the necessity of having a policy regarding Council absences from meetings.

John Colman, 5201 Great Divide, commented that the City needed a fully functioning Council. He suggested that the Council look at accumulative absences in their term.

Carroll Killebrew, 5410 Great Divide, commented that the Council should consider a minimal definition of excused absence so that it doesn't say everything else is unexcused.

No action was taken on this item.

Discuss and consider action on moving the Regular Council Meeting dates to the second and fourth Thursday of the month.

Council Member Kline stated that he had requested this item be placed on the agenda because of his extensive travel during the middle of the week.

Members of the City Council stated that a Thursday night meeting would not work for them.

Mr. Killebrew commented that changing the meeting date was not a good precedent setting policy.

Maureen Appling, 13105 Roundtop Circle, commented on the amount of time commitment to serve on City Council. She stated she was concerned that Council Member Kline requested this item on the agenda.

Mr. Colman commented that even if a single Council member could not make a Thursday night meeting then the change should not even be considered.

Council Member Kline stated that he takes his job on City Council very serious and that he will try to adjust his work schedule.

No action was taken on this item.

Discuss and consider action on appointing up to two members of the City Council to work with developers on amendment to the Planned Development District for Hill Country Indoor.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to appoint Council Members Auslander and Bliss to work with the developers for Hill Country Indoor.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 8:26 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.

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 requirements of Open Meeting and Public Information Acts and requirements associated with City of Bee Cave Code of Ethics Ordinance.
- B. Consultation with Attorney regarding City's authority under the Spillman Development Agreement.
- C. Consultation with Attorney regarding property along Highway 71, RR 620, Hamilton Pool Road, and Bee Cave Road within the Extraterritorial Jurisdiction of the City of Bee Cave for possible annexation into the city limits.

- D. Consultation with Attorney regarding legal responsibility of City associated with service plans for future annexations.

The City Council closed the Executive Session at 10:59 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above items.

Adjournment

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Kline, to adjourn.

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

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

The motion carried.

The City Council adjourned the meeting at 10:59 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary