

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
October 8, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Mayor Pro Tem
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
Stephen Myrick, Building Official
Russell Pancoast, Chief of Police
Giancarlo Patino, City Engineer

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, October 8, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments.

Russell Pancoast, Police Chief, reported that a Drug Take Back Program would be held on October 26th to turn in unused or expired medication for safe disposal.

Carroll Killebrew, 5410 Great Divide, stated that the amount of raises that was given to the ESD6 was inappropriate. He encouraged the Council to review their CIP plan and compensation plan.

Veronica Putney, 13308 Overland Pass, suggested that the Field of Dreams be partly turned into a cemetery and the other 5 acres into a park. She stated that she found an investor and would like the City to help him get the licensing.

Scott Crunk, 15513 Spillman Ranch Loop, stated that the LTYA needs more fields and asked the Council to help them find a solution.

Consent Agenda.

- A. Consider approval of minutes of the Special Session conducted on September 19, 2013.
- B. Consider approval of minutes of the Regular meeting conducted on September 24, 2013.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve consent agenda item 1B.

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.

There was some confusion as to whether Council Member King had attended the Special meeting on September 19th. It was determined that she was in attendance and the following motion was made:

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to approve consent agenda item 1A.

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 NPS plan and variance request to post fiscal security for WTC-PUA Highway 71 Waterline relocations, west of Hamilton Pool in the City of Bee Cave.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve the NPS plan and variance request to post fiscal security for WTC-PUA Highway 71 Waterline relocations for Phase 1 and to authorize staff to approve Phase 2 when the WTC-PUA acquires and records the easement to relocate the waterline.

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 Preliminary and Final Plat for Gateway to Falconhead, located at Falconhead Boulevard and Highway 620 in the City of Bee Cave.

Director of Planning and Development Lindsey Withrow presented this item.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve the preliminary and final plat for Gateway to Falconhead.

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.

Public hearing, discussion, and possible action on Ordinance No. 167 amending the existing zoning for 1.3650 and .9220 acre tracts of land in the John Hobson Survey No 527 and Jarrett Medlin Survey No 528 (also known as Revival, located at 13308 Highway 71, Bee Cave, Texas, between McCoy's Building Supply and Rosie's Tamale House) from Neighborhood Service to Retail – Planned Development District (PDD).

Mayor Murphy called the public hearing to order at 6:25 p.m.

There being no one who wished to give public testimony at this time, the public hearing closed at 6:25 p.m.

Ms. Withrow stated that the proposed project contains a range of uses, including retail, restaurant, gallery and exhibition space, upholstery, personal services, and public gathering spaces. These uses are distributed among five buildings and two outdoor spaces:

Building A: Three story historic church relocated from Ohio; multi-tenant building to contain retail, solarium, offices for retail tenants, services, merchandise storage; located to the east of the site.

Building B: Historic three-story tower associated with Church and also relocated from Ohio; to contain retail, wine cellar, offices associated with the retail tenants; located at the southwest corner of the church; connected to the church by elevated decking and walkways.

Building C: Two story stand-alone restaurant; to north of Church/Building A

Building D: More of a promenade than a building; to the north of Building C; opens onto an event lawn to the west.

Building E: Two-story multi-tenant retail building that includes a café with outdoor seating.

Central Square: in the middle of Buildings A, B, and E; proposed to contain outdoor, overnight retail display and provide general “gathering space.”

Event Lawn: to the north of Building E; to be used for intermittent special events and concerts.

The project will be constructed in two phases. Phase One consists of Buildings A – D and some site work, including water quality and detention, and 62 parking spaces. Phase Two includes Building E and the remaining site amenities, such as the event lawn, a splash pad, and part of the market square.

The proposed design requires numerous deviations from Code. This site is extremely tight for the project proposed and as such, several deviations are needed related to impervious cover allowances/credit, water treatment, detention, and parking.

The City Council had a lengthy discussion on the above items and had numerous concerns especially with the impervious coverage and water quality. Many of the items will be considered at the time when the site plan is brought before Council.

The Ordinance changing the zoning from Neighborhood Services to a Planned Development Retail District was amended as follows:

Add an additional *Whereas* in the body of the ordinance and in Exhibit C to describe the uniqueness of the project, the community gathering nature, the assembly of some very small lots, the nonconforming nature of this property’s existing conditions and spirit of the Comprehensive Plan.

Section 8 of Ordinance: Completion date for Phase I will be prior to December 31, 2016. Delete any reference to Phase II.

Exhibit C: Planned Development Standards:

1. Property description – described as two separate tracts of land and remain consistent throughout the document; Describe nature of the property – Staff should work on some language.
2. Building Height – should be measured from the natural grade. Refer to section in code.
3. (b) Maximum square footage of each building - add “not to exceed” for each building and to allow staff to make minor adjustments without increasing impervious coverage or parking requirements.
4. Parking spaces for Phase I equal 62 spaces including ADA and delete reference to Phase II.
6. Noise Standards - change from 65 decibels to compliance with current noise ordinances as might be amended from time to time.
7. Water quality & detention ponds – Will be considered at site plan approval
8. Impervious cover – required to comply with 40% and can get a credit of up to 45% if they use rainwater harvesting or such other amount of impervious cover that may be approved at site plan. 8 (b) remove everything that talks about concrete grid pavers down through grass pavers. Change last sentence to read “ Outdoor display areas shall be considered pervious cover unless such areas are located on impervious cover areas, ..
9. (a) b. amusement devices will be limited up to 800 square feet
10. Landscaping – East parking area would be screened between Rosie’s and the property line.
15. (h) Remove the cost sharing provision.

MOTION: A motion was made by Council Member King, seconded by Council Member Auslander, to approve Ordinance No. 167 with the changes as discussed above.

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.

The City Council recessed the meeting at 8:16 p.m. and reconvened in the Council Chambers at 8:26 p.m.

Presentation and discussion on a pre-concept proposal for Supernature Studios located at 13500 Bee Cave Parkway in the City of Bee Cave.

Chris Milam discussed this item with the City Council. Robert Steinbumer, Architect and Roy Bechtol, Landscape Architect were also present at the meeting and spoke on the project.

Most of the City Council gave a favorable response to the project but all were concerned about the traffic and the impervious coverage.

The next step would be to begin work on a Planned Development Agreement.

John Colman, 5201 Great Divide, commented that the project was exciting but he was worried about the aesthetics and traffic. He stated that all the public would see is bunkers, parking garages and light pollution for 24 hours of the day.

Discuss and consider action on the appointment of a member to the Planning and Zoning Commission, Position 5 (Goodwin nomination).

Council Member Goodwin nominated Marie Lowman to serve in Position 5 on the Planning and Zoning Commission.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the nomination of Marie Lowman to the Planning and Zoning Commission.

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 10:08 p.m. to convene in Executive Session in the Conference Room.

Council Member Bliss left the meeting at 10:08 p.m.

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 551.072 – 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.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- B. Discussion regarding possible acquisition of land for municipal purposes.
- C. Consultation with Attorney regarding authority of City pursuant to Chapter 30, Subdivision Ordinance.

The City Council closed the Executive Session at 11:20 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment.

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

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

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

The motion carried.

The City Council adjourned the meeting at 11:20 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary