

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
October 22, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Michelle Bliss, Council member
Bill Goodwin, Council Member
Kara King, Council member

Absent:

Steve Braasch, Mayor Pro Tem

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Lindsey Withrow, Director of Planning and Development
Katherine Griffin, Director of Finance
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 22, 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 no citizen comments at this time.

Consent Agenda.

- A. Consider approval of minutes of the Special Session conducted on October 7, 2013.
- B. Consider approval of minutes of the Regular meeting conducted on October 8, 2013.

- C. Consider approval of the financial and investment reports.
- D. Proclamation recognizing the week of November 4th as Municipal Court Week.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member King, to approve consent agenda items 5A, 5B, and 5D.

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

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

The motion carried.

Council Member Auslander clarified that there was a typographical error on the financial report.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to approve consent agenda item 5C.

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

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

The motion carried.

Second public hearing regarding the intent of the City of Bee Cave to annex into the city limits approximately 139.778 acres of land which is generally located north and south of Hamilton Pool Road approximately 900 feet west of Cueva Drive.

Mayor Murphy called the public hearing to order at 6:05 p.m.

Richard Grumbles, 15318 Hamilton Pool Road, commented that they have worked with the City Staff to agree on a Development Agreement for his land.

There being no other persons who wish to give testimony at this time, the public hearing closed at 6:07 p.m.

No action was taken on this item.

Discuss and consider action on Development Agreement with Grumbles related to the annexation of the 139.778 acres of land generally located north and south of Hamilton Pool Road approximately 900 feet west of Cueva Drive.

City Manager Frank Salvato presented this item. The Development Agreement allows the Grumbles to build up to five additional single family dwellings for the immediate family.

The City Council agreed to add language under Section Two (3) related to applications for changes in permitted use. They also added language in Section Three regarding the conveyance of the property and the expansion of the agricultural use.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Bliss, to approve the Development Agreement with the Grumbles as amended.

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

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

The motion carried.

Discuss and consider action on the site and NPS plan for Lot 15, Phase II, Hill Country Galleria located at 12532 FM 2244 (Frost Bank).

City Engineer Giancarlo Patino presented this item.

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

John Colman, 5201 Great Divide, requested that the Council consider a requirement that the developer bring true samples of the materials that they are using.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Murphy, to approve the site and NPS plan for Lot 15, Phase II, Hill Country Galleria located at 12532 FM 2244 (Frost Bank) with the addition of stone at the bottom of the building.

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

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

The motion carried.

Discuss and consider action on a sign for the Bee Cave Sculpture Park.

Mr. Salvato presented this item. He stated that the Arts Foundation wants to put a sign on City property so it needs Council approval.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve the sign for the Bee Cave Sculpture Park as presented.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 168, an ordinance annexing into the city limits approximately 58.441 acres of land which is generally situated east and west of highway 620 just north of the current city limits of the City and across from Home Depot subdivision including approval of a service plan.

Planning and Development Director Lindsey Withrow presented this item.

Brad Greenblum, 3345 Bee Caves Road, Suite 208, stated that he was there on behalf of the landowner, Campa Investments. He has been meeting with the Staff to work through the protection of the existing uses on the property. State Law gives longer protection to uses that are grandfathered but the property owner and the Morgan family is acceptable to the 10 year limit. He asked if the seasonal use could be for a one year period instead of a nine month period.

William Morgan, representing Campa Investments, also spoke on this item.

Ms. Akers explained that the trailers could also be permitted under the temporary vendor ordinance. They do not have to be authorized as a land use.

The City Council agreed to the following:

The Service Plan under 17-Land Use (C) - language will be added to explain that the 9 month expiration does not apply to seasonal sales and items.

The site plan, as presented, will be included as an exhibit to the service plan.

There will be a 400 square foot maximum per food trailer.

The applicant will provide the City Attorney with the size of the largest political trailer and this will be added to the service plan.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve Ordinance No. 168 with the amended service plan.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 169 approving the assignment and transfer of the franchise agreement with Texas Gas Service to OneGas, Inc.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to approve Ordinance No. 169 approving the assignment and transfer of the franchise agreement with Texas Gas Service to OneGas, Inc.

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

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

The motion carried.

Discuss and consider action on a Joint Election Agreement with Travis County for the November 5, 2013 election.

Mr. Salvato presented this item.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member King, to approve the Joint Election Agreement with Travis County for the November 5, 2013 election.

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

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

The motion carried.

Discuss and consider action on appointing members to the Economic Development Board (Positions 1, 3 and 5).

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bliss, to reappoint Directors Auslander, King and Lineberry to Positions 1, 3 and 5 to the Economic Development Board.

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

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

The motion carried.

Discuss and consider action on the 2014 holiday calendar and remaining Council meetings for 2013.

No action was taken on this item.

Public hearing, discussion and possible action on a replat of all of Tract 2, Viola Marshall Subdivision, and 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).

No action was taken on this item.

Executive Session:

The City Council closed the Open Session at 8:02 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 551.072 – 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.

The City Council closed the Executive Session at 9:04 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Goodwin, to adjourn.

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

Voting Aye: Mayor Murphy, 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 9:04 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary