

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
March 11, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Steve Braasch, Mayor Pro Tem
Zelda Auslander, Council Member
Bill Goodwin, Council Member

Absent:

Michelle Bliss, 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
Katherine Griffin, Director of Finance
Russell Pancoast, Police Chief
Lindsey Oskoui, Director of Planning and Development
Stephen Myrick, Building Official
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 6:01 p.m. on Tuesday, March 11, 2014 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.

Minutes.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the minutes of February 25, 2014.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 190 amending Chapter 32 Zoning, City of Bee Cave Code of Ordinances: Section 32.04.001 Charts, within the Use Charts to add "Golf Course (Miniature)" as a Conditional Use ("C") to the NS Neighborhood Service Zoning District.

Mayor Murphy opened the public hearing at 6:03 p.m.

Will Herring stated that he was representing Rich Phillips, Developer of Hill Country Golf and Guitar. He summarized the project and the items that they were requesting for Council approval.

Carrell Killebrew, 5410 Great Divide, stated that he thought he was in favor of the project but was worried about creating a precedent for other activities or other things that are going to happen downstream from the City.

With no other citizens wishing to speak, Mayor Murphy closed the public hearing at 6:08 p.m.

City Attorney Patty Akers clarified that the permitted use chart presented in the ordinance should be corrected to add the other uses already allowed.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 190 as clarified.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 191 authorizing a Conditional Use Permit for “Restaurant” in NS Neighborhood Service District for Lot 3, Summit 56 Final Plat, City of Bee Cave, Travis County, as recorded in document 2010000095, located at 15606 West Highway 71, Bee Cave, Texas. “Restaurant” is a Conditional Use within the NS Zoning District (Code reference 32.04.001 Charts, Use Charts, City of Bee Cave Code of Ordinances).

Public hearing, discussion and possible action on Ordinance No. 192 authorizing a Conditional Use Permit for “Golf Course (Miniature)” in NS Neighborhood Service District for Lot 3, Summit 56 Final Plat, City of Bee Cave, Travis County, as recorded in document 2010000095, located at 15606 West Highway 71, Bee Cave, Texas.

The above two items were opened together.

Mayor Murphy opened the public hearing at 6:16 p.m.

With no citizens wishing to speak, Mayor Murphy closed the public hearing at 6:17 p.m.

Planning and Development Director Lindsey Oskoui reported on this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 191 authorizing a Conditional Use Permit for a restaurant.

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

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

The motion carried.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 192 authorizing a Conditional Use Permit for miniature golf with the provision that removal of the vegetative strip in the buffer area may be approved by a future Council, if requested, and the fencing will be in accordance with the current zoning ordinance except against the thick rear tree buffer.

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

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

The motion carried.

Discuss and consider action on a site plan amendment for CarX Tire/Auto located at 13925 State Hwy 71 West, Bee Cave, Texas.

Giancarlo Patino presented this item.

Ross Frie, Project Manager, spoke on this item.

John Colman, 5201 Great Divide, commented that he was concerned that the cars parked overnight would be a distraction from Highway 71.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve the site plan amendment for CarX Tire/Auto.

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

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

The motion carried.

Discuss and consider action on the Gateway to Falconhead exception request to Section 30.03.010 (a) Stormwater Collection and Conveyance Systems – Systems Design Requirements of the City of Bee Cave Code of Ordinances to exempt the project from detention requirements for developed stormwater runoff discharging into the Little Barton Creek Tributary.

City Engineer Giancarlo Patino presented this item.

City Manager Frank Salvato commented that the City received a letter from the Developer, Kenneth Satterlee, requesting that the Council postpone a vote on this item until the next meeting.

Jason Rodger, Project Engineer for Garrett-Ihnen Civil Engineers, stated that he believed they are meeting the requirements of the ordinance.

Executive Session:

The City Council closed the Open Session at 7:24 p.m. to convene in Executive Session on the above item in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held on the above item 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 551.071 - 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.

The City Council closed the Executive Session at 7:42 p.m. and reconvened in Regular Session in the Council Chambers.

Mayor Murphy commented that the intent of the Council is absolutely to be fair and to make findings on variance requests that are appropriate and that do show the discretion that the Council has in order to apply the specifics of the particular request to the intent of the ordinances.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Goodwin, to deny the exception request to Section 30.03.010 (a) Stormwater Collection and Conveyance Systems – Systems Design Requirements.

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

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

The motion carried.

Discuss and consider action on a letter agreement with the West Travis County Public Utility Agency for a temporary access easement for construction in Bee Cave Parkway.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the letter agreement with the West Travis County Public Utility Agency for a temporary access easement for construction in Bee Cave Parkway.

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

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

The motion carried.

Discuss and consider action on the dedication of a public utility easement across the Staats Property located on Bee Cave Parkway.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Braasch, to approve the public utility easement as depicted on the Staats property.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 193 amending Chapter 16, Article 16.03-Construction in Public Right-of-Way, to require a two-year maintenance bond.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 193 amending Chapter 16, Article 16.03-Construction in Public Right-of-Way to require a two-year maintenance bond.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 194 amending Chapter 18 to designate speed limits at 25 miles per hour in Ladera Subdivision.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve Ordinance No. 194 to designate speed limits in Ladera Subdivision.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 195, an Ordinance suspending the implementation of the interim rate adjustment under Section 104.301 of the Texas Utilities Code by Texas Gas Service Company.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Murphy, to approve Ordinance No. 195 suspending the implementation of the interim rate adjustment under Section 104.301 of the Texas Utilities Code by Texas Gas Service Company.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 7:55 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.

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.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- B. Consultation with Attorney regarding authority of City to extend its extraterritorial jurisdiction.
- C. Consultation with Attorney regarding engineering contracts with the City.

The City Council closed the Executive Session at 8:34 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

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

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

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

The motion carried.

The City Council adjourned the meeting at 8:34 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary