

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
August 26, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem (arrived at 6:09 p.m.)
Michelle Bliss, Council Member
Kara King, Council Member
Marie Lowman, Council Member
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, August 26, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Meredith Burke, Cara School Board of Directors, donated \$300 to the City of Bee Cave to help maintain the Old Bee Cave School House.

Mike Murphy, 4010 Lochwood Bend, spoke about the legislation of the West Travis County Public Utility Agency. He stated that the City has no power to ratify the rates. The PUA sets the rates.

Carroll Killebrew, 5410 Great Divide, spoke about the West Travis County Public Utility Agency. He stated that he made his comments at the last Council meeting based on the presentation by the General Counsel to the PUA.

Consent Agenda

- A. Consider approval of minutes of the Regular meeting conducted on August 12, 2014.
- B. Consider approval of the monthly financial and investment reports (July).

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Matzen, to approve the minutes of the Regular meeting conducted on August 12, 2014.

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

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

The motion carried.

MOTION: A motion was made by Council Member King, seconded by Council Member Matzen, to approve the monthly financial and investment reports. (July).

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

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

Council Member Goodwin arrived at 6:09 p.m.

Discuss and consider action on a Replat for the Shops at the Galleria covering Block A, Lots 2, 8, and 9; Block B, Lots 1, 2, 3, and 4; and Block C, Lot 1 as recorded in document number 200600169 of the official public records of Travis County, Texas and Block A, Lot 6A, as recorded in document number 200800082 of the official public records, Travis County, Texas.

Daniel Myrick, General Counsel for Christopher Commercial, spoke on this item.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to approve the replat for the Shops at the Galleria.

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

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

Voting Nay: None

Absent: None

The motion carried.

Public hearing, discussion, and possible action on Ordinance No. 208 to amend the Future Land Use Map of Section 8 of the comprehensive plan that would re-designate Lots 1,2, 3, and 4 of the Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas from Mixed-Use and Right-of-Way to Retail. The referenced properties are on Highway 71 East, generally east of Uplands Ridge Drive.

Mayor Murphy called the public hearing to order at 6:13 p.m.

There being no one wishing to make public testimony, the public hearing was closed at 6:13 p.m.

Planning and Development Director Lindsey Oskoui reported on this item.

Mayor Murphy asked questions regarding the retail zoning designation.

Executive Session:

The City Council closed the Open Session at 6:19 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 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 6:31 and reconvened in the Council Chambers.

Council continued their discussion of the above item.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to direct staff to re-notice the public hearing and change to the Comprehensive Plan as Neighborhood Services.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 209 to amend the zoning for the following:

- a. **From Mixed-use to Retail for Lot 4, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas.**
- b. **From Agricultural District to Retail for Lots 1, 2, and 3, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas.**
- c. **From Agricultural District to Public for 44 acres of land situated in the James G. Swisher Survey No. 152, the Stephen S. Jarboe Survey No. 498 and the D. Bohls Survey No. 905, in Travis County, Texas. Said 44 acres is generally located north of Highway 71 and east of the Uplands Subdivision. The land is Nature Conservancy land.**
- d. **From Agricultural District to Single-Family Rural Residential for 3.30 acres of land, recorded in Volume 13325, Page 2020 of the Real Property Records of Travis County, Texas.**

Ms. Oskoui presented this item. There would be no action on items a and b above but possible action on c and d.

Mayor Murphy called the public hearing to order at 6:35 p.m.

There being no one wishing to make public testimony, the public hearing was closed at 6:35 p.m.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Bliss, to approve Ordinance No. 209 which includes only c and d as revised.

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

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

The motion carried.

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

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to postpone this item until the meeting scheduled for September 9, 2014.

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

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

The motion carried.

Discuss and consider action on a renewal of Inter-local Agreement for Public Health Services between the City of Austin and City of Bee Cave.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to approve the renewal of the Inter-local Agreement for Public Health Services.

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

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

The motion carried.

Discuss and consider action on Resolution No. 2014-03, a Resolution adopting a financial investment policy; adopting investment strategies; designating qualified brokers; and designating investment officers.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Resolution No. 2014-03 adopting a financial investment policy.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 210 creating a Parks and Open Space Advisory Board for the City of Bee Cave.

City Manager Frank Salvato presented this item.

The City Council discussed the creation of the Board at length. Some members of the Council were not in favor of creating the Board at this time but suggested that it be considered again during the Comprehensive Plan review.

Steve Albert, 5308 Great Divide, commented that successful boards are the ones that are advisory and report to Council. He stated that developers are moving forward without the Council and are planning the trails on their own.

Carroll Killebrew commented that decisions are made easier if you have a plan. He suggested that the Council get a plan and start acquiring the easements needed for trails.

Jenna Gracey of Ash Creek Homes also suggested that the City get a plan and began acquiring easements for the trails.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve Ordinance No. 210 with the stipulation that appointments to the Board would not be made until staff vacancies are filled.

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

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

The motion failed.

Discuss and consider action on a preliminary budget forecast of revenue and expense for the FY 2014-15.

The City Council discussed the preliminary budget and supplemental requests.

This will be brought back for a final approval at the next meeting.

Discuss and consider action on voting for members to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to cast a vote for unopposed candidates in Place 1, 2 and 3 and for Peter Vargas in Place 4 to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

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

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

The motion 5-1.

Discuss and consider action on voting for a member to serve on the TML MultiState Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 10.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to cast a vote for Katherine Griffin to serve on the TML MultiState Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 10.

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

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

The motion carried.

Discuss and consider action on the new City Manager recruitment and selection process including appointment of an Interim City Manager.

Don Walden, 11719 Bee Cave Road, asked the Council to appoint Travis Askey as the Interim City Manager and then as the next City Manager of Bee Cave.

Dan Myrick, General Counsel for Christopher Commercial, commented that he and Greg Christopher also supported Travis Askey as the next City Manager and that it was a waste of money to hire a search firm.

Adrian Overstreet, Managing Partner at the Hill Country Galleria, thanked Mr. Salvato for his service. He also supported Travis as the next City Manager.

Ben King, 16005 Snowdonia Cove, also thanked Mr. Salvato for his service to the City. He supported Travis as the next City Manager.

Jenna Gracey of Ash Creek Homes, also supported Travis as the next City Manager.

Discussion of this item will continue after the Executive Session.

Executive Session:

The City Council closed the Open Session at 8:34 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; Section 551.074 – Personnel; 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.
- Consultation with attorney regarding land uses associated with Summit 56.
- 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.
- Personnel – to deliberate the appointment, employment, evaluation, reassignment, or duties of a public officer or employee. (City Manager)

The City Council closed the Executive Session at 10:48 p.m. and reconvened in Regular Session in the Council Chambers.

Continue: Discuss and consider action on the new City Manager recruitment and selection process including appointment of an Interim City Manager.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member King, to appoint Travis Askey as Interim City Manager effective September 10, 2014 including a 10% salary increase.

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

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

The motion carried.

Adjournment

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, 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,
Lowman and Matzen
Voting Nay: None
Absent: None

The motion carried.

The City Council adjourned the meeting at 10:50 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary