

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
March 26, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Council Member
Bob Dorsett, Council Member
Bill Goodwin., Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, Deputy City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Amy Kelley, Chief Technology Officer
Daeric Graeber, Systems Analysis
Bill Pitmon, Detective

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, March 26, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Scott Morledge of Ash Creek Homes updated the Council on the proposed hike and bike trail connecting to Bee Cave Parkway.

Monty Parker, 242 Sunrise Ridge Cove, stated his opposition to the Cielo Apartments. He stated that he was concerned about the traffic and the dust.

George Gerken, 244 Sunrise Ridge Cove, commented that there was not a traffic study done with the Cielo Apartments Phase 1 and now Phase 2 is being considered. He stated that he opposed the construction.

Veronica Putney, 13308 Overland Pass, encouraged the Council to make decisions based on the Master Plan.

Lawrence Wallace, 234 Sunridge Cove, opposed the construction of the Cielo Apartments.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on March 12, 2013.
- B. Consider approval of financial and investment reports.
- C. Consider approval of Municipal Court report.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the Consent Agenda Items B & C.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the minutes of the Regular meeting on March 12, 2013 as corrected.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Public Hearing, discussion, and possible action on Ordinance No. 140 relating to an amendment to the existing Morningside Planned Development District-Single Family Attached Zoning (Ordinance 138) for Lot 1, Block A, Morningside Subdivision, located at 3544 S FM 620, to change the development standards for construction of a roadway off of Falconhead Boulevard.

Mayor Murphy opened the public hearing at 6:21 p.m.

Scott Morledge of Ash Creek Homes presented this item. He presented an alternative solution to mitigate concerns about safety and traffic during construction.

Ms. Putney suggested that the large trucks and construction workers for Morningside use the private drive by Home Depot instead of Falconhead Boulevard.

The public hearing closed at 6:38 p.m.

Don Walden, Developer, commented that there was not any room to make a left turn lane on Falconhead Boulevard. He stated that it might be a good idea to extend the striping.

Members of the City Council expressed their concerns about safety and increased traffic.

Executive Session on above item.

The City Council closed the Open Session at 6:43 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.

The City Council closed the Executive Session at 7:03 p.m. and reconvened in Regular Session in the Council Chambers.

The City Council recessed the meeting at 7:03 p.m. and reconvened at 7:33 p.m.

The City Council continued there discussion on the above item and proposed numerous amendments to the ordinance.

Jeff Booth of Embrey Homes also spoke on the project.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 140 with the following amendments: (1) Developers will extend the striping of the two lanes on Falconhead Boulevard from RR 620 up to the Phase I entrance; (2) require language in the construction vendor documents that requires compliance with construction traffic control plan; (3) Developer will provide controlled access of Phase 1 Road with fence/gate or person to assure compliance with the construction plan; (4) Developer will hire Travis County Sheriff's office to facilitate construction traffic and bus schedule; (5) require posting of appropriate fiscal security to address any potential damage to Falconhead Boulevard to insure that it is restored to its current state; (6) primary access for the multi-family will be RR 620 once it is built; (7) developer will immediately approach Home Depot to use their

road to access the construction site; (8) primary access for Phase 1 will be utilized by the single family development (9) final certificate of occupancy will not be issued by the City until Falconhead Boulevard is satisfactory repaired.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: Council Member Dorsett
Absent: None

The motion carried 4-1.

Public hearing, discussion and possible action on Ordinance No. 141 relating to requests to

- a. **Amend the zoning for 3927 RR 620 (alternately known as the VFW tract) from Public Use to Town Center and include the property in the Galleria Town Center – Planned Development zoning district.**
- b. **Amend the zoning for 12432 FM 2244 (formerly the Los Cucos and El Arroyo restaurants) from Retail to Town Center and include the property in the Galleria Town Center – Planned Development District.**

and Amend the Hill Country Galleria Planned Development District Standards to include the following:

- c. **For any building constructed as a hotel, the exterior walls may contain up to 70% glass.**
- d. **For any building constructed as a hotel, the maximum height shall be 60 feet and the height shall be measured from the highest roof line to natural grade at the lowest point adjacent to the building exterior, or to the surface of the public roadway adjacent to the hotel lot, which ever yields the greatest height. The parapet and/or elevator over run, rooftop equipment may exceed the allowable building height by no more than 10 feet.**
- e. **Provided the previously approved height is not exceeded, there shall not be a limit on the number of floors in the building constructed as a hotel. The impervious cover allowable for the hotel site is 102,366 square feet.**
- f. **Grant a variance to Section 32.04.005 to allow for the sale of alcohol within 300 feet of a day care and/or private school.**
- g. **Water quality and amenity ponds which are not required to be lined for their water quality function, but which are lined with impermeable liner, shall be treated as pervious for all purposes including calculations determining allowable impervious cover. Any reduction in previously calculated impervious cover as a result of the operation of this section on existing ponds will be assigned to the legal lot on which the existing ponds are located subject to existing or future transfer rights. Granting this request will give the project an additional 70,476 square feet of impervious cover which is necessary to accommodate the hotel.**
- h. **Permit white lights to remain on trees in common areas year round.**
- i. **Allow for parking spaces within the 75 foot setback on Lot 15, Block A.**

Mayor Murphy opened the public hearing at 8:22 p.m.

Adrian Overstreet, Managing Member of the Hill Country Galleria, presented this item. He reviewed each of his requested changes. Item h is being withdrawn.

Gene Appling, 13105 Roundtop Circle, supported the requested changes by the Hill Country Galleria. He commented that he was concerned about the request for 70% glass at the hotel.

Daniel Myrick, General Counsel for Shops at the Galleria, read a letter on behalf of Christopher Properties supporting the zoning amendments and the hotel in the Hill Country Galleria.

Carroll Killebrew, 5410 Great Divide, urged the Council to stick with the Master Plan when considering the Hill Country Galleria requested changes. He stated that he supported the zoning changes and the hotel.

Michelle Bliss, 3800 Kenora Court, asked the Council to consider the 70% glass request at the site plan phase.

Kara King, 16005 Snowdonia Cove, stated that she supported the hotel. She requested that the restaurant proposed for Lot 15, Block A, be required to have certain architecture standards at the entrance.

Suzy Schmidt of Schmidt BBQ requested that the Council approve the Galleria's request for the variance to the 75 foot setback. She stated that they needed the parking spaces in order to open their restaurant.

Ms. Putney stated that she was concerned about the zoning change for the VFW Tract.

John Coleman, 5108 Great Divide, stated that he supported the hotel but was concerned about the amount of glass.

Mike Murphy, 4010 Lochwood Bend, stated that he had no objections to the hotel in Bee Cave but did not like the 70% glass request.

Mr. Overstreet stated that the amount of glass could be approved at site plan.

The public hearing closed at 9:24 p.m.

The City Council asked numerous questions and made suggested changes.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve Ordinance No. 141 with the following amendments: (1) developer will make best effort to provide Hill Country viewing area in conjunction with the hotel roof top bar; (2) the hotel exterior may contain up to 50% glass but this amount may be reduced to 30% at

site plan approval; (3) the back and side elevation of the hotel that faces or is viewable from Bee Cave Parkway will be treated as a front for architectural articulations purposes; (4) the parapet and/or elevator over run, rooftop equipment or roof top bar may exceed the allowable building height by no more than 10 feet; (5) make every effort to convert the dry detention pond to a wet amenity pond and such pond not count as impervious cover; (6) the request for year round white lights in trees in common areas has been withdrawn from the request; (7) parking spaces for Lot 15, Block A shall be allowed within the 75 foot setback to Highway 71 and Highway 2244 but no closer than 25 feet; (8) the parking lot for Lot 15, Block A shall be screened from view of Highway 71 and Highway 2244 with landscaping and approved at site plan approval; (9) Remove "Office" as a use for the VFW tract; (10) developer to provide appropriate memorial to the memory of Jean Drysdale at the VFW tract; (11) a roof top deck is authorized for construction on the Los Cucos tract; (12) best effort to preserve the historic outhouse on the Los Cucos property; and (13) delete last two sentences of Section 4 (a) from the blue-lined version

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

The City Council recessed the meeting at 10:51 p.m. and reconvened at 11:00 p.m.

Council Member Dorsett left the meeting at 11:00 p.m.

Discuss and consider action on the Site and NPS plan, request for Alternative Water Quality Controls (Section 20.04.050 (f) - Required Water Quality Controls), and Spray Easement (Retention/Irrigation) by separate instrument for Bella Colinas subdivision – Section One, located at 15801 West Highway 71 within Bee Cave extra-territorial jurisdiction.

City Engineer Giancarlo Patino presented this item.

Anthony Wyman, Vice President of Meritage Homes, addressed the water quality request.

After numerous questions and concerns about the water quality controls, members of the Council suggested a postponement of this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to postpone this item until the next meeting.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Braasch

Voting Nay: Council Member Goodwin
Absent: Council Member Dorsett

The motion carried 3-1.

Discuss and consider action on the Final Plat and an Exception Request to Section 30.03.003(e) [Dedication of Easements by Separate Instrument] for Cielo Homes Phase 2, located on the northeast side of RR 620 near Falconhead Boulevard in Bee Cave’s Extra Territorial Jurisdiction.

This item was withdrawn by the applicant.

Discuss and consider action on the Site and NPS plan for Cielo Homes Phase 2, one exception request and two variance requests; (1- Exception) Sections 30.03.010 – Storm water and conveyance, (2- Variance) City of Austin Environmental Criteria Manual; Section 1.6.7 (A) Retention/Irrigation Systems, and (3-Variance) Section 20.04.048 – Steep Slopes/Critical Environmental Features located on RR 620 near Falconhead Boulevard within Bee Cave extra-territorial jurisdiction.

This item was withdrawn by the applicant.

Discuss and consider action on Ordinance No. 142 amending Chapter 10, Article 10.02, Food Establishments, to allow Farmer’s Markets to provide food samples and preparation demonstrations.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve Ordinance No. 142.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on the purchase and installation of security cameras for Bee Cave Central Park.

Sergeant Pitmon presented this item. Three quotes were received.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve a contract with HSP for the purchase and installation of security cameras in the Central Park in an amount not to exceed \$12,000.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on the purchase of new physical servers in an amount not to exceed \$10,000.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve the purchase of new physical servers in an amount not to exceed \$10,000.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on the purchase of a new redundant Storage Area Network (SAN) for virtual environment in an amount not to exceed \$30,000.

Chief Technology Officer Amy Kelley presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the purchase of a new redundant storage area network in an amount not to exceed \$30,000.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on proposals for the repair of the manufactured stone at the Bee Cave City Hall.

Terese Ferguson of Downing Ferguson Peeples presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the proposal from Downing Ferguson Peeples for architectural services in the amount of \$37,310 and the proposal from Gallagher Construction for Construction Manager-Agent in an amount not to exceed \$16,400 for the repair of the manufactured stone at City Hall.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on the appointment of members to the Planning and Zoning Commission, Position 6 and 7.

Mayor Murphy will have a nomination for Position 6 at the next meeting.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem McCool, to move Chairman Michelle Bliss from Position 4 to Position 7.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Executive Session

The City Council closed the Open Session at 1:25 a.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 an Internal Revenue Service compliance audit for calendar year 2010.

The City Council closed the Executive Session at 1:44 a.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Braasch, to approve the final actions from the Internal Revenue audit and authorize payment in the amount of \$8,231.48.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
 Voting Nay: None
 Absent: Council Member Dorsett

The motion carried.

Adjournment

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

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

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Goodwin
 Voting Nay: None
 Absent: Council Member Dorsett

The motion carried.

The City Council adjourned the meeting at 1:45 a.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

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 Caroline Murphy, Mayor

ATTEST:

032613

Kaylynn Holloway, City Secretary