

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
September 10, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Steve Braasch, Mayor Pro Tem
Michelle Bliss, Council member
Kara King, Council member

Absent:

Zelda Auslander, Council Member

City Staff:

Frank Salvato, City Manager
Travis Askey, Assistant City Manager
Patty Akers, City Attorney
Brooke Winburn, HR Coordinator
Giancarlo Patino, City Engineer
Lindsey Withrow, Director of Planning and Development
Katherine Griffin, Director of Finance
Barbara Hathaway, Library Director
Stephen Myrick, Building Official
Russell Pancoast, Chief of Police

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 6:04 p.m. on Tuesday, September 10, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments.

Dr. Leslie Woods (Saddleback Pass) commented about rezoning and keeping public areas zoned public. She would like to see the city maintain public and park space.

Maureen Appling (13105 Roundtop Circle) is concerned about the development of LTYA. She wants the public land to stay public. She'd also like to see Council staying with the Comp Plan and not granting any variances.

Terry Mitchell (5400 Great Divide) would like the LTYA property to stay zoned public for the kids and the community.

Carrell Killibrew (5410 Great Divide) says that multi-family inventory is already too high in the area. The City needs to keep public land zoned public. He wants the public land preserved for the citizens of Bee Cave.

Veronica Putney (13308 Overland Pass) is concerned about the sale of the LTYA.

Michelle Williams (13500 Saddleback Pass) wants to recommend a nominee for the open position on the City council, Bill Goodwin. He got the most votes after the three that were elected.

Minutes for August 27, 2013

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to approve the minutes of the Regular Meeting conducted on August 27, 2013 as amended.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 6:30 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.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.

The City Council closed the Executive Session at 7:10 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on the site and NPS plan amendment for Hill Country Galleria, Lot 12, Block A (Chili's), located at 12713 Galleria Circle.

Mayor Pro Tem Braasch questioned if the red on the awnings is a trademark color.

Council Member King stated that she does not care for the awnings.

Council Member Bliss agrees with Councilmember King and states that the P&Z's recommendation was to approve with muting the coloring on the awning.

Architects for the project propose a compromise to make the awnings green and remove the red.

Staff recommends that Chili's submit a pantone color of the awnings for approval.

Mr. Coleman, Bee Cave resident, spoke on the item stating this is the entrance to the Galleria. The white word Chili's sign should be facing 71 and the Chili's pepper should be facing within the Galleria. He also thinks more trees should be added.

Council Member King agrees with the switching of the Chili's word sign and the actual pepper.

Mayor Pro Tem Braasch stated that we are turning Bee Cave into a beige town. He does not believe there is anything damaging with the original plan submitted. He thanked the applicant for working with the Council.

Mr. Killibrew, Bee Cave resident, also spoke on the item stating the look and the feel are the desirability of the city. The standards are there to make the City and give a unique value. He stated that Council should hold the line on the look and feel of the City.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member King, to continue this item until the September 18, 2013 Special Council Meeting.

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

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

The motion carried.

Discuss and consider action on the site and NPS plan amendment for Hill Country Galleria, Lot 2, Block A (Sonesta Hotel), located at 12525 Bee Cave Parkway.

Council Member King stated that she did not care for the entrance to the hotel. She was hoping it would be grander.

Council Member Bliss likes the hotel for the most part. She first thought of the Lakeway Regional Medical Center when she saw the elevations.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member King, to approve the site and NPS plan amendment for Sonesta Hotel with the amendment of the drainage easement.

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

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

The motion carried.

Discuss and consider action on a replat for Lot 19, Block A, Amended Final Plat of Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B, and Lot 1, Block C, located at 13501 Galleria Circle.

MOTION: A motion was made by Mayor Murhpy, seconded by Mayor Pro Tem Braasch, to approve the replat for Lot 19, Block A, Amended Final Plat of Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B, and Lot 1, Block C.

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

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

The motion carried.

Discuss and consider action on the site and NPS plan amendment for Hill Country Galleria, Lot 19, Block A – Phase II Office Building, located at 13501 Galleria Circle.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to approve the site and NPS plan amendment for Lot 19, Block A – Phase II Office Building.

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

Voting Aye: Mayor Murphy, Council Members Bliss, Braasch and King
Voting Nay: None

Absent: Council Member Auslander

The motion carried.

Discuss and consider action on Ordinance No. 160, an ordinance annexing into the city limits approximately 108.353 acres of land which is generally situated north and south of highway 71 just west of the current city limits of the City of Bee Cave including approval of a service plan.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member King, to approve Ordinance No. 160, annexing into the city limits approximately 108.353 acres of land which is generally situated north and south of highway 71 just west of the current city limits of the City of Bee Cave including approval of a service plan.

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

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

The motion carried.

Discuss and consider action to approve an Economic Development Corporation project pursuant to Chapter 502 of the Texas Local Gov't Code to fund acquisition of and relocation of a city dog park and the extension of hike and bike trails in the City of Bee Cave Central Park.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve the Economic Development Corporation project pursuant to Chapter 502 of the Texas Local Gov't Code to fund acquisition of and relocation of a city dog park and the extension of hike and bike trails in the City of Bee Cave Central Park.

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

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

The motion carried.

Discuss and consider action to assign professional services contracts for design of the dog park and hike and bike trails to the Economic Development Board.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to assign professional services contracts for design of the dog park and hike and bike trails to the Economic Development Board.

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

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

The motion carried.

Discuss and consider approval of an agreement with Economic Development Board for use of City parkland for construction of dog park and trails.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve an agreement with Economic Development Board for use of City parkland for construction of dog park and trails.

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

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

The motion carried.

Discuss and consider action on bids received for the purchase and installation of a generator at the Police Department including award of contract.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member King, to award contract to American Electric with underground tank.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 161, an ordinance adopting an amended Fee Schedule and amending various fees charged by the City.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Murphy, to approve Ordinance No. 161, an ordinance adopting an amended Fee Schedule and limited notary public services to City residents by appointment only.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 162, an ordinance regarding the final budget amendment for FY 2012-2013.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 162, an ordinance regarding the final budget amendment for FY 2012-2013.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 163, an ordinance amending the Bee Cave Economic Development Board budget for FY 2012-2013.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 163, an ordinance amending the Bee Cave Economic Development Board budget for FY 2012-2013.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 164, an ordinance amending the Bee Cave Economic Development Board budget for FY 2013-2014.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to approve Ordinance No. 164, an ordinance amending the Bee Cave Economic Development Board budget for FY 2013-2014.

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

Voting Aye: Mayor Murphy, Council Members Bliss, Braasch and King

Voting Nay: None
Absent: Council Member Auslander

The motion carried.

Discuss and consider action on Resolution No. 2013-03, a Resolution adopting a financial investment policy; adopting investment strategies; designating qualified brokers; and designating investment officers.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member King, to approve Resolution No. 2013-03, a Resolution adopting a financial investment policy; adopting investment strategies; designating qualified brokers; and designating investment officers to include Travis Askey.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 165, an ordinance amending Chapter 26 – Property Maintenance regarding tree maintenance and trimming.

Mike Murphy, Bee Cave resident, does not understand the point of the ordinance. He believes people will trim their trees when they want to.

Carrell Killibrew, Bee Cave resident, stated that this is a vast government overreach.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Councilmember Bliss, to approve Ordinance No. 165, an ordinance amending Chapter 26 – Property Maintenance regarding tree maintenance and trimming.

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

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

The motion carried.

Discuss and consider action on proposals received for the citizen survey for the comprehensive plan and authorize City Manager to execute contract.

City Council wants to see presentations from Wilson Perkins Allen and Community Development Strategies.

No action at this time.

Discuss and consider action regarding acceptance of resignation of Councilmember Paul Kline and declaring a vacancy.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to accept the resignation of Paul Kline and declare a vacancy.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 9:01 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.

- C. Consultation with city attorney regarding Charter requirements related to filling vacancies on city council and Texas Election code requirements associated with the calling of a special election.

The City Council closed the Executive Session at 9:38 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action to appoint a person to serve on the City Council to fill the vacancy until a Special election in May 2014.

City Council set a special meeting for September 19, 2013 to appoint a person to serve on City Council until a Special election in May 2014. This gives Bee Cave residents a chance to submit letters of interest.

Executive Session:

The City Council closed the Open Session at 9:39 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.

- B. Discussion regarding possible acquisition of land for municipal purposes.
- D. Consultation with City Attorney regarding legal requirements of conflicts of interest statutes and ordinances.

The City Council closed the Executive Session at 10:51 p.m. and reconvened in Regular Session in the Council Chambers.

No action on Executive Session.

The City Council adjourned the meeting at 10:51 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Steve Braasch, Mayor Pro Tem

ATTEST:

Kaylynn Holloway, City Secretary