

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
MAY 22, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

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

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Giancarlo Patino, Engineer Associate
Lindsey Withrow, Community Services Director
Stephen Myrick, Building Official
Barbara Hathaway, Library Director
Daeric Graeber, IT

Mayor Murphy administered the oath of office and presented the certificates of election prior to calling the meeting to order.

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, May 22, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Discuss and consider action on the selection of a Mayor Pro Tem.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to nominate Jack McCool to continue to serve as Mayor Pro Tem.

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.

Citizen Comments

There were not any citizen comments at this time.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on May 8, 2012.
- B. Consider approval of monthly financial and investment report.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the consent agenda.

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

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

The motion carried.

Public hearing, discussion, and possible action on Ordinance No. 113 to allow the application request by Hill Country Indoor to change zoning from Retail to Planned Development District - Retail to allow indoor and outdoor recreation facilities as permitted uses. This land is located next to the Backyard at Bee Cave off Bee Cave Parkway.

Mayor Murphy called the public hearing to order at 6:04 p.m.

Director of Community Services Lindsey Withrow presented this item.

Josh McCay, owner and operator of the Hill Country Indoor, made a presentation to Council and was available to answer questions.

Roger Borbon, Spicewood, stated that he works with children with childhood disorders and health issues. He stated that he supported the facility and that it would be a relief for parents to have a place to take their children.

Victoria Koepsel, 3209 Yellowpine Terrace, stated that she was the former Chair of the Austin Greater Sports Foundation. She stated that she supported the facility and is happy to have the Sports Hall of Honor as a part of the Hill Country Indoor.

Joey Van Laningham, 1310 Texas Oak Way, stated that he was going to be the Fitness Director of the HCI and that he was happy that everything was located in one facility.

Jeff, Jana and Kayla Holst, 12329 Pleasant Hill Court, spoke in favor of the facility.

Mike Koleber, 15212 Kollmeyer, stated that he was the owner of the Nitro Swim Center and that he was in favor of the facility.

Mark Smith, 17401 Rush Peg Circle, stated that he was in full support of Hill Country Indoor.

Jan Moreland, 10716 Point View Drive, stated that she supported the Hill Country Indoor.

Karla Ent, 12325 Carlsbad Drive, stated that she supported the Hill Country Indoor.

Tiffany Todd, 11611 Sonoma Drive, stated that she was the President of the Lakepointe Elementary PTO and that she supported the facility.

Kris Bates, 10110 West Cave Loop, stated that he supported HCI and the training they will be able to offer.

Chad Wilbanks, 3805 Kenora Court, stated that he supported the Hill Country Indoor and applauded the City Council for managing the growth of Bee Cave.

Destry Jeter, 11739 Sterling, stated that he supported the facility because it helped continue the growth for physical activity.

Adam Domecq, 12204 Carlsbad Drive, stated that he supported the HCI facility for the health and development of children. He also commented that the aesthetics of the building was a benefit to the community.

Alissa Magrum, 100 Lido Circle, stated that she was a former competitive soccer player and supported the facility.

Todd Hogon, Spicewood, stated that he was a chiropractor and will be working with HCI and is happy for being a part of the team.

Mike Murphy, 4010 Lochwood Bend, stated that the Hill Country Indoor would help kids develop skill and feelings of accomplishments. He stated that he supported the project but was concerned about the closeness of the backstops to Bee Cave Parkway and compliance with the NPS Ordinance.

Eddie Pelz, 1401 Prochnow Road, stated that he supported the project.

Scott Leon, 15105 Flamingo Drive, stated that he was owner of "Positive Baseball Development" and added that he supported the project.

Marjory Haddix, 11817 Sterling Panorama, stated that she supported the project and wished the project would have been around 10 years ago.

Misty Watkins, 11900 Uplands Ridge, stated that she was excited about the Hill Country Indoor because she drives her child all over the County to play sports.

Mike Hellrung, 23614 Oscar Road, stated that he supported the project.

Scott McGuire, 13609 Saddleback Pass, stated that he supported the project.

Paul Kline, 4005 Vail Divide, stated that he supported the project.

Mathew Payne, 6805 Auckland Drive, stated that he was the Executive Director of the Austin Sports Commission and that he supported the project.

Steve Vittorini, 12312 Carlsbad Drive, stated that they travel everywhere for field access and that he supported the facility.

Daniel Myrick, representing Shops at the Galleria, stated that he supported the project and that it would bring more people to their shopping center.

Rob Hutton, 16 Mountain Terrace, stated that he supported the Hill Country Indoor.

Jan Jernberg, Cedar Park, stated that he just retired as the head basketball coach of Lake Travis High School. He commented that he supported the project.

Christonya Hill, 204 S. Cowal Dr., stated that she supported the Hill Country Indoor.

With no other person wishing to speak, Mayor Murphy closed the public hearing at 7:26 p.m.

City Attorney Patty Akers reviewed the proposed planned development standards. The City Council discussed changes in the permitted uses, lighting standards, setbacks, traffic impact analysis and screening and safety netting.

After a complete discussion of this item, Mayor Murphy called for a motion.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve Ordinance No. 113 with the deletion of “for public use” in the fourth Whereas and adding language relating to the amenities and amendments to the Development Standards relating to 5(a) adding Saturday, 13(c) rewording traffic impact analysis requirement, 13(o) moving to site plan and 13(p) moving to minor amendments.

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 regular session at 8:56 p.m. and reconvened at 9:07 p.m.

Discuss and consider action on appointments to the Planning and Zoning Commission.

Council Member Auslander introduced Amy Winebright. Ms. Winebright spoke to the Council about her interest in being appointed to the Planning and Zoning Commission.

Council Member Auslander nominated Amy Winebright to serve in Position 2.
Council Member Braasch nominated Patrick Flores to serve in Position 1.
Mayor Murphy nominated Terri Wood to serve as Chair and in Position 6.
Nathan Smith was nominated to continue to serve in the at-large Position 7.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the above nominations to serve on the Planning & Zoning Commission.

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.

Discuss and consider action on the site and NPS plan for Parkside, located at 3810 South Ranch Road 620.

Engineering Associate Giancarlo Patino presented this item.

James Hicks of Parkside KM Ventures, Inc. spoke on this item and answered questions.

Council Member Auslander expressed concerns about the views of the building from the Bee Cave Central Park.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Dorsett, to approve the site and NPS plan for Parkside, located at 3810 South Ranch Road 620.

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

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

The motion carried 4-1.

Discuss and consider action on a special event permit for Revival Furniture.

Ms. Withrow presented this item.

David Camp, owner of Revival Furniture, spoke to the Council regarding his request to keep two of the tents in place until November 22, 2012.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the special event permit until November 22, 2012.

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.

Discuss and consider action on the agreement and reappointment of Municipal Court Judge David Garza

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve the agreement and the reappointment of Judge Garza effective June 1, 2012.

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.

Discuss and consider action on Ordinance No. 114, an ordinance amending Section 8.1.4 of the Bee Cave Technical Construction Standards and Specifications.

Building Official Steve Myrick presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve Ordinance No. 114.

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.

Discuss and consider action on Ordinance No. 115, an ordinance amending Chapter 24, Article 24.02 and adding a new Section 24.02.102 of the Bee Cave Technical Construction Standards and Specifications, Division 3, Plumbing Code.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve Ordinance No. 115.

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.

Discuss and consider action on an appointment to serve an unexpired term on the Economic Development Board.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to nominate Zelda Auslander to serve the unexpired term in Position 1 of the Economic Development Board.

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.

Discuss and consider action on the renewal of a bank depository contract with Wells Fargo.

Deputy City Administrator Travis Askey presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the renewal of the bank depository contract with Wells Fargo.

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.

Executive Session

The City Council closed the Open Session at 10:16 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 authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.

The City Council closed the Executive Session at 11:18 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

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

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 adjourned the Regular Session at 11:18 p.m.

PASSED AND APPROVED this 12th day of June, 2012.

Caroline Murphy, Mayor

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ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]