

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF BEE CAVE  
MARCH 24, 2015

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Bill Goodwin, Mayor Pro Tem  
Kara King, Council Member  
Marie Lowman, Council Member

**Absent:**

Michelle Bliss, Council Member  
Tom Matzen, Council Member

**City Staff:**

Travis Askey, City Manager  
Kaylynn Holloway, City Secretary  
Patty Akers, City Attorney  
Gary Miller, Chief of Police  
MD Hossain, EIT  
Katie Griffin, Finance Director  
Lindsey Oskoui, Planning & Development Director  
Leslie Langford, City Planner  
Brooke Winburn, Human Resource  
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, March 24, 2015 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.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on March 10, 2015.
- B. Consider approval of the financial and investment report. (February)
- C. Consider approval of a special event permit for the Bee Cave Chamber of Commerce Family Kite Festival Sunday, April 12<sup>th</sup> from 12:00pm to 3:00pm in the Central Park.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to approve consent agenda items A and B.

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

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

The motion carried.

**Item C.**

Adrian Overstreet, President of the Bee Cave Chamber of Commerce, invited everyone to attend the kite festival.

Don Walden, Chamber Member, also spoke about the kite festival and the vendors.

Steve Braasch, Chamber Member, commented about the kite festival becoming an annual legacy for Bee Cave.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member King, to approve the special event permit for the Bee Cave Chamber of Commerce Family Kite Festival Sunday, April 12<sup>th</sup> from 12:00pm to 3:00pm in the Central Park.

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

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

The motion carried.

**Discuss and consider action regarding a separate easement agreement with Texas Gas Service for a regulator station on city owned property located at the northwest corner of RR 620 and Bee Cave Parkway.**

MD Hossain, EIT, reported on this item.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Mayor Murphy, to approve the separate easement agreement with Texas Gas Service for a regulator station on city owned property located at the northwest corner of RR 620 and Bee Cave Parkway.

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

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

The motion carried.

**Discuss and consider action on the Site and NPS Pollution Control Plan for Phase 2B of the Texas Gas Service Gas Main Extension Line and Regulator Station installation generally located along RR 620 and the northwest corner of Bee Cave Parkway.**

Mr. Hossain presented this item.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve the Site and NPS Pollution Control Plan for Phase 2B of the Texas Gas Service Gas Main Extension Line and Regulator Station installation contingent upon the approval of a driveway permit by TxDot.

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

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

The motion carried.

**Discuss and consider action on the Site and NPS Pollution Control Plan for the Hill Country Indoor.**

Mr. Hossain reported on this item. The proposed HCI development project will be constructed on the 8.603 acres of land on the HCI Subdivision. The property is zoned as PD-R. The project is subject to the HCI PDD Ordinance No. 14-201 and 12-113 and the revised Concept Plan as approved by City Council on July 22, 2014.

The submitted plan proposes to construct an indoor sports/recreational facility consisting of four buildings inter-connected to each other. The building closest to Skaggs Dr. will have one level of parking lot below the building. The total gross floor area is 85,000 square feet (as

maximum allowed in the PDD). The proposed facility will also have outside amenity areas consisting of a playscape, seating and recreation. Decomposed Granite (with low compaction rates) will be used in outside amenity areas (except for splash pad).

The Site and NPS plan was denied by the Planning and Zoning Commission on February 17, 2015 due to several missing items that were not addressed and provided prior to its placement on the agenda as requested by the applicant/developer. The item carrying most of the weight for denial was the incompleteness of the Traffic Impact Analysis (TIA). Additionally, the applicant requested to be exempted from providing the necessary traffic public improvements triggered by the indoor sports facility use.

Kerri Collins, Traffic Engineer with Parsons Brinckerhoff, addressed the City's traffic impact analysis and the challenges with the applicants revised TIA.

Jeff Kent, Developer for the project, spoke and fielded numerous questions from the Council.

The City Council discussed the project at length.

City Attorney Patty Akers reviewed the proposed changes and the developer has agreed to the following:

A revision of the highway improvement and escrow agreement to allow for 100% participation by the applicant for the construction of the improvements related to the right de-acceleration lane and the left turn lane as recommended by the City's Traffic Engineer with cost estimates being \$116,805.00. The applicant's share would be 100% of the actual costs. No other traffic mitigation would be required.

The revision of the *Acknowledgement of Owner* of the property regarding impervious cover for shared improvements would be revised to authorize impervious cover from the Reese property to be used in lieu of the Skaggs property; however, if the Skaggs did execute an affidavit and agree to provide the impervious cover, that agreement could be substituted for the Reese property. It is recommended that this be accomplished sometime prior to the issuance of the certificate of occupancy.

Staff agrees that the maintenance plan condition has already been recorded.

The access easement agreement for the trail would be revised so that the red trail is now the preferred location and in the event that the location of the red trail cannot be accomplished, the applicant could submit a suggested trail equivalent for approval by Staff and if not approved by Staff, the applicant could pay the park fee in lieu of the trail which would be \$8,000.

Site plan cover sheet will be revised to include the site plan note that the applicant has agreed to and is in the summary sheet.

The additional conditions related to all of the payments that are listed in the summary sheet will also be conditions of approval.

The lighting fixtures will be updated to show shielding.

**MOTION:** A motion was made by Council Member King, seconded by Mayor Murphy, to conditionally approve the Site and NPS Pollution Control Plan for the Hill Country Indoor per the following:

**Conditions of Issuance of Site and NPS Plan**

- Traffic: Revise ‘*Highway Improvement and Escrow Agreement*’ to allow for 100 percent participation by applicant for construction of improvements listed below. Applicant responsible for escrowing \$116,805 prior to Site Permit issuance. Applicant’s ultimate financial share is 100 percent of actual cost, including survey, design, right-of-way acquisition, construction, utility relocation, and any other relevant costs incurred. No other traffic mitigation required.
  - BCP and Skaggs Dr. - Extend westbound left-turn bay at Bee Cave Parkway to 375 feet (275 feet deceleration length and 100 feet storage length).
  - BCP and Skaggs Dr -- Construct eastbound 245 foot right turn lane (215 feet deceleration length and 30 feet storage length).
- Drainage Easement: Execute and record the “*First Amended Stormwater Drainage Easement*”. Alternatively, use current easement (Document # 2013017833) and update Site Plan Stormwater sheets to reflect realignment.
- Impervious Cover: Applicant to provide and City staff to approve calculation of impervious cover associated with off-site water quality infrastructure. Execute and record the “*Acknowledgement of Owner of Adjacent Property Regarding Impervious Cover for Shared Improvements*” between Skaggs and HCI. Alternatively, revise draft agreement to allow transfer impervious cover from Reese tract (TCAD Property ID 366361, located generally southeast of the HCI tract) at 1:1 ratio to offset impervious cover generated by all off-site infrastructure serving Hill Country Indoor and off-site parking on Skaggs property. City is a party to this agreement. If the Skaggs and HCI reach an agreement subsequent to recording a transfer from Reese property but prior to issuance of the Certificate of Occupancy, applicant reserves the right to substitute the Skaggs agreement for the Reese transfer at that later date.
- Maintenance Plan: Recordation of the “*Maintenance Plan*” including the “*Integrated Pest Management Plan*” for the Rainwater Harvesting System.
- \*Trail system: Finalize ‘*Access Easement Agreement*’ draft for Trail and Pedestrian access. Provide public trail easement generally located along the southern property boundary, either located fully within the Hill Country Indoor property or a combination of within the HCI property and the Joint Use Access Easement. If the latter, pursue amendment to current Joint Use Access Easement (Document # 2013017835) with Skaggs to allow for this. Include diagram presented during 3/24/15 Council meeting depicting approximate alignment as an exhibit to the Site Plan. Alternatively, upon demonstration that preceding options are infeasible, pay parkland dedication fee in lieu pursuant to Section 30.04.004(b)(4)(B) (estimated to be \$8,000). Resolve prior to issuance of Certificate of Occupancy.

Update Site Plan to show realignment of pedestrian connection between HCI building and off-site parking lot on Skaggs property utilizing existing open space along western property boundary, rather than dead-ending or crossing entrances to underground parking.

- Update Site and NPS Plan to demonstrate all required traffic related improvements. Update Cover Sheet to add note below\*\* related to TIA, participant limits, and parking. Relevant sheets will require updates to reflect proposed trail system connectivity. Update relevant sheets require updates depicting location of pedestrian crosswalk and specification for lighting fixtures in overflow parking area.

**\*\*Note to be added to the Site Plan Cover Sheet:** *"In the event that the assumptions used in the Traffic Impact Analysis approved in conjunction with this site plan exceed or are in conflict with the parameters set forth in Ordinance 14-201, the requirements in Ordinance 14-201 govern. The Permitted uses may not be adjusted, nor the Participant Load increased without an amendment to Ordinance 14-201. Participant Load includes players, referees, coaches, and others involved in the conduct of games or practices; users of the batting cages and practice areas; all on-site facility staff; users of all gym or fitness areas, including but not limited to a jogging track, health club, or weight room; and staff and patrons of the retail space, including but not limited to all concession areas. Spectators are not included in the Participant Load count. However, consistent with the assumptions presented in the application for Ordinance 14-201, they must arrive in the same vehicle as the Participant. Pursuant to Ordinance 14-201 Exhibit C Section 4(a), the 'City shall have the authority to reduce the participant limit below 198, require additional on-site or off-site parking or take other appropriate action if the parking provided herein proves to be routinely insufficient to accommodate the parking needs of the Project.'"*

- Post fiscal security for NPS, tree protection and erosion controls in the total amount of the engineer's estimate \$118,830.00.
- Payment of "Tree Replacement" fee in the total amount of \$20,000.00.
- Payment of 'Landscape Plan Review' fee in the total amount of \$7,523.70
- Payment of 'Exterior Lighting Plan Review' fee in the total amount of \$300.00.
- Payment of applicable remaining fees for review of 'Traffic Impact Analysis'; (prepaid \$2500 amount has been exceeded). Amount TBD.
- Payment of applicable remaining fees for review of the legal documents by the City Attorney. Amount TBD.

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

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

The motion carried 3-1.

The meeting recessed at 9:25 p.m. and reconvened at 9:36 p.m.

**Discuss and consider action on Ordinance No. 240, suspending the implementation of the interim rate adjustment by Texas Gas Service Company.**

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve Ordinance No. 240 suspending the implementation of the interim rate adjustment by Texas Gas Service Company.

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

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

The motion carried.

**Discuss and consider action regarding Ordinance No. 241 to prohibit the use of portable electronic devices while operating a motor vehicle or bicycle.**

Police Chief Gary Miller presented this item.

The City Council agreed to include bicycles in the ordinance and an effective date of July 1<sup>st</sup>.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to approve Ordinance No. 241 prohibiting the use of portable electronic devices while operating a motor vehicle or bicycle as amended.

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

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

The motion carried.

**Discuss and consider action regarding Ordinance No. 242 to prohibit drive through truck traffic on Vail Divide in the Falconhead West Subdivision and Ladera Blvd and Tordera Drive in the Ladera Subdivision.**

Chief Miller presented this item.

Monty Parker, 4117 Gandara Bend, commented that speed was also a problem on Ladera Boulevard.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Lowman, to approve Ordinance No. 242 to prohibit drive through truck traffic on Vail Divide in the Falconhead West Subdivision and Ladera Blvd and Tordera Drive in the Ladera Subdivision.

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

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

The motion carried.

**Discuss and consider action regarding possible revisions to the City of Bee Cave Personnel Policy.**

Human Resource Specialist Brooke Winburn presented this item.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve the revisions to the Personnel Policy as presented.

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

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

The motion carried.

**Discuss and consider action on an appointment to the Planning and Zoning Commission.**

No action was taken on this item.

**Executive Session:**

The City Council closed the Open Session at 10:10 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 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 adjourned into the Conference Room for the executive session.

- A. Discussion regarding the acquisition of property for municipal purposes.
- B. Consultation with attorney regarding the City's professional services providers.
- C. Consultation with attorney regarding a strategic partnership in the Extra Territorial Jurisdiction.

The City Council closed the Executive Session at 11:21 p.m. and reconvened in Regular Session in the Council Chambers.

**Adjournment.**

**MOTION:** A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to adjourn.

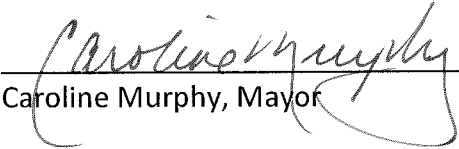
The vote was taken on the motion with the following result:

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


The motion carried.

The City Council meeting adjourned at 11:21 p.m.

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF April, 2015.

  
Caroline Murphy, Mayor

ATTEST:

  
Kaylynn Holloway, City Secretary