

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
February 28, 2017

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Bill Goodwin, Mayor Pro Tem
Kara King, Council Member
Marie Lowman, Council Member
Monty Parker, Council Member

Absent:

Caroline Murphy, Mayor
Tom Matzen, Council Member

City Staff:

Travis Askey, City Manager
Brooke Winburn, Deputy City Secretary
Patty Akers, City Attorney
Lindsey Oskoui, Planning and Development Director
Leslie Perez, City Planner
MD Hossain, EIT
Brenda Galindo, Administrative Manager

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 Pro Tem Goodwin at 6:00 p.m. on Tuesday, February 28, 2017 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

John Colman, 5201 Great Divide, requested that a candidate forum be held so the public can get to know the candidates running for City Council.

Consent Agenda.

- A. Consider approval of minutes of the Regular Session conducted on February 14, 2017.
- B. Consider approval of the financial and investment reports. (January)

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

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

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

The motion carried.

Discuss and consider action on the Annual Financial and Audit Report for the Fiscal Year ending September 30, 2016.

Administrative Manager Brenda Galindo and Angela Verduzco with Pattillo, Brown & Hill presented this item.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to approve the Annual Financial and Audit Report for the Fiscal Year ending September 30, 2016.

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

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

The motion carried.

Discuss and consider action on the site plan amendment for LTYA Field of Dreams – Phase 1, to allow new water well, pump house, and water storage tanks improvements only (no lighting). The property is located at 13909 State Highway 71 West.

MOTION: A motion was made by Council Member Lowman, seconded by Mayor Pro Tem Goodwin, to approve the site plan amendment for LTYA Field of Dreams – Phase 1, to allow new water well, pump house, and water storage tanks improvements only.

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

Voting Aye: Mayor Pro Tem Goodwin, Council Members King, Lowman and Parker
Voting Nay: None

Absent: Mayor Murphy and Council Member Matzen

The motion carried 4-0.

Discuss and consider action on the Final Plat of Lot 1A, being a Replat of Lot 1, KSS Subdivision, as recorded in Document No. 2005178723, located at 15106 West State Highway 71, Bee Cave, Texas and Lot 1, Darrell Dunten Addition, as recorded in Document No. 2013190608, located at 15110 West State Highway 71, Bee Cave, Texas.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve the final plat of Lot 1A, being a Replat of Lot 1, KSS Subdivision subject to posting fiscal security in the amount of \$34,687.20 for water infrastructure improvements and recordation of the Blanket Access Easement Trail Agreement.

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

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

The motion carried.

Discuss and consider action on the Final Plat of Falconhead West, Phase 1, Section 2 & Phase 2, Block A, Lots 1A, 1B, and 1C, located at the intersection of Vail Divide and State Hwy 71 West (5117 Vail Divide).

City Planner Leslie Perez presented this item.

Council Member King raised concerns over the landscape buffer and sound proofing for the 4 houses behind the project. She does not want the shared driveway access easement with the neighboring lot. She believes that will encourage people from Lot 2 to exit the development onto Vail Divide to turn on to Highway 71.

Mayor Pro Tem Goodwin reminded Council Member King that the Council discussed this issue in detail at the concept plan and the developer made the changes the Council requested. Shared driveways reduce the number of curb cuts on the highway.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Parker, to approve the final plat of Falconhead West, Phase 1, Section 2 & Phase 2, Block A, Lots 1A, 1B, and 1C, located at the intersection of Vail Divide and State Hwy 71 West as submitted and contingent upon the applicant posting fiscal in the amount of \$997,300.00; recordation of the 'Pedestrian Trail Agreement'; recordation of the 'Shared Driveway Access Easement; and recordation of the 'Declaration of Easements, Covenants, Conditions, and Restrictions'

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

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

The motion carried 3-1.

Executive Session

The City Council closed the Open Session at 6:39 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Pro Tem Goodwin 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. Consultation with Attorney regarding possible legislation related to the Southwest Travis County groundwater conservation district and Southwest Travis County utility district.

The City Council closed the Executive Session at 6:55 p.m. and reconvened in Regular Session.

Adjournment.

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

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

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

The motion carried.

The City Council meeting adjourned at 6:55 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2017.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
JANUARY 12, 2016

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem
Kara King, Council Member
Tom Matzen, Council Member
Monty Parker, Council Member

Absent:

Marie Lowman, Council Member

City Staff:

Travis Askey, City Manager
Kaylynn Holloway, City Secretary
Patty Akers, City Attorney
Gary Miller, Chief of Police
Lindsey Oskoui, Planning & Development Director
Leslie Langford, City Planner
Katherine Griffin, Finance Director
MD Hossain, EIT

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, January 12, 2016 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 no citizens wishing to give public testimony at this time.

Consent Agenda.

- A. Consider approval of minutes of the Regular Session conducted on December 8, 2015.
- B. Consider approval of the financial and investment report. (November)

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

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

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

The motion carried.

Discuss and consider action on the final plat for Bargains for Millionaires (Revival), located at 13308 W. Highway 71.

Planning and Development Director Lindsey Oskoui presented this item. This item was postponed at the 12/8/2015 meeting at the request of the applicant. This Final Plat Application submittal is to merge two parcels, 2.287 Acres and 0.9193 Acres. Mr. Camp has provided fiscal security; staff awaits the Parkland Dedication fee payment. Complaints have been filed in court for code violations.

Eric Scheibe, Engineer, stated that the construction time for Phase I is approximately 9-12 months.

David Camp, owner, stated that he has not received any certified letters from the City regarding code violations.

MOTION: A motion was made by Council Member King, seconded by Council Member Matzen, to approve the final plat for Bargains for Millionaires (Revival).

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 269 regarding a rezone from Neighborhood Service to Retail for the property (McSpadden's Automotive) located at 14422 W. Highway 71.

Public hearing, discussion and possible action on Ordinance No. 270 regarding a request for a Conditional Use Permit for automotive repair for the property (McSpadden's Automotive) located at 14422 W. Highway 71.

The above two items were opened together.

This item was first introduced on December 8th. Due to illness, the applicant asked that this item be postponed until January 12th.

Mayor Murphy re-opened the public hearings at 6:10 p.m.

James Manley, owner of the adjacent property, stated that his concerns are the unauthorized use of their property for parking and access to the McSpadden property and illegal use of a waterline on their property to serve the McSpadden property. He filed written opposition as well.

Raymond McSpadden, owner, stated that he had first right of refusal to buy the property next door but city staff told him he could not expand. He commented that he was just trying to find a way to improve his building and business for the City of Bee Cave.

Ross Frie, representing the applicant, reviewed the project submittal.

There being no other person wishing to make further testimony, Mayor Murphy closed the public hearings at 6:50 p.m.

Executive Session:

The City Council closed the Open Session at 6:58 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 551.071 - 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.

The City Council closed the Executive Session at 7:18 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Parker, to deny Ordinance No. 269, the rezoning change, and Ordinance No. 270, the conditional use permit.

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

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

The motion carried.

Discuss and consider action on the Site and NPS Pollution Control Plan for the Preparatory School of Bee Cave, located at 14001 Bee Cave Parkway, Bee Cave, TX 78738.

Public hearing, discussion and possible action on the replat of Lot 3, Block B of the Mountain Laurel Final Plat, an addition to the City of Bee Cave, Texas, as recorded in Document Number 200900166 of the Official Public Records of Travis County, Texas.

Mayor Murphy opened the above two items together.

Ms. Oskoui reported on these items. The applicant is subdividing Lot 3 into Lot 3A and Lot 3B.

Mayor Murphy opened the public hearing at 7:46 p.m.

There being no person wishing to give public testimony, Mayor Murphy closed the public hearings at 7:47 p.m.

Mark Schuh, owner, spoke about the architecture of the building.

MOTION: A motion was made by Council Member Parker, seconded by Council Member King, to approve the Site and NPS Pollution Control Plan for the Preparatory School of Bee Cave subject to the posting of fiscal security in the amount of \$13,729.00.

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

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

The motion carried.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, to approve the replat of Lot 3, Block B of the Mountain Laurel Final Plat with the condition to require 'No Left Turn' signage and/or striping (inward to the property) and a raised median will be included on the driveway leading onto Bee Cave Parkway to prevent left hand turns out of the property.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 272 to amend the Future Land Use Map from Neighborhood Services (NS) and Public (P)/Semi-Public to Office (O) for the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West

Public hearing, discussion and possible action on Ordinance No. 273 regarding a rezone from Neighborhood Service (NS) and Public (P) to Office (O) for the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West.

Public hearing, discussion and possible action on Ordinance No. 274 regarding a request for a Conditional Use Permit for “Mini-Warehouse/Self Storage” in Office (O) District for the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West.

Mayor Murphy opened the above 3 items together.

Ms. Oskoui reported that Travis County owns an 18.6 acre property that fronts both Hamilton Pool Road and Highway 71. They are selling 5.9 acres of it that fronts Highway 71 north of Limekiln Branch tributary. An interested buyer is requesting the property be rezoned from Neighborhood Service (NS) and Public (P) to Office (O). The driver behind their request is a desire to build a mini-storage facility. Mini-storage is a Conditional Use in Office.

The property is bound to the north by Hwy 71 West. The property to the east is zoned NS and is operated as a body and paint shop. Directly to the south is the remainder of the Travis County land that will continue to be zoned Public and will operate as an office use serving the County's Parks Department. The property to the west is zoned Office and is currently developed with a residential structure. Regarding Neighborhood Services versus Office, the property abuts both districts. Staff does not have a concern with rezoning this to Office, as the districts are substantially similar—if anything, where there are differences in use, Office is more restrictive.

The owner of the property to the west, Robert Baldwin, submitted a letter of support for the rezoning.

Mayor Murphy opened the public hearings at 8:13 p.m.

Steve Drenner, representing the owner, was present to answer questions.

There being no other person wishing to give public testimony, the public hearings closed at 8:17 p.m.

Council Member King commented that she was not inclined to vote for the rezone or an amendment to the land use map and that she wanted the property to remain Neighborhood Services. She stated that Highway 71 was becoming too industrialized and this could be a detriment to the other high end businesses.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 272 amending the Future Land Use Map from Neighborhood Services (NS) and Public (P)/Semi-Public to Office (O) for the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West

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

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

The motion carried 4-1.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 273 re-zoning the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West from Neighborhood Service (NS) and Public (P) to Office (O)

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

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

The motion carried 4-1.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 274 approving a Conditional Use Permit for "Mini-Warehouse/Self

Storage” in Office (O) District for the property located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West.

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

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

The motion carried 4-1.

Discuss and consider action on the preliminary plat for Vail Divide Commercial Subdivision, located at 5117 Vail Divide in the City of Bee Cave including waiver of Ordinance No. 87-2.

Ms. Oskoui reported that this 5.229 acre site is located at the northeast corner of State Hwy 71 and Vail Divide (VD), within the Falconhead West (FWH) neighborhood. Along with the rest of the neighborhood, it was zoned Planned Development District - Mixed Use in 2006; this ordinance designated this property subject to the subdivision ordinances in 1987 (Ordinance # 87-2) and allowed up to 50 percent impervious cover. With the recent conversion of the northwest corner frontage lots to residential (Canyonside), it is the only piece designated for non-residential, neighborhood services uses. It is also the last lot to be developed. It was originally platted in 2008 as part of the larger FHW subdivision, at which time several easements and setbacks were established. The applicant is proposing to subdivide into three lots, between 1.5 and 2.1 acres each.

The joint use driveway with the property to the east, which is zoned Neighborhood Service sets up the possibility for patrons of the subject lot, the lot to the east, and Summit 56, which is also zoned Neighborhood Service and has a joint use access frontage driveway, to circulate among the properties without having to get onto Hwy 71. This driveway is recommended in the Traffic Impact Analysis. Staff recommends the applicant be required to construct the driveway to the property line and dedicate a joint use easement at the time of site plan and final plat, respectively. This would also reduce the number of curb cuts on 71. When purchasing the property, the applicant agreed to a recorded deed restriction to not allow access if the property to the east were developed as a car dealership.

Ken Satterlee, applicant, was not in agreement with Staff’s recommendation for the location of the driveway onto Hwy 71. He contends this option is more costly due to the topography. He prefers the second driveway be 430 feet east of the Vail Divide/Hwy 71 intersection as is proposed.

Ben King, 16005 Snowdonia Cove and President of the Falconhead West HOA, stated that they support the driveway location on Highway 71 as proposed by the applicant. The residents are still concerned about the possibility of having a car dealership on the adjoining property that could have use of the joint access driveway.

Council Member King asked Mr. Satterlee if he would leave the Falconhead West monument sign (stone tower) at the Northeast corner of Highway 71 and Vail Divide.

Mr. Satterlee stated that the monument sign would remain.

Council Member King expressed her concerns about the joint use access easement and supported the driveway location as proposed by the applicant.

Mr. Satterlee stated that he would back out of the project if he had to move the driveway to the location proposed by Staff.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Parker, to deny the preliminary plat for Vail Divide Commercial Subdivision.

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

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

The motion failed.

MOTION: A motion was made by Council Member Parker, seconded by Mayor Pro Tem Goodwin, to approve the preliminary plat for Vail Divide Commercial Subdivision, located at 5117 Vail Divide in the City of Bee Cave including approval of an exception request from Ordinance 87-2, Sec. 8(F)(1)(a) regarding minimum lot width, approval of an exception request from Ordinance 87-2, Sec. 8(F)(1)(a) regarding minimum lot size and Driveway 2 on Highway 71 will be at the eastern most site conditioned upon a joint use access easement (JUAE) is recorded by plat starting at the driveway location and continuing to the east property line and the plat includes a note stating that as part of the SITE/NPS, paving improvements towards east adjacent property line must be implemented.

AMENDED MOTION: A motion was made by Mayor Murphy, seconded by Council Member King, to amend the main motion to exclude the location of Driveway 2 (on Highway 71) from the preliminary plat and to be reviewed at site plan.

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

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

The motion carried 4-1.

VOTE ON AMENDED MAIN MOTION: To approve the preliminary plat for Vail Divide Commercial Subdivision, located at 5117 Vail Divide in the City of Bee Cave including approval

of an exception request from Ordinance 87-2, Sec. 8(F)(1)(a) regarding minimum lot width, approval of an exception request from Ordinance 87-2, Sec. 8(F)(1)(a) regarding minimum lot size and conditioned upon a joint use access easement (JUAE) is recorded by plat starting at the driveway location and continuing to the east property line and the plat includes a note stating that as part of the SITE/NPS, paving improvements towards east adjacent property line must be implemented and driveway 2 (Highway 71 driveway location) will be reviewed at site plan.

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

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

The motion carried 4-1.

Discuss and consider action on Ordinance No. 275 calling the General Election for May 7, 2016.

MOTION: A motion was made by Council Member King, seconded by Council Member Parker, to approve Ordinance No. 275 calling the General Election for May 7, 2016.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 11:02 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 and the exchange of property.

- B. Consultation with attorney regarding title issues associated with the Skaggs property.
- C. Consultation with attorney regarding new conceal and open carry requirements.

The City Council closed the Executive Session at 12:11 a.m. and reconvened in Regular Session in the Council Chambers.

Adjournment.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Parker, to adjourn.

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

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

The motion carried

The City Council meeting adjourned at 12:12 a.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2016.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary