

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
December 12, 2017

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

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

City Staff:

Travis Askey, City Manager
Kaylynn Holloway, City Secretary
Patty Akers, City Attorney
Gary Miller, Police Chief
Lindsey Oskoui, Director of Planning and Development
Leslie Perez, City Planner
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, December 12, 2017 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Carroll Killebrew, 5410 Great Divide, stated that he appreciates the work of the Council and staff. He spoke about Chris Milam and the viability of a data center located within the Backyard project.

Edward Smyth, Boy Scout Den leader, commented on the recent policy changes for the Old Bee Cave School House.

Consent Agenda

- A. Consider approval of minutes of the Regular Session conducted on November 28, 2017.
- B. Consider approval of the financial and investment reports. (October)

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, 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, Lowman, Matzen and Parker
Voting Nay:	None
Absent:	None

The motion carried.

Public Hearing, discussion and possible action on the Final Plat of Spillman Ranch, Phase 1, Section 8, Lot 1A, Block A, being a Replat of Spillman Ranch, Phase 1, Section 8, Lot 1, Block A, an addition to the City of Bee Cave, Texas, as recorded in Document No. 200300048 OPRTC, located at 15201 Falconhead Boulevard, Bee Cave, TX 78738.

City Planner Leslie Perez presented this item.

Mayor Murphy opened the public hearing at 6:13 p.m.

Cal Mercer, representing the golf course, thanked the Council for considering the final plat.

There being no other person wishing to provide public testimony, the public hearing closed at 6:14 p.m.

MOTION: A motion was made by Council Member Parker, seconded by Mayor Pro Tem Goodwin, to approve the replat of Spillman Ranch, Phase 1, Section 8, Lot 1A, Block A.

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

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

The motion carried.

Discuss and consider action on the site plan amendment for the "Plate by Dzintra", located at 12823 Shops Parkway, Bee Cave, Texas 78738.

EIT MD Hossain reported that this item is for modification to the exterior walls of the former Gumbo's restaurant with the addition of decorative awnings on each side of the building.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to approve the site plan amendment for the "Plate by Dzintra".

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

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

The motion carried.

Discuss and consider action on the site development plan for the Lake Travis ISD Phase 3B for Middle School, located at 5400 Vail Divide and 16101 State Highway 71 West, Bee Cave, Texas 78738.

Mr. Hossain presented this item. LTISD is planning to build a middle school in the south portion of their tract.

Planning and Development Director Lindsey Oskoui presented the Vail Divide extension and modification.

Carroll Killebrew, 5410 Great Divide, stated that he was concerned about the children from Bella Colinas trying to cross the road to go to the middle school.

Rick Wheeler, Malone Wheeler Engineers, introduced his team and the persons attending from LTISD.

The City Council discussed the placement of the sidewalks.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Parker, to approve the site development plan for the Lake Travis ISD Phase 3B for a Middle School with the following variances and exceptions: (a) Exception from City Code Section 30.02.009 requiring development plat; (b) Exception from City Code Section 30.06.002 - requirement of fiscal security for public improvements; (c) Variance from City Code Section 20.04.044 (e) (1) which dictates that "Impervious cover shall not be constructed downstream of water quality controls;" (d) Variance from City Code Section 20.04.103 (c) (4) and 20.04.114 requiring posting fiscal security for NPS permit; (e) Variance from City Code Section 20.04.111 - requirement of water quality control facilities must be contained within a water quality

easement or restricted platted lot; and (f) Variance from City Code Section 20.04.006 for TCSS manual, chapter 5 of which requires following design guidelines for infiltration test and rate assumption for irrigation field sizing; And subject to following conditions –Prior to issuing Site development permit: Payment of all pending fees; Submission of updated plan as necessary; Execution of “Road Construction and Improvement Agreement” with City and - Prior to final inspection: Recordation of ‘Water Quality Maintenance Plan and Integrated Pest Management Plan’ with Travis County; and Completion of development plat and all other easement recording process; And the sidewalks will have a 4 foot separation between back of curb and edge of sidewalk and completion of the development plat within two years.

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

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

The motion carried.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, that the sidewalk clarification can be administratively approved by city staff.

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

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

The motion carried.

Discuss and consider action on the site plan amendment for addition of fire lane for the ‘Hill Country Indoor’, located at 4317 Skaggs Drive, Bee Cave, Texas 78738.

Mr. Hossain reported that after review for the Hill Country Indoor parking garage building structure, the Lake Travis Fire Rescue is requiring a fire lane on the south side of the garage structure. After the construction of all previously approved improvements 51.6% area is impervious and only 5,200 sf remain. The total surface area for this proposed crushed granite driveway and limestone block edging is 10,400 sf.

The applicant is requesting a variance from City Code Section 20.04.044 which defines impervious cover. They are asking for a 50% credit to be applied for the crushed granite fire lane, claiming that the fire lane will be a semi permeable surface and will rarely be used.

Executive Session on above item

The City Council closed the Open Session at 7:16 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 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.

Continued discussion of above item:

Members of the City Council disapproved of the fire lane being added after the project was completed and that the applicant is now asking for a variance. The applicant was able to increase the size of the project in the past with a transfer of additional impervious cover.

MOTION: A motion was made by Council Member Parker, seconded by Council Member King, to approve the site plan amendment for addition of a fire lane for the Hill Country Indoor and granting the variance from City Code Section 20.04.044 and provides 50% credit for the surface area of fire lane and limestone blocks and with the following conditions: Submission of updated site plan sheets and payment of pending fees in the amount of \$1,000.00.

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

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

The motion carried 5-1.

Discuss and consider action on the Site and NPS pollution control plan for the "Falconhead at Vail Divide Commercial", located at 5117 Vail Divide, Bee Cave, Texas 78378.

Mr. Hossain reported that the developer is requesting approval of a site plan for infrastructure only, which includes mass grading, two shared driveways, utilities, stormwater facilities, and partial landscaping. He is requesting to exclude building elevations, parking lot layout, lighting plan, and some landscaping at this time and instead have future lot owners provide those in future Site Plans on a lot-by-lot, phased basis.

Council Member King commented that she did not understand why the shared access driveway will connect all of the Summit 56 traffic into Falconhead West. She asked that the future lot developers be required to add speed bumps to slow down the traffic.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Parker, to approve the Site and NPS pollution control plan for Falconhead at Vail Divide Commercial including exception from Bee Cave Code of Ordinances Section 30.02.004 and conditioned upon: Submission of updated site plan; Submission of landscape irrigation plan for new landscaping within Vail Divide ROW and within landscape easement located over this property along Vail Divide; Payment of all fees; Posting fiscal security in the amount of \$111,090.00 for improvements within the ROW of Vail Divide and execution of necessary Highway Improvements and Escrow agreement with City; Posting fiscal security in the amount of \$103,960.00 for improvements within the ROW of Hwy 71 and execution of necessary Highway Improvements and Escrow agreement with City; Completion of a License Agreement with City for works within Public ROW; Recordation of a restrictive covenant document for impervious cover distribution; and Recordation of Water Quality Maintenance Plan and Integrated Pest Management Plan with Travis County **And** allow administrative approval of the site plan for the technical design of the Highway 71 shared access driveway.

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

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

The motion carried.

Discuss and consider action on City's application for site plan for Gateway to Falconhead trails and to approve acceptance of easements related thereto.

Ms. Oskoui presented this item. This item is regarding a City-initiated, site plan showing basic alignment for this ~550' long trail segment. The segment will be approximately 10-12' wide, be of a stabilized surface such as [StaLok](#) or concrete, and be located between the creek and the water quality pond. The majority of the trail is anticipated to abut the wall of the water quality pond, but portions may meander to avoid trees. There are five associated with pedestrian connectivity over Gateway to Falconhead Lot 1 and the Spillman tract. The surveys and text has been prepared and reviewed by all parties.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Matzen, to approve the site plan for the trails with the removal of the requirement for the redundant trail on the other side of the pond.

AMENDED MOTION: An amended motion was made by Mayor Murphy, seconded by Council Member Parker, to include the acceptance of the easements.

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

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

The motion carried.

VOTE ON MAIN MOTION AS AMENDED:

The vote was taken on the main motion as amended with the following result:

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

The motion carried.

Discuss and consider action authorizing staff to request cost estimates for design of a roadway connection between Bee Cave Parkway and Highway 71 West.

City Manager Travis Askey stated that this item was placed on the agenda for Council to discuss and determine if perhaps it may be beneficial at this time to request cost estimates from our professional engineering firms for evaluation and design of a roadway connection between Bee Cave Parkway and Highway 71 West and in accordance with our Comprehensive Plan. If directed accordingly, staff would request cost estimates and return with a future agenda item for discussion and possible action regarding authorization to proceed with design.

Carroll Killebrew, 5410 Great Divide, was not in favor of putting in a road at this time when there are no plans for the property. The road would make it worse for Ladera residents.

Bob Arrona, Homestead, commented that another light will cause more backup.

Members of the Council were not interested in receiving cost estimates at this time.

No action was taken on this item.

Discuss and consider action to authorize staff to issue a Request for Qualifications regarding the Police Department site and facility assessment.

Police Chief Gary Miller presented this item.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to authorize staff to issue a request for Qualifications regarding the Police Department site and facility assessment.

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

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

The motion carried.

Discuss and consider action on the approval of an Order ratifying the West Travis County Public Utility Agency regional water and wastewater systems rates, fees and charges for water and wastewater service and authorize the Mayor to execute the general and closing certificate for the City of Bee Cave in conjunction with the WTCPUA Revenue Refunding Bonds, Series 2017 dated December 28, 2017.

MOTION: A motion was made by Council Member Parker, seconded by Mayor Pro Tem Goodwin, to approve the Order ratifying the West Travis County Public Utility Agency regional water and wastewater systems rates, fees and charges for water and wastewater service and authorize the Mayor to execute the general and closing certificate for the City of Bee Cave in conjunction with the WTCPUA Revenue Refunding Bonds, Series 2017 dated December 28, 2017.

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

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

The motion carried.

Executive Session

The City Council closed the Open Session at 9:04 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. Consultation with Attorney regarding acquisition of approximately 44 acres of property located on Great Divide Drive and commonly referred to as the Lamar Brown tract.
- B. Consultation with Attorney regarding utilities located within City ROW along Bee Cave Parkway.
- C. Consultation with Attorney regarding regarding PUA wastewater service in the city limits.

The City Council closed the Executive Session at 9:46 p.m. and reconvened in Regular Session.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Parker, to authorize the Mayor to execute closing documents on or about December 18, 2017 for approximately 44 acres of property located on Great Divide Drive and commonly referred to as the Lamar Brown tract conditioned on the property being vacated by the closing date.

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

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

The motion carried.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Parker, to authorize the Mayor to sign a letter of support for the expansion of the wastewater service within the limits of the City.

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

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

The motion carried.

Adjournment.

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

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

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

The motion carried.

The City Council meeting adjourned at 9:47 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2018.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary