

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF BEE CAVE  
November 22, 2016

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  
Lindsey Oskoui, Planning and Development Director  
Leslie Perez, City Planner  
MD Hossain, EIT  
Gary Miller, Police Chief

**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, November 22, 2016 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Veronica Putney, 13308 Overland Pass, expressed her displeasure with all of the new development, high density construction and traffic problems. She stated that the night sky is gone.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular Session conducted on November 8, 2016.

B. Consider approval of the monthly financial and investment report. (October)

**MOTION:** A motion was made by Council Member Parker, seconded by Mayor Murphy, 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 Ordinance No. 322 authorizing a Conditional Use Permit for "Research and Development Laboratory" in NS (Neighborhood Service) District for Lots 2 & 4, Block B, Strawn Subdivision, City of Bee Cave, Travis County, Texas as recorded in Document No. 199900291, located at 11412 Bee Cave Road, Bee Cave, Texas.**

Leslie Perez, City Planner presented this item. The first floor (~7,600 sf) of one of the buildings in the Preserve Office Park is occupied by Ultimate EOR, an oil and gas wet laboratory. Because the use and structure existed prior to the zoning category, both are legal non-conforming. However, if the use ceased for a period of greater than six months or more than sixty percent of the appraised value of the structure were destroyed, the grandfathered status would be lost. During the annexation and zoning processes, the owner requested consideration to make wet labs a Permitted or Conditional Use in Neighborhood Service.

After a site assessment, staff confirmed that the lab facility and risk mitigation practices meet the conditions of this CUP and the requirements for obtaining a Certificate of Occupancy.

Mayor Murphy opened the public hearing at 6:12 p.m.

There being no one wishing to provide public testimony, the public hearing was closed at 6:12 p.m.

**MOTION:** A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve Ordinance No. 322.

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.

**Second public hearing regarding the intent of the City of Bee Cave to annex into the city limits approximately 92.425 acre tract of land general located southeast of the Shops of the Galleria. (2016-A)**

Planning and Development Director Lindsey Oskoui reported on this item. The area is substantially undeveloped, but includes some private golf course holes for personal use.

Mayor Murphy opened the public hearing at 6:26 p.m.

There being no one present to provide public testimony, the public hearing closed at 6:26 p.m.

**Second public hearing regarding the intent of the City of Bee Cave to annex into the city limits approximately 0.771 acre tract of land being a portion of 12303 W. Highway 71. (2016-B)**

Planning and Development Director Lindsey Oskoui reported on this item. The area is the easternmost portion of a lot that was partially annexed in 2013. It has been owned by Church Properties Inc since 2011 and includes a business known as Texas Golf Cars and Service.

Mayor Murphy opened the public hearing at 6:27 p.m.

There being no one present to provide public testimony, the public hearing closed at 6:27 p.m.

**Second public hearing regarding the intent of the City of Bee Cave to annex into the city limits approximately 397.119 acre tract of land general located east of Uplands Ridge and north and south and including Highway 71 West. (2016-C).**

Planning and Development Director Lindsey Oskoui reported on this item. The area is a mix of Conservation land (approximately 265 acres owned by the Nature Conservancy and part of the Balcones Canyonland), vacant land previously platted for residential (owned by Limestone Creek Properties), non-residential (occupied by ASAP Stone & Landscape Supply and owned by Limestone Springs Property), estate lot residential (Lot 1 of the Madrones subdivision), and State Highway (owned and maintained by TXDOT).

City staff met with representatives of the Nature Conservancy on 11/2/16. In addition to questions about the City's intentions and motivations, they expressed interest in potentially entering into a Development Agreement to protect the activities in which they currently engage under their Federal Permit (e.g. controlled burns, managed hunting).

Mayor Murphy opened the public hearing at 6:29 p.m.

There being no one present to provide public testimony, the public hearing closed at 6:30 p.m.

**Discuss and consider action on the site development plan for 'Colinas Crossing' located at 15601 & 15511 State Highway 71 West, Bee Cave, Texas 78738.**

MD Hossain, EIT presented this item. The proposed 'Colinas Crossing' project will be located over a 4.9 acre contiguous land, consisting of two legal lots - currently known as Lot 34 (2.4 ac.) and Lot 35 (2.5 ac.) of the Bella Colinas Commercial subdivision. The project is located within the ETJ of the City of Bee Cave.

The project proposes two commercial buildings of 14,640 and 8,708 square feet floor area. It is anticipated that the project will be completed in two phases. Building 1 (the larger building), all driveways, water quality and detention pond, and associated parking lot and utilities will be built under Phase 1. All other remaining parts will be built under Phase 2 at a later time depending on market conditions.

**MOTION:** A motion was made by Council Member Parker, seconded by Mayor Pro Tem Goodwin, to approve the site development plan for Colinas Crossing with the following conditions: **Prior to issuing Site development permit** – (1) Posting fiscal security in the amount of \$\$158,972.00 for NPS Permit. (2) Payment of all pending fees for review and construction permit. (3) Submission of copy of approved 'Contributing Zone Plan' from TCEQ. (4) Copy of property ownership (for developer/buyer). (5) Approval of 'plat amendment' application and submission of all new easement documents that will be recorded via separate instrument and **Prior to final inspection** - Recordation of 'Water Quality Maintenance Plan' with Travis County.

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 Canyonside subdivision generally located near the intersection of SH-71 West and Vail Divide.**

Mr. Hossain presented the deviations made by the developer during construction. The scenic overlook/open air lookout pavilion and the amenity center were not built according to the approved Concept plan and site plan. There were also modifications in the parking spaces, entry signage, drainage and water quality infrastructure and landscaping.

Scott Morledge, President Ash Creek Homes, apologized to the Council for making the changes without approval. He asked that they consider his minor improvements for the betterment of the community.

Members of the Council expressed their disappointment in the project and in Mr. Morledge for not following proper procedures.

**MOTION:** A motion was made by Council Member Parker, seconded by Mayor Pro Tem Goodwin, to deny the site plan amendment for the Canyonside subdivision.

**Executive Session on above item.**

The City Council closed the Open Session at 6:57 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 7:28 p.m. and reconvened in Regular Session.

**In Open Session continue discussion:**

Mayor Murphy called for a vote on the motion.

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

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

The motion carried 4-2.

**Discuss and consider action on the adoption of the 'Our Bee Cave 2037' Comprehensive Plan.**

Ms. Oskoui reviewed the comprehensive plan.

The City Council made several changes to the document.

John Colman, 5201 Great Divide, suggested that a line item be added to the budget to show the Council's intent on completing some of the items in the comprehensive plan.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Lowman, to approve the Comprehensive Plan Chapters 1-4 and concept with the changes as discussed.

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 regarding the Connectivity Plan for hike, bike and pedestrian trails.**

Ms. Oskoui presented the connectivity plan. Staff is hoping to have signed easements in the next few months.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Parker, to approve the connectivity plan for hike, bike and pedestrian trails and to include the plan as an appendix to the Comprehensive Plan.

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 Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to adjourn.

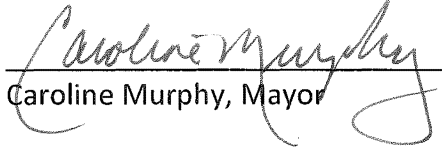
The vote was taken on the motion with the following result:

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

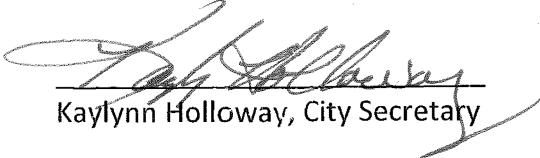
The motion carried.

The City Council meeting adjourned at 8:54 p.m.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

  
Caroline Murphy, Mayor

ATTEST:

  
Kaylynn Holloway, City Secretary