

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
November 13, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

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

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Russell Pancoast, Chief of Police
Stephen Myrick, Building Official
Barbara Hathaway, Library Director

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 6:15 p.m. on Tuesday, November 13, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Adrian Overstreet, Asset Manager for the Hill Country Galleria, invited everyone to attend the tree lighting ceremony and the arrival of Santa Claus at the Galleria on Thursday, November 15th.

Barbara Hathaway, Library Director, reported that the Bee Cave Library was once again awarded a five star ranking.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on October 23, 2012.
- B. Consider approval of Ordinance No. 131, amending Chapter 18 relating to signs to comply with the Federal Highway Administration requirements.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the consent agenda.

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

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

The motion carried.

Discuss and consider action on the development plat for Kwik Lube Center, located at 13719 Highway 71 West.

Council Member Braasch presented a potential conflict of interest and was not present during the discussion of this item.

Director of Community Services Lindsey Withrow reported that the Council originally approved the plat on August 14, 2012. City codes require that approved plats be returned to the City within 30 days for recordation. This did not occur so the applicant is again seeking approval.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the development plat for Kwik Lube Center.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett and Goodwin
Voting Nay: Council Member Auslander
Absent: Council Member Braasch

The motion carried 3-1.

Council Member Braasch returned to his seat at the dias.

Discuss and consider action on Ordinance No. 132 consenting to the annexation of property located in the City's Extraterritorial Jurisdiction by West Travis County Municipal Utility District No. 6.

Ms. Withrow presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to approve Ordinance No. 132 consenting to the annexation of property by MUD No. 6.

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 a sign variance request for the Bee Cave Baptist Church located at 13222 Highway 71 West.

Building Official Stephen Myrick reported on the variance requests.

Members of the City Council stated that the Bee Cave Code of Ordinances prohibits translucent signs and could not support the variance request.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the sign variance requests as shown except for the translucent Bee Cave Baptist Church portion in blue must be back lit or spot lit without being translucent and to waive the variance fee.

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

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

The motion carried 4-1.

Discuss and consider action on the installation and cost of a pedestrian crosswalk on Bee Cave Parkway at the intersection of Galleria Parkway.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the installation of a pedestrian crosswalk on Bee Cave Parkway at the intersection of Galleria Parkway as presented.

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

Discuss and consider action on a site plan amendment for Tower Features on Buildings 1 and 2; and new colors for buildings J, K, L, N-1 and N-2 in the Shops at the Galleria.

Discuss and consider action on Ordinance No. 130, amending the Comprehensive Sign Package for the Shops at the Galleria.

The above items were opened together for consideration.

Daniel Myrick, General Counsel for Shops at the Galleria, reported on these items. He stated that they were now only asking for one sign per tower with a maximum square footage of 175.

Paul Cardarella, 4712 Mont Blanc, commented that he was in favor of the sign amendment and he hoped the Council would support the retailers because it would benefit everyone.

Mike Murphy, 4010 Lochwood Bend, asked the Council to consider the ramifications for approving the sign amendments. He stated that approval would set a precedent for other big retailers to ask for signs on the rear of their buildings. Signs above the roof are not allowed in Bee Cave.

Allen Bourgoyne, 16001 Snowdonia Cove, stated that he was in favor of the sign amendments in the Shops at the Galleria.

Terri Mitchell, 5400 Great Divide Drive, stated that she supports the Shops but does not support tall towers and big signs.

Eddie Kane, 4724 Mont Blanc, stated that he supports the sign amendments at the Shops. If the center continues to lose tenants then the City's sale tax would decline.

Fred Butt, 4716 Mont Blanc, stated that he supported the sign amendments and as a resident he wanted to keep the property taxes low by creating sales tax in the area.

Carrell Killebrew, 5410 Great Divide, stated that he was not in favor of the proposed amendments. He commented that the Shops were constantly asking for variances and not living up to their agreement with the City.

Tracey Hopkins, 212 Deck Cove, stated that she is a small business owner in the Shops and asked that the Council support the amendments.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, stated that he did not object to signs on the towers as long as the merchant is a tenant in that building.

Damian Mandola, Driftwood, commented that he is a tenant in the Shops at the Galleria and asked for the Council to support the sign amendments.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve Ordinance No. 130 with color amendments as depicted, approve the towers as proposed but limit the towers to one sign per tower and that tenant must occupy that building and that the maximum size of each of these signs will not exceed 175 square feet.

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

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

The motion carried 4-1.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the site plan amendment so that it aligns with the changes made in Ordinance No. 130.

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

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

The motion carried 4-1.

The City Council recessed at 8:09 p.m. and reconvened at 8:16 p.m.

Discuss and consider action on amendments to the Masonwood/Bella Colinas Development Agreement and concept plan.

Community Services Director Lindsey Withrow presented this item. She stated that the applicant has agreed to construct the exterior surfaces of the garage door with wood, the first floor of the building will be constructed with 100% masonry and the second floor with 75% masonry, drive through restaurants will not be allowed on the 15.89 acre tract of land shown as Neighborhood Services 2 and the masonry in the convenient store matches the architectural elements of the masonry in the fascia canopy.

Bill McLean of McLean & Howard Law Firm and representing the applicant spoke on this item. He reported that the previously proposed 21.8 acre multifamily site has been revised to be neighborhood services and single family; and forty-seven acres to the east have been added to the plan and proposed as neighborhood services and single family. They are now proposing 118 lots to be 50'x 120'.

The City Council expressed concern about the 50 foot lot sizes and the possibility of a fuel station being built in the Barton Creek contributing zone. They asked the City Attorney to add language for pollution abatement.

Aaron Googins addressed the pollution controls for underground fuel tanks.

Builder for Meritage Homes clarified that the garage doors would be carriage doors.

The City Council requested that a percentage of the garage doors for the 50 foot lots be constructed of wood and that the gas station canopy have a pitched roof and the material used for the canopy roof match the convenience store roof.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve the Development Agreement with 25% of the garage doors on the 50 foot lots be constructed of wood; include the definition of carriage doors; in the event that there is a fuel station on the property to incorporate pollution abatement, monitoring and a maintenance agreement; the gas station canopy shall have a pitched roof and the material used for the canopy roof shall match the convenience store roof; and to delete the double negative on Exhibit C (1) (second bullet point) to mean that drive through and in vehicle service is not allowed in the Neighborhood Service 2 tract.

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

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

The motion carried 4-1.

Discuss and consider action on installation of drive entrance to Skaggs property from Bee Cave Parkway.

City Administrator Frank Salvato reported on this item. The Skaggs have provided an access easement on their property to the new water quality pond and they are asking that the City construct a drive entrance from the edge of pavement to their property line. They would like something wider than 12 feet. The City originally committed to two curb cuts and a median cut.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve 67 square yards on the ground in the amount of \$3,350 for the installation of the drive entrance with the width to be determined.

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

Discuss and consider action on quotes received for interior repairs in City Hall from Baker-Triangle and Russell Traugott Painting & Decorating and contract amendment with Gallagher Construction Services.

Mr. Salvato reported that Terese Ferguson completed the construction documents for the interior repairs to City Hall and she is working on specifications for repairs to the upstairs restrooms. Baker-Triangle and Russell Traugott agreed that the work should be performed on a time and material basis. The not to exceed price is \$232,000. Gallagher's fee for oversight of this work is \$27,390.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Braasch, to approve the interior repairs to City Hall as time and material in an amount not to exceed \$232,000 and the amendment to the Gallagher contract in the amount of \$27,390.

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

Discuss and consider action on purchasing and installing a shade structure for the small pavilion at the Bee Cave Central Park.

Mr. Salvato stated that the staff received a request to install a shade structure over the small play area at the small pavilion.

Staff will continue to look into other options for a shade structure.
No action was taken.

Discussion on exterior construction and design requirements specifically related to masonry requirements and standards.

Council Member Braasch stated that he requested this item be placed on the agenda. He would like to revisit the masonry requirements.

The City Council agreed. Council Member Braasch will provide a red-line of proposed changes to the standards.

Discuss and consider voting for a member of the Board of Directors of the Travis Central Appraisal District.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to cast a vote for Tom Buckle to serve on the Board of Directors of the Travis Central Appraisal District.

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

Discussion on future City election dates.

City Secretary Kaylynn Holloway reported on Senate Bill 100 and the options for Council to change the City's General Election to November.

Members of the City Council expressed their desire for the elections to remain in May.

No action was taken.

Executive Session

The City Council closed the Open Session at 9:57 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 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 10:16 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, 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 meeting at 10:16 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary