

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
SEPTEMBER 23, 2014

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem – arrived after roll call
Michelle Bliss, Councilmember
Kara King, Councilmember – arrived after roll call
Marie Lowman, Councilmember
Tom Matzen, Councilmember

City Staff:

Travis Askey, Interim City Manager
Lindsey Oskoui, Director of Planning and Development
Giancarlo Patiño, City Engineer
Katherine Griffin, Director of Finance
Gary Miller, Chief of Police
Brooke Winburn, HR Coordinator
Leslie Langford, City Planner

Pledge of Allegiance

Citizen Comments

Carrell Killibrew, 5410 Great Divide Drive, urged the Council to conduct an open hiring process for City Manager to hire the best person possible.

Bob Arrona, Gillian's Walk, would like to see a building moratorium on apartments.

Consent Agenda

- A. Consider approval of minutes of the Regular meeting conducted on September 9, 2014.**
- B. Consider approval of the monthly financial and investment reports. (August).**
- C. Consider approval of Resolution No. 2014-04 recognizing National Night Out on October 7, 2014.**

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

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 208 to amend the Future Land Use Map of Section 8 of the comprehensive plan that would re-designate Lots 1,2, 3, and 4 of the Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas from Mixed-Use and Right-of-Way to Neighborhood Service. The referenced properties are on the south side of Highway 71 East, generally across from and east of Uplands Ridge Drive.

Public Hearing opened at 6:03 p.m.

Alex Thradd, 12405 Highway 71 West, said he doesn't want any more restrictions on his property than he already has. He has owned his property since 1985.

Public Hearing closed at 6:10 p.m.

Open Executive Session at 6:24 p.m. 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 may adjourn into the Conference Room for the executive session.

Closed Executive Session at 6:36 p.m.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Bliss, to approve Ordinance No. 208 to amend the Future Land Use Map of Section 8 of the comprehensive plan that would re-designate Lots 1,2, 3, and 4 of the Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas from Mixed-Use and Right-of-Way to Neighborhood Service.

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 218 to amend the zoning for the following:

- **From Mixed-use to Neighborhood Service for Lot 4, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas.**
- **From Agricultural District to Neighborhood Service for Lots 1, 2, and 3, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas.**

Public Hearing opened at 6:37 p.m.

No public comments.

Public Hearing closed at 6:38 p.m.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Matzen, to approve Ordinance No. 218 to amend the zoning for the following (1) From Mixed-use to Neighborhood Service for Lot 4, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas. (2) From Agricultural District to Neighborhood Service for Lots 1, 2, and 3, Lloyd Smith Subdivision, as recorded in Vol. 97, Page 210 of the Official Public Records of Travis County, Texas.

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

Voting Aye: Mayor Murphy, Council Members Bliss, Goodwin, King, Lowman and Matzen

Voting Nay: None

Absent: None

The motion carried.

Discuss and consider action on Revision # 2 of the Site and NPS Plan for the CCNG Office Building Expansion, located at 13453 SH-71 West, Bee Cave Texas, 78738.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Matzen, to approve Revision # 2 of the Site and NPS Plan for the CCNG Office Building Expansion.

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

Voting Aye: Mayor Murphy, Council Members Bliss, Goodwin, King, Lowman and Matzen

Voting Nay: None

Absent: None

The motion carried.

Discussion regarding CAMPO 2040 Plan including possible alternative solutions to relieve congestion on the RR 620 corridor.

City of Lakeway Mayor DeOme started this project about two years ago without any input from the surrounding cities. Council Member Bliss would like a Resolution expressing the City of Bee Cave's dismay and direct staff to meet with other entities about this proposal.

Council Member King expressed her dismay as well stating that it is not okay for Lakeway to propose a tollway through our city without talking to us about it first.

Council Member Lowman is in full support of the Resolution. She stated the likeliness of this proposal happening is slim, but thinks it is necessary to express our dismay. She also wants to make sure the maps are current.

Rich Jones, 10056 Circleview Drive, is against the CAMPO 2040 Plan

Debbie Pojman, 3103 Hayden Bend, is against the CAMPO 2040 Plan.

Barbara Tout, 2401 Cliffs Edge Drive, is against the CAMPO 2040 Plan.

Richard McKenzie, 10318 Indigo Broom Loop, is against the CAMPO 2040 Plan.

Nancy Ward, 3204 Barton Point Drive, is against the CAMPO 2040 Plan.

Mike Murphy, 4010 Lochwood Bend, does not believe anything will come from this plan the City of Lakeway is trying to propose.

Angie Arrambide, 3502 Barton Point Drive, is against the CAMPO 2040 Plan.

Carrell Killibrew, 5410 Great Divide Drive, opposed to the project, he would like to hear more about the problem they are trying to solve.

Mayor Murphy stated that the City will put together a letter stating our opposition to the proposed CAMPO 2040 Plan and send the letter to the CAMPO Board.

Discuss and consider action on a proposed site plan amendment for the Speedy Stop Food Store, located at 13006 West SH-71 included proposed color canopy changes.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to deny a site plan amendment for the Speedy Stop Food Store.

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

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

The motion carried.

Discuss and consider action on sign applications for the Speedy Stop Food Store located at 13006 West SH-71.

No action taken. Applicant to submit complete sign packet.

Discuss and consider action regarding Ordinance No. 219 declaring intent of the City of Bee Cave to annex into the city limits approximately 127.982 acres of land which is generally located North of Bee Cave Parkway including the West Travis County Public Utility Agency Effluent Storage Pond and Wastewater Treatment Plant and a portion of the Balcones Canyon Land.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 219 declaring intent of the City of Bee Cave to annex into the city limits approximately 127.982 acres of land which is generally located North of Bee Cave Parkway including the West Travis County Public Utility Agency Effluent Storage Pond and Wastewater Treatment Plant and a portion of the Balcones Canyon Land.

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

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

The motion carried.

Discuss and consider action regarding Ordinance No. 220 declaring intent of the City of Bee Cave to annex into the city limits approximately 284.401 acres of land which is generally located East and West of Hamilton Pool Road and Southwest of the current city limits.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 220 declaring intent of the City of Bee Cave to annex into the city limits approximately 284.401 acres of land which is generally located East and West of Hamilton Pool Road and Southwest of the current city limits.

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

Voting Aye: Mayor Murphy, Council Members Bliss, Goodwin, King, Lowman and Matzen

Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action regarding Ordinance No. 221 declaring intent of the City of Bee Cave to annex into the city limits approximately 44 acres of land which is generally located South of Highway 71 and West of Great Divide Drive and the low water crossing.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, to approve Ordinance No. 221 declaring intent of the City of Bee Cave to annex into the city limits approximately 44 acres of land which is generally located South of Highway 71 and West of Great Divide Drive and the low water crossing.

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

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

The motion carried 5-1.

Discuss and consider action on Ordinance No. 224 regarding regulations on filming in the City of Bee Cave.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Mayor Murphy, to approve Ordinance No. 224 regarding regulations on filming in the City of Bee Cave.

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

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

The motion carried.

Discuss and consider action on Ordinance No. 222, an ordinance adopting an amended Fee Schedule and amending various fees charged by the City.

Carrell Killibrew, 5410 Great Divide Drive, said raising the fees modifies behaviors therefore less applications and more staff time for citizen projects.

John Colman, said the fees need to encourage small businesses and deter large businesses.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Lowman, to approve Ordinance No. 222, an ordinance adopting an amended Fee Schedule and amending various fees charged by the City.

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

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

The motion carried 5-1.

Discuss and consider action on Ordinance No. 223 regarding the final budget amendment for FY 2013-2014.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to approve Ordinance No. 223 regarding the final budget amendment for FY 2013-2014.

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

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

The motion carried.

Discuss and consider action on reappointing Bill Goodwin to the Board of Directors of the West Travis County Public Utility Agency.

Carrell Killibrew, 5410 Great Divide Drive, said Bill is one of the two members on the board that looks into the details of the topics. He does an excellent job in representing the City of Bee Cave.

Mike Murphy, Vice President of the WestTravis County Public Utility Agency, said he wants to ensure that Bill gets reappointed to the board. He also stated that there is a huge learning curve with the PUA.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, to approve Bill Goodwin for reappointment to the Board of Directors of the West Travis County Public Utility Agency.

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

Voting Aye: Mayor Murphy, Council Members Bliss, King, Lowman and Matzen

Voting Nay: None
Abstain: Mayor Pro Tem Goodwin
Absent: None

The motion carried.

Discuss and consider action on reappointing Scott Roberts to the Board of Directors of the West Travis County Public Utility Agency.

Carrell Killibrew, 5410 Great Divide Drive, said that if appointing Scotts Roberts is the price we have to pay to get Bill Goodwin reappointed to the board that is a price he is willing to pay.

Mike Murphy, Mike Murphy, Vice President of the WestTravis County Public Utility Agency , said he thinks Scott Roberts is a hard worker and recommended his reappointment with the contingency of Bill Goodwin's reappointment.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Mayor Murphy, to approve Scott Roberts for reappointment to the Board of Directors of the West Travis County Public Utility Agency subject to the confirmation of Bill Goodwin.

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

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

The motion carried.

Discuss and consider action on the appointment of members to the Economic Development Board.

Mayor Murphy presented a potential conflict of interest and was not present during the discussion of the above item.

With Mayor Pro Tem Goodwin presiding, the Council discussed the reappointment of current members.

Mayor Pro Tem Goodwin does not want to vote anyone off the current Board.

Councilmember King thought members of the Council had to be on the Economic Development Board. Since that is not the case, she resigned her seat to have a new person serve the City of Bee Cave.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Lowman, to appoint Mike Murphy, Bill Goodwin, Heather Cadenhead and Steve Albert to the

two year terms and appoint Don Walden to the open one year term on the Bee Cave Economic Development Board.

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

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

The motion carried 4-1.

Mayor Murphy returned to the dias.

Discuss and consider action on an Agreement for the Assignment and Assumption of the Chapter 380 Economic Development Agreement between the Hill Country Texas Galleria, LLC and CSHV HCG Retail, LLC.

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to approve an Agreement for the Assignment and Assumption of the Chapter 380 Economic Development Agreement between the Hill Country Texas Galleria, LLC and CSHV HCG Retail, LLC.

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

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

The motion carried.

Discuss and consider action on a special event permit for Revival located at 13308 W Highway 71.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member King, to approve a special event permit for Revival until December 31, 2014.

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

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

The motion carried.

Close Regular Meeting – 10:09 p.m.

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 may adjourn into the Conference Room for the executive session.

- A. Consultation with attorney regarding CCNG/Spanish Oaks Development Agreement.
- B. Deliberation regarding acquisition of real property for municipal purposes and authority to acquire property through eminent domain.
- C. Consultation with attorney regarding the Participation Agreement with West Travis County MUD #5 and Hays County on the creation of the West Travis County Public Utility Agency.
- D. Consultation with Attorney regarding proposed legislation regarding the West Travis County Public Utility Agency.
- E. Consultation with attorney regarding a strategic partnership in the Extra Territorial Jurisdiction.

Close Executive Session at 10:47 p.m.

Open Regular Meeting.

No action taken on Executive Session.

Adjournment.

A motion was made by Council Member King, seconded by Mayor Pro Tem Goodwin, to adjourn the regular City Council meeting at 10:48 p.m.

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

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

The motion carried.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary