

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
NOVEMBER 25, 2014

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bill Goodwin, Mayor Pro Tem
Marie Lowman, Council Member
Tom Matzen, Council Member

Absent:

Michelle Bliss, Council Member
Kara King, Council Member

City Staff:

Travis Askey, Interim City Manager
Kaylynn Holloway, City Secretary
Patty Akers, City Attorney
Gary Miller, Chief of Police
Lindsey Oskoui, Planning & Development
MD Hossain, EIT
Amy Kelley, Chief Information Officer

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 25, 2014 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Bob Arrona, 5104 Gillians Walk, commented on fiduciary responsibilities of ESD6 and the tax increase that was approved by the Commissioners. He suggested that the City of Bee Cave break away from the ESD and form their own fire department.

Consent Agenda

- A. Consider approval of minutes of the Special Session conducted on November 10, 2014.
- B. Consider approval of minutes of the Regular meeting conducted on November 10, 2014.

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

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

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

The motion carried.

Discuss and consider action on the Site and NPS pollution control plan for Bella Colinas - Section 2, located at 15801 SH- 71 West, Bee Cave, TX 78738 within the ETJ, west of the city limits.

MD Hossain, EIT, presented this item.

Council Member Lowman asked the City Attorney to confirm that the HOA was going to be the enforcement body for the drainage easement and have the ability to go onto the property. She also asked if there would be paperwork that is presented at the time of sale so that the homeowners purchasing know those drainage easements must remain clear.

City Attorney Patty Akers replied affirmatively to both questions.

Matthew Scrivener, with Meritage Homes, also confirmed that there would be paperwork to sign at closing regarding the drainage easement and the enforcement.

MOTION: A motion was made by Council Member Matzen, seconded by Council Member Lowman, to approve the site and NPS pollution control plan for Bella Colinas - Section 2 including posting of the fiscal security in the amount of \$42,874.70.

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

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

The motion carried.

Discuss and consider action on Bella Colinas Section 2 Final Plat located within the ETJ west of the city limits and south of Highway 71, including an exception request regarding easements by separate instrument (Section 30.03.003 (e)).

Planning and Development Director Lindsey Oskoui presented this item.

MOTION: A motion was made by Council Member Matzen, seconded by Council Member Lowman, to approve the Bella Colinas Section 2 final plat as presented with the condition of posting fiscal security for the amount of \$478,916.90 and including the approval of the site line easement and temporary access easement.

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

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

The motion carried.

Discuss and consider action of a site plan amendment for Hill Country Food Mart located at 13908 West SH-71, Suite # A, Bee Cave, TX-78738.

Mr. Hossain stated that the applicant is requesting a site plan amendment to allow installation of a wooden fence to enclose the dumpster at Hill Country Food Mart.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Goodwin, to approve the site plan amendment for Hill Country Food Mart as presented with the condition of additional shrubbery screening along with a maintenance agreement, with the proposed 10 foot gate and including enclosing the dumpster currently located outside and oil containers.

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

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

The motion carried.

Discuss and consider action on the Morningside Phase 3 (Wildwood) Site and NPS plan as-built conditions and concurrence letter. The project is located at 3544 South RR 620 Bee Cave Texas, 78738

City Staff reported that the developer (Scott Morledge) decided to change the secondary access location to Phase III of the Morningside project (Wildwood) by means of an "Emergency Access

Easement” through the Ladera subdivision (Tordera Drive) from the approved secondary access location through the Cottages at Spillman Ridge development.

This change took place without following the proper “Revision” steps through the City of Bee Cave. Staff conveyed verbally and through emails to include this unapproved change on a site plan and that City Council would have to consider it for action. The Developer checked with Lake Travis Fire and Rescue (ESD #6) and executed the “Emergency Access Easement” with Taylor Morrison (Ladera subdivision).

In addition to the above “emergency access easement” serving also for the purposes of secondary access from the developer’s perspective, staff encountered other as-built improvements which were not included in the approved Site and NPS plan.

- Increase in impervious cover, which is not exceeding 40% but does exceed the amount approved on the Site/NPS plans.
- Reduction in sidewalk linear footage within the subdivision (unrelated to Hike and Bike Trail).
- A swimming pool which was not contemplated on the approved Site/NPS plans.
- Several retaining wall locations and heights were changed from those approved on the Site and NPS plans.

Once City staff communicated internally and became aware that Certificates of Occupancy were been released prior to completion and approval by the City Engineer of the site infrastructure improvements, thirteen (13) certificates of occupancy had already been released. Staff immediately advised the developer and warned that no more CO’s would be released until all site related matters were addressed accordingly.

At this time the hike and bike trail has not been constructed as required by the Development Agreement.

Scott Morledge with Ash Creek Homes spoke on this item. He commented that ESD 6 agreed that the current change to the access easement is the preferred location. At the request of City Staff he is bringing the site plan amendment to be formally approved by Council. He also asked that the Council resume issuing Certificates of Occupancy to give some relief to the people waiting to move into their homes.

City Attorney Patty Akers stated, for the record, that the zoning regulations, the specific PDD for this property, is extremely clear regarding the need for all portions of the project, that serve the project as a whole, to be completed, inspected and approved by the City Staff prior to the issuance of any certificates of occupancy. This was a huge deal when this came before Council a few years ago. The reason is, the City does not want improvements that serve the project unfinished when we have citizens moving into the facilities and the public improvements are not completed. If the only public improvement that is left to be completed is the hike and bike trail then I think the Staff is comfortable going ahead with allowing them to issue the CO’s with the fiscal security to guarantee that the trail gets completed.

MOTION: A motion was made by Mayor Pro Tem Goodwin, seconded by Council Member Lowman, to approve the Morningside Phase 3 (Wildwood) Site and NPS plan as-built conditions subject to the developer posting fiscal security in the amount of \$19,200.00 for the pending hike and bike trail improvements.

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

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

The motion carried.

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

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Matzen, to cast a vote for Tom Buckle as a member of the Board of Directors of the Travis Central Appraisal District.

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

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

The motion carried.

Discuss and consider action on Resolution No. 2014-06 concerning West Travis County Public Utility Agency's proposed legislative agenda.

Executive Session:

The City Council closed the Open Session at 7:16 p.m. to convene in Executive Session on the above item 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 may adjourn into the Conference Room for the executive session.

- Consultation with Attorney regarding proposed legislation regarding the West Travis County Public Utility Agency.

The City Council closed the Executive Session at 8:00 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Matzen, seconded by Council Member Lowman, to postpone consideration of Resolution No. 2014-06 concerning the WTCPUA proposed legislation until the next meeting on December 9th.

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

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

The motion carried.

Executive Session:

The City Council closed the Open Session at 8:02 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 may adjourn into the Conference Room for the executive session.

- 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.
- Consultation with attorney regarding a strategic partnership in the Extra Territorial Jurisdiction.
- Discussion regarding exchange of real property for economic development.
- Personnel – to deliberate the appointment, employment, evaluation, reassignment, or duties of a public officer or employee. (City Manager and Interim City Manager)

The City Council closed the Executive Session at 9:49 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment.

A motion was made by Mayor Murphy, seconded by Council Member Lowman, to adjourn the regular City Council meeting at 9:49 p.m.

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

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

The motion carried.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary