

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF BEE CAVE  
November 26, 2013

STATE OF TEXAS       §

COUNTY OF TRAVIS    §

**Present:**

Caroline Murphy Mayor  
Steve Braasch, Mayor Pro Tem  
Bill Goodwin, Council Member  
Kara King, Council member

**Absent:**

Zelda Auslander, Council Member  
Michelle Bliss, Council member

**City Staff:**

Frank Salvato, City Manager  
Travis Askey, Assistant City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Lindsey Withrow, Director of Planning and Development  
Katherine Griffin, Director of Finance  
Bill Pitmon, Detective  
Giancarlo Patino, City Engineer  
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 6:00 p.m. on Tuesday, November 26, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Nell Penridge, 14100 Hamilton Pool Road, invited everyone to attend the Hill Country Alliance screening of *The City Dark* to be held at city hall on December 11<sup>th</sup>.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on November 12, 2013.
- B. Consider approval of minutes of the Special Session conducted on November 18, 2013.
- C. Consider approval of the monthly financial and investment reports.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve the consent agenda items A&B.

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

Voting Aye: Mayor Murphy, Council Members Goodwin and King  
Voting Nay: None  
Absent: Council Members Auslander and Bliss  
Abstain: Mayor Pro Tem Braasch

The motion carried.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve the consent agenda item C.

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

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

The motion carried.

**Discuss and consider action on Ordinance No. 180 amending the Chapter 10-Health and Sanitation, regarding the operation of Farmer's Markets in City of Bee Cave.**

City Manager Frank Salvato reported that the City of Austin amended their farmer's market regulations. These amendments are incorporated in Ordinance No. 180 and would allow the food sampling/food demonstrations at the farmer's market. The approval of this amendment would then authorize the Austin Travis County Health and Human Service Department (ATCHHSD) to issue permits and conduct inspections.

Daniel Myrick, General Counsel for Shops at the Galleria, and Richie Romero, the farmer's market manager, also spoke on this item. They expressed their concerns with the fees being charged. Mr. Myrick stated that an annual permit from the City of Austin can be used anywhere in the City of Austin. It travels with the vendor. However, an additional permit fee is now required to come to the Bee Cave market. There is only one market in Bee Cave and the fees are somewhat substantial for the vendors. Essentially, it creates a competitive disadvantage

because the vendors have to start making decisions on whether or not it makes economic sense for them to invest. He stated that Lowes is willing to contribute dollars to help out and so will the Shops at the Galleria. He asked if there were any funds available that the City could contribute.

Vince Delisi, Assistant District Manager for Austin Travis County Health and Human Service Department, was present and answered questions from the Council.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve Ordinance No. 180 and instruct staff to look at other options that would address the portability of the permit issue.

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

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

The motion carried.

**Discuss and consider action on Resolution No. 2013-07 regarding the citizen comments and development of the Hatchett Tract.**

Mr. Salvato presented this item.

Don Wickham, President of the Association of Saddletree Ranch, commented that the proposed development on the Hatchett Tract could negatively impact their quality of life especially if they drill wells.

Council Member King asked that language be added regarding the impact on the schools in the area.

Carroll Killebrew, 5410 Great Divide, requested that language be added to address the possibility of increased flooding of the low water crossing.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Goodwin, to approve Resolution No. 2013-07 as amended.

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

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

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 172 amending the Future Land Use Map of Section 8 of the Bee Cave Comprehensive Plan from Low Density/Rural Residential to Neighborhood Service for the following properties:**

**all that land in the Summit 56 Final Plat described in document 201000095 of the Official Public Records of Travis County, Texas;**

**22.97 acre tract of land out of said 79.727 acre tract of land conveyed to Bee Caves-71A, LLC by instrument recorded in Document 2012184238 of the Official Public Records of Travis County, Texas;**

**all that land in the Reese Acres Plat, a subdivision of record in Book 94, Page 81 of the Official Public Records of Travis County, Texas; and**

**a five acre tract described in a Partial Deed recorded in Volume 11898, Page 343, of the Official Public Records of Travis County, Texas.**

**Public hearing, discussion and possible action on Ordinance No. 173 amending the existing zoning from Agriculture District to Neighborhood Service District for the following properties:**

**all that land in the Summit 56 Final Plat described in document 201000095 of the Official Public Records of Travis County, Texas;**

**22.97 acre tract of land out of said 79.727 acre tract of land conveyed to Bee Caves-71A, LLC by instrument recorded in Document 2012184238 of the Official Public Records of Travis County, Texas;**

**all that land in the Reese Acres Plat, a subdivision of record in Book 94, Page 81 of the Official Public Records of Travis County, Texas; and**

**a five acre tract described in a Partial Deed recorded in Volume 11898, Page 343, of the Official Public Records of Travis County, Texas.**

The above two items were opened together.

Mayor Murphy opened the public hearing at 6:48 p.m.

Jeff Howard with McLean & Howard stated that he was representing the owner of Lot 1 and Lots 4-7 of the Summit 56. He asked that these items be postponed so that they have an opportunity to discuss the proposed zoning and his client's commercial project on this property. He stated that the owner is opposed to the zoning change because it is inconsistent with the current project proposed for the land.

There being no other persons wishing to give testimony at this time, the public hearing closed at 6:54 p.m.

**Executive Session on above items:**

The City Council closed the Open Session at 7:00 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.

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.

The City Council closed the Executive Session at 7:36 p.m. and reconvened in Regular Session in the Council Chambers.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member Goodwin, to approve Ordinance No. 172 as presented.

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

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

The motion carried.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member Goodwin, to approve Ordinance No. 173 as presented.

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

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

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 174 amending the Future Land Use Map of Section 8 of the Bee Cave Comprehensive Plan for the following properties: 3.030 acre tract conveyed to Moondance Investments, Ltd. by Instrument Recorded in Volume 13341, Page 475 of the Official Public Records of Travis County, Texas, from Commercial to Retail; Lot 3 of the Hawthorne Ridge Subdivision located at 3573 Ranch Road 620 South, Bee Cave, Texas from Commercial to Retail;**

Lot 2 of the Hawthorne Ridge Subdivision located at 3575 Ranch Road 620 South, Bee Cave, Texas from Public/Semi-Public to Retail;  
Lots 1 through 3 of the John H Carrell Subdivision, which is recorded in Document 199900218 of the Official Public Records of Travis County, Texas from Commercial to Retail.

Public hearing, discussion and possible action on Ordinance No. 175 amending the existing zoning from Agricultural District to Retail District for the following properties:

3.030 acre tract conveyed to Moondance Investments, Ltd. by Instrument Recorded in Volume 13341, Page 475 of the Official Public Records of Travis County, Texas, and which is located on Ranch Road 620 South immediately south of Lot 1 Block A Vista Royale Subdivision Phase 1;

Lots 1-3 of the Hawthorne Ridge Subdivision;

Lots 1-3 of the John H Carrell Subdivision, Bee Cave, Travis County, Texas;

And amendment to the existing zoning from Agriculture District to Public for the following property:

A 23.87 acre tract out of the remainder portion of that called 819.739 acre tract of land (Balcones Canyonlands Preserve) conveyed to the City of Austin by Instrument recorded in Volume 12124, Page 143 of the Official Public Records of Travis County, Texas.

The above two items were opened together.

Mayor Murphy opened the public hearing at 7:40 p.m.

There being no persons wishing to give testimony at this time, the public hearing closed at 7:41 p.m.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Goodwin, to approve Ordinance No. 174 as presented.

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

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

The motion carried.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve Ordinance No. 175 as presented.

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

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

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 176 amending the Future Land Use Map of Section 8 of the Bee Cave Comprehensive Plan for 4.764 acre portion out of the Hall Medlin Survey No 523 ABS 540 SUR, and which is located at 14532 Hamilton Pool Road from Public/Semi-Public to Office and a 7.870 acre portion out of the Hall Medlin Survey No 523 ABS 540 SUR, and which is located at 14504 Hamilton Pool Road from Office to Public/Semi-Public to correct errors on the Future Land Use Map.**

**Public hearing, discussion and possible action on Ordinance No. 177 amending the zoning for 4.764 acre portion out of the Hall Medlin Survey No 523 ABS 540 SUR, and located at 14532 Hamilton Pool Road from Public Use District to Office District and a 7.870 acre portion out of the Hall Medlin Survey No 523 ABS 540 SUR, and located at 14504 Hamilton Pool Road from Office District to Public Use District to correct errors on the Zoning Map.**

The above two items were opened together.

Mayor Murphy opened the public hearing at 7:43 p.m.

Ron Albee, 3200 Verde Knoll Cove, stated that he is the owner of the 4.74 acres and that he was surprised to find out that the zoning of his property was not what he thought it was. He commented that he would appreciate having the zoning corrected as proposed.

There being no other persons wishing to give testimony at this time, the public hearing closed at 7:44 p.m.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve Ordinance No. 176 as presented.

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

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

The motion carried.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member King, to approve Ordinance No. 177 as presented.

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

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

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 178 amending the Future Land Use Map of Section 8 of the Bee Cave Comprehensive Plan for a portion of Lot 4 of the Smith Lloyd Subdivision Right of Way to Mixed Use to correct an error on the Future Land Use Map.**

**Public hearing, discussion and possible action on Ordinance No. 179 amending the zoning for a portion of Lot 4 of the Smith Lloyd Subdivision from Multi-Family 1 Residential District to Mixed Use District to correct an error on the Zoning Map.**

The above two items were opened together.

Mayor Murphy opened the public hearing at 7:46 p.m.

There being no persons wishing to give testimony at this time, the public hearing closed at 7:46 p.m.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Goodwin, to approve Ordinance No 178 as presented.

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

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

The motion carried.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Goodwin, to approve Ordinance No. 179 as presented.

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

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

The motion carried.

**Presentation and discussion of a pre-concept plan for a single family residential behind Target in the Home Depot Subdivision.**

Jack Creveling, with CCNG Realty Partners, presented his concept plan for 84 home lots, up to 24 acres, including water quality ponds and building elevations. He asked that the PDD with a base zoning of commercial be amended to single family for the remaining 321,703 square feet. The additional 30,000 square feet is being reserved by Target for possible future store expansion.

The City Council provided feedback on the proposed project. They were not in favor of changing the zoning and stated that the project was too dense.

**Discussion regarding the content of the City's new website including mission statement, council bios and photos.**

Mr. Salvato presented this item.

The Staff will set up times for a photographer to take pictures. The Council will work on their personal bios and review a proposed mission statement submitted by Mayor Pro Tem Braasch.

**Executive Session:**

The City Council closed the Open Session at 8:00 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.

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 Groundwater District litigation with Texas Commission on Environmental Quality.

B. Discussion regarding possible acquisition of land for municipal purposes.

The City Council closed the Executive Session at 9:00 p.m. and reconvened in Regular Session in the Council Chambers.

**Adjournment.**

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Goodwin, to adjourn.

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

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

The motion carried.

The City Council adjourned the meeting at 9:01 p.m.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary