

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
JANUARY 11, 2011

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Jack McCool, Mayor Pro Tem  
Chad Bockius, Council Member  
Bob Dorsett, Jr., Council Member  
Bill Goodwin, Council Member (arrived at 6:34 p.m.)  
Mike Murphy, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Giancarlo Patino, Engineer Associate  
Stephen Myrick, Building Official  
Amy Kelley, Systems Administrator  
Barbara Hathaway, Library Director  
Russell Pancoast, 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, January 11, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Larry Mann, residing at Alexan Galleria Apartments, requested that the City Council complete the disc golf course at the Bee Cave Central Park.

**Minutes**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to approve the minutes of the Regular Session conducted on December 14, 2010.

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

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

The motion carried.

**Consider Proclamation for the Lake Travis ISD Parade of Champions including update on the plans for the Parade scheduled for Sunday, January 16, 2011.**

Council Member Dorsett commented on the plans for the parade.

**MOTION:** A motion was made by Dorsett, seconded by Council Member Bockius, to approve the proclamation for the Lake Travis ISD Parade of Champions.

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

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

The motion carried.

**Discuss and consider action on a site plan amendment for two Taylor Morrison lots located in Falconhead West.**

Associate Engineer Giancarlo Patino reported on this item.

Susan Smith, Vice President of LNV Engineering, stated that the site plan amendment was non-compliant and should be rejected. She recommended that the two walls be removed since they were not included in the original site development permit and were not approved for construction.

Council Member Goodwin arrived at 6:34 p.m.

Mickey Sanders, Area Construction Manager Taylor Morrison, addressed mitigation measures to accomplish the height and construction issues.

TJ Stanger, 4012 Vail Divide, stated that the retaining wall and the change in drainage and topography violated the community covenants. He asked that the wall be removed and the property returned to grade.

Tim Pascoe, 15304 Snowmass Heights, also objected to the retaining wall and asked that it be removed and the lot returned to grade.

Tim Towel, President Austin Division of Taylor Morrison, stated that they would take down the wall located at 4012 Vail Divide and requested that they be allowed to work with staff on the other wall. He stated that they were withdrawing their site plan amendment at this time.

Mayor Murphy commented for the record, that Mr. Towel representing Taylor Morrison, stated publicly that they will take down the wall, the lot drainage restored to preconstruction conditions and the lots re-vegetated with native grasses.

No formal action was taken at this time.

**Discussion and presentation by developer on a proposed concept plan for Ladera Ranch located on Home Deport Boulevard behind Target including proposed construction of Bee Cave Parkway.**

Don Walden, Developer, presented options for the completion of Bee Cave Parkway. He stated that they agreed that two entrances to Ladera Ranch would be constructed.

Adib Khoury, Land Acquisition Manager with Taylor Morrison of Texas, was available to answer questions.

Jack Creveling, from CCNG, was also present.

The City Council agreed that they would like to receive and discuss various funding options for the road completion. They requested that a meeting of the Economic Development Board be scheduled prior to the next council meeting.

**Discuss and consider action regarding an update of Bee Cave Parkway Phase IIIA.**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to approve the update on Bee Cave Parkway Phase IIIA.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on authorizing the City Administrator to negotiate with Tom Green & Company Engineers, Inc. to test and diagnose City Hall’s heating, ventilating and air conditioning unit.**

City Administrator Frank Salvato presented this item.

This item will be discussed further in executive session.

**Discuss and consider action on the purchase of Texas Law Enforcement Telecommunication System (TLETS) for the Police Department to provide intrastate interconnectivity for criminal justice agencies to a variety of local, state, and federal data base systems.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the purchase of the TLETS for the Police Department.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on a joint petition or Resolution No. 2011-01 to LCRA Board regarding sale of LCRA assets.**

This item will be discussed in executive session.

**Executive Session**

The City Council closed the Open Session at 8:11 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor 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. LCRA Rate Case litigation
- B. Consultation with attorney regarding litigation with Browning Construction Company, Freese & Nichols, Inc. and subcontractors for construction of city hall
- C. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- D. Consultation with attorney regarding litigation relating to the TCEQ’s Executive Director’s petition that recommends that land within the jurisdiction of the City be included in a ground water district within the Hill Country Priority Groundwater Management Area.

Also under Section 551.071, Consultation with Attorney, the City Council discussed negotiating with Tom Green & Company Engineers, Inc. to test and diagnose City Hall’s heating, ventilating and air conditioning unit and a joint petition or Resolution No. 2011-01 to LCRA Board regarding sale of LCRA assets.

The City Council closed the Executive Session at 9:37 p.m. and reconvened in Regular Session in the Council Chambers.

**Discuss and consider action on authorizing the City Administrator to negotiate with Tom Green & Company Engineers, Inc. to test and diagnose City Hall’s heating, ventilating and air conditioning unit.**

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Dorsett, to postpone the item relating to negotiating with Tom Green & Company Engineers, Inc. to test and diagnose City Hall’s heating, ventilating and air conditioning unit

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

- Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
- Voting Nay: None
- Absent: None

The motion carried.

**Discuss and consider action on a joint petition or Resolution No. 2011-01 to LCRA Board regarding sale of LCRA assets.**

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the red-lined version of the petition as drafted by the City Attorney.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Adjournment**

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

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

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

The City Council adjourned the Regular Session at 9:38 p.m.

PASSED AND APPROVED this 25<sup>th</sup> day of January, 2011.

\_\_\_\_\_  
Caroline Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Kaylynn Holloway, City Secretary  
[SEAL]