

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
FEBRUARY 8, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Jack McCool, Mayor Pro Tem
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Mike Murphy, Council Member

Absent:

Chad Bockius, 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, February 8, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Minutes

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the minutes of the Regular Session conducted on January 25, 2011 as amended.

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

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

The motion carried.

Discuss and consider action on a proclamation recognizing the week of February 20th as Severe Weather Awareness Week.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the Proclamation recognizing Severe Weather Awareness Week.

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

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

The motion carried.

Second public hearing on request for annexation of Spillman Ranch Phase I, Section 9 (The Grove at Falconhead).

Mayor Murphy called the public hearing to order at 6:03 p.m.
There being no public comments, the hearing closed at 6:03 p.m.

Public hearing, discussion and possible action on Ordinance No. 71, an ordinance amending the zoning requirement for Ladera Ranch Planned Development District located on Home Depot Boulevard behind Target.

Mayor Murphy called the public hearing to order at 6:04 p.m.

There being no public comments, the hearing closed at 6:04 p.m.

City Administrator Frank Salvato reported that the Planning and Zoning Commission unanimously approved the redlined draft of the ordinance and the development standards.

Don Walden, Developer, was present to answer questions.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve Ordinance No. 71 with \$91,405 inserted in Exhibit C as fee credit for landscape/tree mitigation.

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

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

The motion carried.

Discuss and consider action on a Chapter 380 Agreement with Taylor Morrison of Texas, Inc. for construction of Bee Cave Parkway Phase IIIB.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to postpone this item until a future Council Meeting.

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

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

The motion carried.

Discuss and consider action on a request from Municipal Court Judge for additional compensation and/or an amendment to Municipal Court Judge Contract.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to amend the Municipal Court Judge contract to state a monthly salary of \$2,750, not referencing any hours and without compensation for travel and training with an effective date of February 1, 2011.

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

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

The motion carried.

Discuss and consider action regarding an update of Bee Cave Parkway Phase IIIA including possible Change Order with Cash Construction for the road striping and barricades.

Kelly Zwinggi of Sledge Engineering presented the update. A change order will be presented for discussion and approval at a future council meeting.

No action was taken at this time.

Discuss and consider action on the formal and final acceptance for paving and drainage improvements for the 2nd and 3rd construction phases of Falconhead West phase I Section II and Phase II.

Associate Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to accept the paving and drainage improvements for the 2nd and 3rd construction phases of Falconhead West Phase I, Section II and Phase II subject to contractor's one year maintenance bonds for all required public improvements taking effect January 1, 2011.

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

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

The motion carried.

Discuss and consider action on the annual Racial Profiling Report.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to accept the annual Racial Profiling Report.

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

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

The motion carried.

The City Council closed the Open Session at 6:50 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 authority of Municipal Utility Districts.
- C. Consultation with attorney regarding litigation with Browning Construction Company, Freese & Nichols, Inc. and subcontractors for construction of city hall
- D. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- E. 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.

The City Council closed the Executive Session at 8:31 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve staff to request proposals for architectural firms to do the design to mitigate the city hall issues.

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

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

The motion carried.

Adjournment

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

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

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

The motion carried.

The City Council adjourned the Regular Session at 8:32 p.m.

PASSED AND APPROVED this 22nd day of February, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary
[SEAL]