

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
MARCH 8, 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
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
Russell Pancoast, Police Chief
Amy Kelley, Systems Administrator
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, March 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.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on February 22, 2011.
- B. Discuss and consider action on the Police Department Annual Report.
- C. Discuss and consider action on the Bee Cave Library Annual Report.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the Consent Agenda items.

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.

First public hearing on request for annexation of 13.941 acres out of the J. Beck Survey No. 91, and being part of the 234.807 acres conveyed to Spillman Group, LTD (Gateway to Falconhead).

Mayor Murphy opened the public hearing at 6:02 p.m.

There being no public comments, the hearing closed at 6:03 p.m.

Discuss and consider action on a site plan and replat in the Hill Country Galleria, Lot 1, Block A, (Whole Foods Market).

Associate Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the Hill Country Galleria site plan amendment subject to pervious concrete specifications and an acceptable formal maintenance agreement provided to the city prior to commencing construction of the Whole Foods site.

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.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to approve the replat of Lot 1, Block A of the Hill Country Galleria subject to utility “release of easements” letters provided prior to replat recordation.

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 site plan amendment for the Cottages at Spillman Ridge regarding a median cut on Falconhead Boulevard.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the site plan amendment to allow the median cut as presented with the provision that the 1600 square feet comes from the Cottages impervious cover and will not count against the Spillman Ranch impervious cover.

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 Change Order No. 1 and 2 for Bee Cave Parkway Phase IIIA.

Kelly Zwinggi of Sledge Engineering provided the update. Cash Construction submitted Change Order No. 1 for a credit of \$15,981.33 and Change Order No. 2 in the amount of \$400 to cover barricades for two weeks in March.

City Administrator Frank Salvato reported that Jack Creveling of CCNG had agreed to reimburse the City \$2,060 for the cost of the barricades.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve Change Order No. 1 and 2.

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.

Executive Session

The City Council closed the Open Session at 6:17 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 551-072 – Deliberation regarding Real Property; Section 551-076 Deliberation Regarding Security Devices or Security Audits; 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.

- 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 including settlement offer
- 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.
- E. Security Devices for the Municipal Building – Deliberation regarding security devices for the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit

The City Council closed the Executive Session at 6:56 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION ON ITEM B: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the settlement agreement and authorize the Mayor to execute the necessary documents.

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 using the municipal court security funds for a security door and window at the Bee Cave City Hall.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, that based on the health, safety and welfare of the City employees, to authorize the City Administrator to use the municipal court security funds for the expense summary as presented in an amount not to exceed \$18,000 and to proceed with the relocation of the municipal court day-to-day operations to City Hall including a finding that these funds are necessary funds for security purposes.

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 in support of a local bill submitted by MUD 5.

Mr. Salvato presented this item.

Council Member Murphy expressed his desire to support the bill submitted by MUD 5.

Other members of Council requested additional information relating to the bill.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to table this item while seeking further information.

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

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

The motion carried 4 -1.

Adjournment

MOTION: A motion was made by Council Member Bockius, 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 7:06 p.m.

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

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary
[SEAL]