

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
MAY 24, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member (arrived at 7:37 p.m.)
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
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 6:12 p.m. on Tuesday, May 24, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Brian Compton, 5009 Great Divide Drive, spoke to the Council about reducing the noise level at the Backyard at Bee Cave.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on May 10, 2011.
- B. Discuss and consider action on the monthly financial and investment report.
- C. Consider approval of the 2011-2012 Budget Calendar.

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

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

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

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 88, an amendment to the zoning and concept plan for the Shops at the Galleria which is zoned Planned Development District – Town Center (“Ordinance No. 04-04-13, as amended”).

Mayor Murphy opened the public hearing at 6:15 p.m.

With no testimony from the public, the hearing closed at 6:15 p.m.

Daniel Myrick, Vice President and General Counsel for Christopher Commercial, Inc., presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to adopt Ordinance No. 88 amending the zoning and concept plan for the Shops at the Galleria.

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

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

The motion carried.

Discuss and consider action on a site plan amendment for Shops at the Galleria, Building 3, located at 12909 Shops Parkway. (Ulta Beauty, Inc.)

Mr. Myrick presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the site plan amendment for the Shops at the Galleria, Building 3.

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

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

The motion carried.

Discuss and consider action on a sign variance for Ulta Beauty, Inc. located at the Shops in the Galleria, 12909 Shops Parkway.

Mr. Myrick presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the wall sign as presented for Ulta Beauty located at the Shops at the Galleria, Building 3.

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

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

The motion carried.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve the variance on the awnings as presented for Ulta Beauty located at the Shops at the Galleria, Building 3.

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

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

The motion carried.

Discuss and consider action on site plan amendments for the Falconhead West retaining walls.

Consulting Engineer Tricia Altamirano and Mickey Sanders with Taylor Morrision presented this item and fielded questions from the Council.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the site plan amendments for the Falconhead West retaining walls.

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

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

The motion carried.

Discuss and consider action on an amendment to the Agreement between the Economic Development Corporation and the City Council for funding issues associated with the construction of the Bee Cave Parkway and discussion of construction process for Phase IIIB including City Council's proposal for funding options.

City Administrator Frank Salvato explained this item.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the amended agreement between the City and the Economic Development Corporation specific to and for construction, debt service and other costs associated with the Bee Cave Parkway Phase IIIB Extension Road Project.

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

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

The motion carried.

Discuss and consider action on the renewal of an Interlocal Agreement for Public Health Services between the City of Austin and City of Bee Cave.

Mr. Salvato presented this item.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Murphy, to approve the renewal of the Interlocal Agreement for Health Services between the City of Austin and City of Bee Cave.

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

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

The motion carried.

Discuss and consider action on the appointment or reappointment of Planning & Zoning Commission members including selection of Vice Chair.

Council Member Goodwin nominated Jim Norman to serve in Position 3.
Mayor Pro Tem McCool nominated Marie Lowman to serve in Position 5.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the nominations of Jim Norman and Marie Lowman to the Planning and Zoning Commission.

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

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

The motion carried.

Discuss and consider action on Resolution No. 2011-03 approving amendments to the Articles of Incorporation to add new sponsoring entities to the Coalition of Central Texas Utilities Development Corporation and approval of Interlocal Agreement with new sponsoring entities.

Mr. Salvato discussed this item with the City Council.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve Resolution No. 2011-03 and the Interlocal Agreement with new sponsoring entities.

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

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and
Murphy
Voting Nay: Council Member Goodwin
Absent: Council Member Dorsett

The motion carried 3-1.

Council Member Dorsett arrived at 7:37 p.m.

Executive Session

The City Council closed the Open Session at 7:37 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the 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.

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.

- A. LCRA Rate Case litigation
- B. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- C. 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.
- D. Consultation with Attorney regarding franchise agreement with Austin Energy.
- E. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems.
- F. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.

The City Council closed the Executive Session at 8:35 p.m. and reconvened in Regular Session in the Council Chambers.

Item B. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the release and settlement agreement between Rod-Ave, L.P., and Reit Management & Research Trust and the City of Bee Cave.

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.

Certificates of Election and Oath of Office

Mayor Murphy administered the oath of office and issued the certificates of election to Council Members Dorsett, Goodwin and McCool.

Discuss and consider action on the selection of a Mayor Pro Tem.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to nominate Jack McCool as Mayor Pro Tem.

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.

Reopen Item # 15: Discuss and consider action on the appointment or reappointment of Planning & Zoning Commission members including selection of Vice Chair.

Council Member Dorsett nominated Michelle Bliss to serve in Position 4.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to approve the nomination of Michelle Bliss to the Planning and Zoning Commission.

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.

Council Member Dorsett nominated Michelle Bliss to serve as Vice Chair of the Planning and Zoning Commission.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the nomination of Michelle Bliss as Vice Chair of the Planning and Zoning Commission.

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

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 8:41 p.m.

PASSED AND APPROVED this 14th day of June, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]