

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
JUNE 28, 2011

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Chad Bockius, Council Member  
Bob Dorsett, Jr., Council Member  
Bill Goodwin, Council Member (arrived at 6:07 p.m.)  
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  
Amy Kelley, Systems Administrator

**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, June 28, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Sarah Gibson, Frio Cove, spoke on behalf of the Central Texas Clean Air Force.

Lupe Elghoul, 4325 Vail Divide, spoke to the Council about forming a Civilian Review Board for the Police Department.

Jennetta Sanders, 3701 Kenora Court, encouraged the Council to consider the budgetary requests for the library.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, invited everyone to the Hill Country Galleria for the 4<sup>th</sup> of July festivities.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on May 24, 2011.
- B. Consider action on a quarterly report from the Municipal Court.

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

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: None  
Abstain: Council Member Bockius

The motion carried.

**Discuss and consider action on a preliminary plat for Ladera Ranch located on Home Depot Boulevard, behind Target.**

Adib Khoury, Vice President Land Resources for Taylor Morrison and Danny Martin, Engineer with Malone/Wheeler, Inc., were present at the meeting and answered questions from the Council.

City Administrator Frank Salvato reported that the Planning and Zoning Commission did not recommend the name change to Ladera Ranch at this time. It will take an ordinance and/or a replat to change the name of Home Depot Boulevard.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to approve the preliminary plat for Ladera Ranch without the name change at this time.

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 the site plan amendment for Hill Country Galleria Lot 20, Block A parking improvements, L2, G1, and F1 water quality pond liner removal and Whole Foods pervious to impervious concrete.**

Adrian Overstreet, Asset Manager for the Hill Country Galleria, answered questions regarding the landscaping, pervious pavement, and the possibility of parking and traffic problems.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Bockius, to approve the site plan amendment for the Hill Country Galleria Whole Foods Market.

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 approval of a contract with Downing Ferguson Peeples for Architectural/Engineering Design Services for City Hall.**

Jack Downing was available to answer questions.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the contract with Downing Ferguson Peeples for Architectural/Engineering Design Services for City Hall in an amount not to exceed \$268,464.00.

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 approval of a contract with Gallagher Construction Services for a Construction Manager-Agent for City Hall.**

Von Gallagher was available to answer questions.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to continue this item until the Special Session scheduled for July 6<sup>th</sup>.

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 proposal from Sledge Engineering as Project Manager for Bee Cave Parkway Phase IIIB.**

Casey Sledge was available to answer questions regarding this item.

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the proposal from Sledge Engineering as Project Manager for Bee Cave Parkway Phase IIIB in an amount not to exceed \$123,500.00.

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 proposal from Freese & Nichols, Inc. for Construction Phase Services for Bee Cave Parkway Phase IIIB.**

Mike Nichols was available to answer questions regarding this item.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the proposal from Freese & Nichols, Inc. for Construction Phase Services for Bee Cave Parkway Phase IIIB in an amount not to exceed \$38,822.00.

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: Council Member Dorsett  
Absent: None

The motion carried 4-1.

**Discuss and consider action on a contract award to Ramming Paving Company, LTD for street maintenance and improvements in the amount of \$522,456.70.**

Susan Smith of LNV Engineering answered questions regarding this item.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Bockius, to approve a contract with Ramming Paving Company, LTD for street maintenance and improvements in the amount of \$522,456.70.

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 franchise agreement with Austin Energy.**

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the franchise agreement with Austin Energy.

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 7:07 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 acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.
- C. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.
- D. Consultation with City Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.

The City Council closed the Executive Session at 9:16 p.m. and reconvened in Regular Session in the Council Chambers.

**Item D. Consultation with City Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.**

**MOTION:** A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to authorize staff to hire outside counsel to assist with potential litigation related to the enforcement of city’s ordinances for property located at Highway 71 and Shops Parkway, formally known as the Trading Post.

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 to provide additional funding to the Coalition of Central Texas Utilities Development Corporation.**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Dorsett, to postpone this item until July 12<sup>th</sup>.

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

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

The motion failed.

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to provide additional funding to the Coalition up to \$27,000 but not to exceed that amount.

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

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

The motion carried 3-2.

**Discuss and consider action on Ordinance No. 89, an ordinance creating a “Public Utility Agency for provision of water or sewer service” under Chapter 572 of the Texas Local Government Code.**

City Attorney Patty Akers stated that a notice of this ordinance must be published two times, two consecutive weeks and the first publication must be 14 days prior to adoption.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Bockius, to authorize staff to publish the notice for this ordinance.

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 Council Member Bockius, seconded by Mayor Pro Tem McCool, 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 9:31 p.m.

PASSED AND APPROVED this 12<sup>th</sup> day of July, 2011.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary

[SEAL]