

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
JANUARY 10, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
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
Amy Kelley, Systems Administrator
Russell Pancoast, Police Chief
Giancarlo Patino, Engineer Associate
Stephen Myrick, Building Official

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 10, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Police Chief Russell Pancoast commented that he had distributed the Police Department's Policies and Procedures for the Council's review. This item will be on a future council meeting for discussion.

Consider approval of minutes of the Regular meeting conducted on December 13, 2011.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the minutes as presented.

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 Ordinance No. 105, an ordinance calling the General Election for May 12, 2012.

(Discutir y considerar tomar acción tocante la Ordenanza No. 105, una ordenanza para convocar la Elección General del 12 de Mayo, 2012.)

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to adopt Ordinance No. 105 as presented.

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 sign variances for All Star Burger located at 12921 Hill Country Galleria #D2-105.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the sign variances as presented.

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 and NPS plan for Skaggs tract for the relocation of the water quality pond from Bee Cave Parkway Phase IIIB including:

- a. **Variance to Section 32.05.002 (f) (1) (A) - Roadway Buffer**
- b. **Agreement to provide a temporary construction easement**
- c. **Second Amendment to the agreement for the construction and dedication of right-of-way.**

City Attorney Patty Akers presented this item. Tim Skaggs was present at the meeting to answer questions.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to approve the agreement to provide a temporary construction easement.

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 Murphy, seconded by Council Member Dorsett, to approve the Second Amendment to the Agreement for the construction and dedication of right-of-way.

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 Murphy, seconded by Council Member Dorsett, to approve the Site and NPS Plan subject to the seven questions from the January 9, 2012 memo from the Associate Engineer being addressed.

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.

Item a. above was not considered at this meeting.

Discuss and consider action on Change Order No. 2, 3 and 4 for Bee Cave Parkway Extension Phase 3B including update on the project.

Casey Sledge of Sledge Engineering presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve Change Order No. 2 in the amount of \$34,034.00 for the median cut and waterline casing.

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 Bockius, seconded by Council Member Dorsett, to approve Change Order No. 3 in the amount of \$4,198.00 for the upsizing of the casing for the existing waterline.

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.

Change Order No. 4 was not considered during this meeting.

Discuss and consider action on Lake Travis Fire and Rescue site and NPS revision to add ADA handicap parking space, located at 13333 Highway 71 West.

Danny Martin Project Manager for Malone, Wheeler, Inc. presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the site and NPS revision as presented.

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 6:31 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, 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 authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.
- D. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.
- E. Discussion regarding acquisition of real property for possible use as water quality mitigation land.

The City Council closed the Executive Session at 8:25 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the payment of \$10,529.00 to the Utility Development Coalition for the City's portion of the work that has been done by the various entities.

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 Murphy, seconded by Council Member Dorsett, to authorize the Mayor to execute the rate case settlement with the LCRA in conjunction with the purchase agreement with the Public Utility Agency and the LCRA.

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 Murphy, seconded by Council Member Bockius, 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 8:26 p.m.

PASSED AND APPROVED this 24th day of January, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]