

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
SEPTEMBER 27, 2011

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

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

**Absent:**

Chad Bockius, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney (arrived at 6:10 p.m.)  
Kaylynn Holloway, City Secretary  
Russell Pancoast, Police Chief  
Amy Kelley, Systems Administrator  
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, September 27, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Oath of Office**

Mayor Murphy administered the oath of office to Police Officers Coker and Flores.

**Citizen Comments**

Adrian Overstreet, Asset Manager for the Hill Country Galleria reported that the Galleria now has two electric cart charging stations.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on September 13, 2011.
- B. Consider action on the monthly financial and investment report.

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

The motion carried.

**Discuss and consider action on the final plat for Hill Country Galleria Townhomes, Phase 2, Block A, Lots 23-X, 23-M – P, located on Galleria Circle.**

Brad Walters of Bluestem Residential, LLC addressed this item.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve the final plat subject to the applicant posting fiscal security for utility taps, pavement repairs, and permanent stabilization.

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 site plan for Hill Country Galleria Townhomes, located on Galleria Circle.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the site plan for Hill Country Galleria Townhomes.

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 following site plan amendments for Hill Country Galleria:**

**Whole Foods elevations**

Mr. Overstreet spoke on this item. Nathaniel Gallagher, Architect and Michael Hruska, Executive Coordinator of Construction for Whole Foods were also present and answered questions.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the revisions to the site plan except for the roll up door should be made the darker color, there should be a 40 foot articulation on the east wall, approve the removal of the sunshades on the north and west sides and approve removal of the glass windows on the south front.

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.

**Relocation of monument sign located on Highway 71 (by McDonald's)**

City Administrator Frank Salvato commented that the Council could not approve an off-premise sign

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the relocation of the monument sign to another location on the Hill Country Galleria property but not in the right-of-way.

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.

**Charming Charlie elevations**

**MOTION:** A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the site plan amendment for Charming Charlie as constructed but should Claire’s move out, their façade would be changed to a different material.

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 license agreement for 4312 St. Elias Street in Falconhead West.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the license agreement for 4312 St. Elias Street in Falconhead West.

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.

**Executive Session**

The City Council closed the Open Session at 7:32 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 dba Planet K.

The City Council closed the Executive Session at 9:29 p.m. and reconvened in Regular Session in the Council Chambers.

Council Member Dorsett left his seat at the dias.

**Discuss and consider action on an amendment to the contract with LNV Engineering for materials testing for the street maintenance project.**

Mr. Salvato presented this item.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the amendment to the contract with LNV Engineering for materials testing for the street maintenance project.

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

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

The motion carried.

Council Member Dorsett returned to his seat at the dias.

**Discuss and consider authorizing the Mayor to execute a contract with the Texas Police Chief's Association for the Police Department to work toward achieving Best Practices Recognition.**

Police Chief Russell Pancoast presented this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to authorize the Mayor or City Administrator to execute a contract with the Texas Police Chief's Association for the Police Department to work toward achieving Best Practices Recognition.

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 proposed policy changes and new policies for the Bee Cave Public Library.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the proposed policy changes and new policies for the Bee Cave Public Library.

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 proposed policy for the disposal of surplus property.**

After discussion of this item, the City Council requested that the Staff add alternative bid procedures and bring this item back at a meeting in the future.

**Discussion and annual review of financial investment policy.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to form a Finance and Investment Committee with Deputy City Administrator Travis Askey, City Administrator Frank Salvato and Council Member Mike Murphy as members.

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 City Council elections and Senate Bill 100.**

City Secretary Kaylynn Holloway reported on this item.

No action was taken at this time.

**Discuss and consider action on appointing members to the Economic Development Board.**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the reappointment of Chad Bockius, Scott Lineberry and Jack McCool to the Economic Development Board.

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 Ordinance No. 101, an ordinance of the City of Bee Cave adopting an amended Fee Schedule and amending various fees charged by the City.**

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve Ordinance No. 101 approving the fee schedule.

After discussion of this item, a motion was made by Council Member Goodwin to suspend the debate of the fee schedule.

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

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

The motion failed.

**Amended motion:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to amend the main motion to require an initial retainer of \$5,000 for new development agreements and a \$500 retainer for a development agreement amendment and setting the City Engineer's fee at \$165.00 per hour and the City Attorney's fee at \$175.00 per hour.

Council Member Dorsett clarified that the City would not ask for the recovery of attorney fees, as it relates to building development, except in the preparation of development agreements.

The vote was taken on the amended 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.

**Vote on Main motion 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 contributing an additional \$7,600 to the Utility Development Corporation.**

**MOTION:** A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve an additional contribution of \$7,600 to the Utility Development Corporation.

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 Ordinance No. 102, an ordinance of the City of Bee Cave amending the Annual Budget for Fiscal Year 2010-2011.**

Deputy City Administrator Travis Askey presented this item.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve Ordinance No. 102 amending the annual budget for FY 2010-2011.

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 authorizing the City Attorney to prepare an ordinance to protect animals from cruel treatment.**

City Attorney Patty Akers reported on this item and the State Law restrictions.

No action was taken on this item.

**Adjournment**

**MOTION:** A motion was made by Council Member Dorsett, 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 Dorsett, Goodwin  
and Murphy  
Voting Nay: None  
Absent: Council Member Bockius

The motion carried.

The City Council adjourned the Regular Session at 11:29 p.m.

PASSED AND APPROVED this 11<sup>th</sup> day of October, 2011.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary

[SEAL]