

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
DECEMBER 13, 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
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, December 13, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Council Member Dorsett complimented the Bee Cave Police Department and the First Responders for their actions during an incident at the Lake Travis schools.

Consider approval of minutes of the Regular meeting conducted on November 22, 2011.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, 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: Council Member Bockius

The motion carried.

Presentation by the Bee Cave Police Benevolent Foundation.

Teresa Breuggerman, President of the Benevolent Foundation, reported on this item. The Bee Cave Police Benevolent Foundation was established by a group of citizens to provide support to public safety officers and their families during times of need. They also support educational programs and other police programs and initiatives.

Presentation and discussion on the establishment of a Chaplaincy Program for the Police Department.

Police Chief Russell Pancoast stated that the Chaplain Program is a volunteer program and is intended to provide spiritual support and ministerial services for the officers and employees of the Bee Cave Police Department, and their immediate family members in times of injury, illness, and/or death of loved ones, and upon request and in other circumstances when needed.

He introduced Jim Roquemore, Pastor at Bee Cave Baptist Church, who has volunteered to serve as the Department's Chaplain.

Discuss and consider action on a sign variance for Texas Hills Urgent Care located at 13917 Highway 71 West.

Randy Rudman from Signs 2 Go and representing the applicant presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the sign variance for Texas Hills Urgent Care 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 regarding Ladera Ranch site plan for portion of project related to off-site construction of Ladera Ranch Phase 1.

Adib Khoury of Taylor Morrison presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the site plan for portion of project related to off-site construction of Ladera Ranch Phase 1.

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 an amendment to the Morningside Development Agreement.

Jeff Booth of Embrey Partners, LTD and Scott Morledge of Ash Creek Homes, Inc. presented this item and the revised development agreement.

The City Council asked numerous questions about the construction materials, elevations, impervious coverage and water quality. They also discussed annexation of the property.

City Attorney Patty Akers stated the amendments to the Development Agreement as follows:

Adding requirements to the restrictive covenants regarding no parking on the streets, the streets associated with the detached units and require adjacent spaces sufficient to address guest parking as required by City Ordinances.

75% of masonry shall be extended with regard to both the attached and detached. And each side of the structures shall have a minimum of 60% masonry. There is no limit on hardy plank being addressed.

Language will be added so that the owner will contact adjacent landowners to determine the feasibility of connecting trails to their project and will come back to the City with recommendation on how to implement adjoining trails.

Water quality protection will be 90% for total suspended solids, 80% oil and grease and 80% total phosphorous.

Site plans for water quality and detention facilities shall be submitted with the first site plan and shall be constructed prior to the issuance of the first certificate of occupancy.

Streets and utilities can be approved as each site plan for that phase is submitted. Certificates of occupancy shall be issued for those facilities associated with that phase of the project.

Delete the word "City" under Condominium Regime (Section L) for conveyance of easements.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the Second Amendment to the Development Agreement with the changes as discussed and articulated by the City Attorney.

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 7:50 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; Section 551.074 – Personnel 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. Personnel – Appointment of Special Prosecutor

The City Council closed the Executive Session at 10:10 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on the site and NPS plan for Skaggs tract for transfer of soils material from Bee Cave Parkway Phase IIIB and the relocation of the water quality pond including agreement for allocation of costs.

Daniel Ryan of LJA Engineering and Tim Skaggs presented this item and provided an update on the project.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the placement of the spoils (fill) subject to the Zoning Board of Adjustment granting a variance to the Buffer Zones and certification from their Engineer that the fill complies with the Army Corp of Engineers Nationwide Permit (404).

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.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to authorize the Staff to draft agreements between the City and Skaggs for the median cut, water quality pond and waterline casing.

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.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to approve a contract amendment with Freese & Nichols to design work on the median cut and waterline casing contingent upon the developer submitting the engineering fees estimated at \$4,300 and then paying actual costs.

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 concept plan and final plat for Presbyterian Church of Lake Travis, located at 14820 Hamilton Pool Road.

Ross Frie of Frie Planning and Development Concepts, LLC presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the concept plan and final plat for the Presbyterian Church of Lake Travis located at 14820 Hamilton Pool Road.

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.

Conduct Public Hearing and consider action on Ordinance No. 104, an ordinance creating the West Travis County Public Utility Agency and Resolution No. 2011-06

authorizing an Interlocal Cooperation Agreement regarding the creation and operation of the Public Utility Agency.

Mayor Murphy opened the public hearing at 11:39 p.m.

There being no one wishing to speak, the hearing closed at 11:39 p.m.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve Ordinance No. 104 and Resolution No. 2011-06.

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.

Public hearing, discussion and consider action on Ordinance No. 105, authorizing the taxation of tangible personal property in transit.

No action was taken on this item.

Discuss and consider authorizing the position of Director of Community Services including job description and salary.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Dorsett, to authorize the Staff to advertise for the position of Director of Community Services with a starting salary between \$70,000 and \$80,000.

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

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

The motion carried.

Discuss and consider action on appointing a Special Prosecutor for the litigation with AusPro Enterprises, LP.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to appoint John Carsey as Special Prosecutor and authorize the Mayor to execute a contract with John Carsey to serve as Special Prosecutor.

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.

Adjournment

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, 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 12:00 a.m.

PASSED AND APPROVED this 10th day of January, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]