AGENDA

Regular Meeting

City Council

Tuesday, January 24, 2023

6:00 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT KAYLYNN HOLLOWAY AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at this meeting. No action will be taken by the Commission or Board.

1. Call meeting to order
2. Roll Call
3. Pledge of Allegiance
4. Citizen Comments

This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on the agenda items must be made when the agenda item comes before the Council. Any deliberation of the issue is limited to a proposal to place it on the agenda for a later meeting. Citizens will have up to 3 minutes to make comments.

5. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.

A. Consider approval of the minutes of the Regular Session conducted on January 10, 2023.

B. Consider approval of the Financial and Investment Reports. (Quarterly)

6. Discussion and possible direction to amend the Unified Development Code to remove the 2000 ft. set back requirement for gas stations and setting a public hearing.

7. Presentation and update from the Southwest Travis County Groundwater Conservation District.

8. Discuss and consider action on Ordinance No. 499, an ordinance setting the maximum speed limit on RM 2244, SH 71, and RR 620

9. Discuss and consider action to appoint subcommittees for the Capital Improvement Projects.

10. Discuss and consider action on Ordinance No. 497 calling a Special Election for May 6, 2023 to consider Home Rule Charter amendments.

    Deliberar y considerar acción tocante la Ordenanza No. 497 para convocar una Elección Especial que se lleve a cabo el 6 de mayo, 2023 para considerar enmiendas a la Carta de Autonomía.

11. Discussion and possible action to adopt Resolution No. 2023-01, a resolution of the City of Bee Cave, Texas, declaring its intention to reimburse project expenditures, including land acquisition costs, from the proceeds of tax-exempt obligations.

12. Discuss and consider action on the legal services Request for Qualifications and/or in-house legal services.

13. Discuss and consider action on an update to the hike and bike connectivity plan.

14. Discuss and consider action on the appointment of a member to the Planning and Zoning Commission.

15. Close Regular Meeting

16. Open Executive Session

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding real property; and Section 551.071 - Consultation with Attorney regarding pending or contemplated litigation or a settlement offer, or on any matters 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 quorum of the City Council will be present for the executive session.

A. Deliberation regarding the potential acquisition of real property for public purposes

17. Close Executive Session

18. Open Regular Meeting

19. Consider action, if any, on Executive Session

20. Adjournment

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

I certify that the above notice of meeting was posted at Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas, on the 20th day of January, 2023 at 4:45 P.M. (Seal)

_____

Kaylynn Holloway, City Secretary

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**5.A.**
Agenda Title:	**Consider approval of the minutes of the Regular Session conducted on January 10, 2023.**
Council Action:	**Approve**
Department:	**City Secretary**
Staff Contact:	**Kaylynn Holloway, City Secretary**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
Minutes of January 10, 2023	Backup Material

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
January 10, 2023

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Kara King, Mayor
Andrew Clark, Mayor Pro Tem
Courtney Hohl, Council Member
Kevin Hight, Council Member
Andrew Rebber, Council Member
Andrea Willott, Council Member

City Staff:

Clint Garza, City Manager
Megan Santee, City Attorney
Kaylynn Holloway, City Secretary
Lindsey Oskoui, Assistant City Manager
Brian Jones, Police Chief
Megan Will, Planning and Development Director
Kevin Sawtelle, City Engineer
Jenny Hoff, Communications Director
Dori Kelley, Communications Specialist

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 King at 6:00 p.m. on Tuesday, January 10, 2023.

Introduction of new City employees.

City Manager Clint Garza introduced Executive Assistant Rebecca Regueira, Court Clerk Laura De La Paz and IT Robert Rodriquez.

Citizen Comments.

Communication Specialist Dori Kelley updated the Council on the final numbers of the Ice-Skating Rink for this first season.

Communications Director Jenny Hoff spoke on the recognition of National Law Enforcement Day.

Discuss and consider approval of the minutes of the Regular Session conducted on December 13, 2022.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Hohl, to approve the minutes of the Regular Session conducted on December 13, 2022.

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

Voting Aye:	Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay:	None
Absent:	None

The motion carried 6-0.

Discuss and consider action on a recommendation of award of contract to Lake Flato Architects and authorize negotiations and execution of a contract by the Mayor for the Library Building Architectural and Design Services.

Mr. Garza presented this item.

MOTION: A motion was made by Mayor King, seconded by Council Member Rebber, to award a contract to Lake Flato Architects and authorize negotiations and execution of a contract by the Mayor for the Library Building Architectural and Design Services.

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

Voting Aye:	Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay:	None
Absent:	None

The motion carried 6-0.

Discuss and consider action on a recommendation of award of contract to Hoar Construction and authorize negotiations and execution of a contract by the Mayor for the Library Building Construction-Manager-at-Risk (CMAR).

Mr. Garza presented this item.

MOTION: A motion was made by Mayor King, seconded by Council Member Rebber, to award a contract to Hoar Construction and authorize negotiations and execution of a contract by the Mayor for the Library Building Construction-Manager-at-Risk (CMAR).

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

Voting Aye: Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay: None
Absent: None

The motion carried 6-0.

Discuss and consider action on Ordinance No. 496 calling a Bee Cave General Election for May 6, 2023.

Discutir y considerar tomar acción tocante la Ordenanza No. 496, una ordenanza para convocar la Elección General del 6 de Mayo, 2023.

City Secretary Kaylynn Holloway presented this item.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Hohl, to approve Ordinance No. 496 calling a Bee Cave General Election for May 6, 2023.

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

Voting Aye: Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay: None
Absent: None

The motion carried 6-0.

Discuss and consider action on the 2023 Joint Election Agreement and Election Services Agreement with Travis County.

Ms. Holloway presented this item.

MOTION: A motion was made by Mayor Pro Tem Clark, seconded by Council Member Rebber, to approve the 2023 Joint Election Agreement and Election Services Agreement with Travis County.

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

Voting Aye: Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay: None
Absent: None

The motion carried 6-0.

Discuss and consider action on the appointment of members to the Planning and Zoning Commission.

MOTION: A motion was made by Council Member Hohl, seconded by Council Member Rebber, to appoint Eric McKee to Position 1 on the Planning and Zoning Commission.

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

Voting Aye:	Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay:	None
Absent:	None

The motion carried 6-0.

MOTION: A motion was made by Mayor King, seconded by Mayor Pro Tem Clark, to appoint Julie DaSilva as an alternate to the Planning and Zoning Commission.

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

Voting Aye:	Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay:	None
Absent:	None

The motion carried 6-0.

Discussion and possible action on the City's policy related to responding to requests for information under the Texas Public Information Act.

The City Council and Staff discussed City policy and State law regarding requests for information under the Texas Public Information Act.

Carrell Killebrew, 5410 Great Divide Dr., spoke regarding the request for records that he submitted to the City.

No action was taken.

Executive Session:

The City Council closed the Open Session at 6:55 p.m. to convene in Executive Session.

At this point in the meeting, Mayor King publicly announced that a closed, executive session would be held and identified the section 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 regarding pending or contemplated litigation or a settlement offer, or on any matters 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 quorum of the City Council will be present for the executive session.

A. Consultation with Attorney regarding pending litigation styled *Goodwin v. Kara King, Mayor; Council members Andrea Willott, Jon Cobb, Andrew Clark, Kevin Hight and City of Bee Cave*.
B. Deliberation regarding the potential acquisition of real property for public purposes.

The City Council closed the Executive Session at 7:14 p.m. and reconvened in Regular Session.

Adjournment:

MOTION: A motion was made by Council Member Hight, seconded by Mayor Pro Tem Clark, to adjourn.

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

Voting Aye:	Mayor King, Mayor Pro Tem Clark, Council Members Hight, Hohl, Rebber and Willott
Voting Nay:	None
Absent:	None

The motion carried 6-0.

The City Council meeting adjourned at 7:15 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

_____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**5.B.**
Agenda Title:	**Consider approval of the Financial and Investment Reports. (Quarterly)**
Council Action:	**Consent**
Department:	**Finance**
Staff Contact:	**Administration**

1. INTRODUCTION/PURPOSE

The purpose of this agenda item is to provide a quarterly financial and investment report to Council as required by policy.

2. DESCRIPTION/JUSTIFICATION

a) Background

This finance and investment report provides information representing the 1st quarter of FY 2022-23 and for the period ending December 31st, 2022.

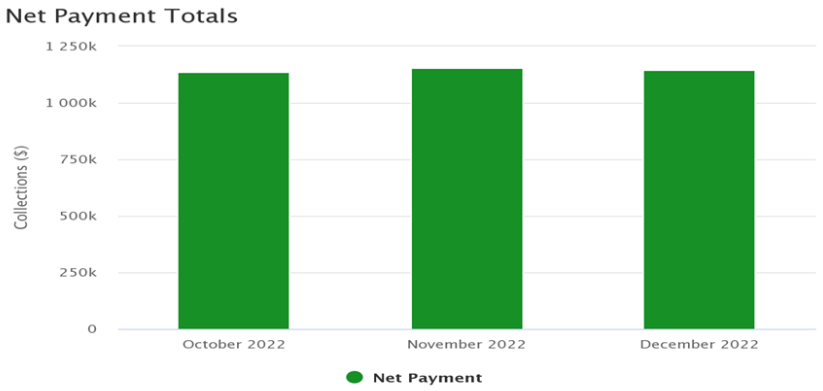
b) Issues and Analysis

General Fund Revenue:

REVENUE	FY 2022-23	FISCAL YTD
SALES TAX	$10,500,000	$2,578,905
MIXED BEVERAGE TAX	$110,000	$30,390
FRANCHISE FEES	$349,000	$46
BUILDING FEES	$310,000	$573,382
LIBRARY	$1,000	$337
INTEREST	$400,000	$297,772
MISCELLANEOUS	$2,500	$149,136
MUNICIPAL COURT	$225,000	$57,159
TOTALS	**$11,897,500**	**$3,687,127**

Revenue overall is currently at ~ 31% fiscal year to date.

Sales Tax Performance:



Sales Tax comparison year-over-year for the quarter represents an increase of ~1.14%.

Expenditures:

EXPENSE	FY 2022-23	FISCAL YTD

EXPENSE	FY 2022-23	FISCAL YTD
ADMINISTRATION	$1,036,687	$309,110
COMMUNICATIONS	$279,272	$45,310
CITY COUNCIL	$49,200	$4,158
LEGAL	$151,000	$5,475
NON-DEPARTMENTAL	$347,500	$124,823
INFORMATION TECHNOLOGY	$360,000	$61,229
LIBRARY	$1,016,928	$273,580
PARKS	$631,580	$85,701
FACILITIES	$0	$52,813
MUNICIPAL COURT	$323,820	$72,276
POLICE	$3,020,325	$654,370
PLANNING & DEVELOPMENT	$1,158,434	$274,173
CHAPTER 380 PYMNTS	$159,540	$0
TRANSFERS	$968,559	$0
TOTALS	**$9,502,845**	**$1,963,018**

Expenditures overall are currently at ~ 21% fiscal year to date.

Banking & Investments:

Account	Beginning Balance	Contributions	Withdrawals	Interest Earned	Avg Rate	Ending Balance
Bank Account (Wells Fargo- Pooled Cash)	$ 1,103,492.72	$ 5,528,912.17	$ (5,090,363.87)	$ 2,820.36	0.5800%	$ 1,542,041.02
Bank Account (Wells Fargo - CFR)	$ 1,700,500.84	$ 599.62	$ -	$ 2,499.33	0.5867%	$ 1,703,599.79
Bank Account (Wells Fargo - Savings)	$ 458,827.53	$ -	$ (459,022.40)	$ 194.88	0.5000%	$ -
Bank Account (Wells Fargo - Govt MM)	$ 59,406.29	$ -	$ -	$ 432.87	3.4300%	$ 59,839.16
Govt Pool (Texas Class)	$ 15,415,978.22	$ 2,000,000.00	$0.00	$ 153,194.02	3.8001%	$ 17,569,172.24
Govt Pool (Logic)	$ 12,791,005.47	$ -	$ -	$ 122,626.10	3.7931%	$ 12,913,631.57
Govt Pool (TexStar)	$ 1,045,587.58	$ -	$ -	$ 9,141.87	3.4600%	$ 1,054,729.45
Govt Pool (TexPool)	$ 774,048.69	$ -	$ -	$ 6,862.34	3.5082%	$ 780,911.03
Totals	**$ 33,348,847.34**	**$ 7,529,511.79**	**$ (5,549,386.27)**	**$ 297,771.77**	**3.5983%**	**$ 35,623,924.26**

Interest Earnings in our Wells Fargo Pooled Cash bank account are used to offset daily transaction activity. The Wells Fargo Savings Bank Account balance was transferred to Investment Pools. Also, the Wells Fargo CRF (Coronavirus Relief) Bank Account balance will be transferred in January to our existing Investment Pools. Both actions will result in better interest earning results as our investment pool interest rates are significantly outperforming those bank accounts.

3. FINANCIAL/BUDGET

Amount Requested	N/A	Fund/Account No.	N/A
Cert. Obligation	N/A	GO Funds	N/A
Other source	N/A	Grant title	N/A
Addtl tracking info		N/A	

4. TIMELINE CONSIDERATIONS

1st quarter of Fiscal Year 2022-23

5. RECOMMENDATION

Approve as submitted.

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**6.**
Agenda Title:	**Discussion and possible direction to amend the Unified Development Code to remove the 2000 ft. set back requirement for gas stations and setting a public hearing.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

To discuss and give direction to amend the Unified Development Code to remove the 2000 ft. set back requirement between gas stations and setting a public hearing.

2. DESCRIPTION/JUSTIFICATION

a) Background

Item requested by Mayor King.

Per the UDC, a gas station with or without Convenience Store may be allowed if the use adheres to the Conditional Standards of UDC Article 3, Section 3.4.8B.9 and a Specific Use Permit is approved. Section 3.4.8B.9(i) states, "A new Gas Station shall not be approved within two thousand feet (2,000') of an existing Gas Station."

b) Issues and Analysis

Staff has received requests from property owners to remove the 2000' setback requirement and simply allow City Council to hear future proposals on a case-by-case basis through the special use permit procedures.

If council wishes to amend the UDC, staff will publish notice and bring an item back for approval at a public hearing.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**7.**
Agenda Title:	**Presentation and update from the Southwest Travis County Groundwater Conservation District.**
Council Action:	**Update**
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

Rick Scadden, Board President of the SWTCGCD will present this item.

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**8.**
Agenda Title:	**Discuss and consider action on Ordinance No. 499, an ordinance setting the maximum speed limit on RM 2244, SH 71, and RR 620**
Council Action:	**Discuss and Consider Action**
Department:	**Engineering**
Staff Contact:	**Kevin Sawtelle, City Engineer**

1. INTRODUCTION/PURPOSE

In March of 2022, TxDOT concluded a speed study on Bee Cave Road (RM 2244) from State Hwy 71 (SH 71) to State Loop (SL) 360. As result of the findings, TxDOT is recommending reducing the speed limit from 55 mph to 50 mph for east and westbound traffic on Bee Cave Road from SH 71 to approximately 500 west of the intersection with Napa Drive (see attached TxDOT strip map. If the City of Bee Cave agrees with this assessment, TxDOT requests the City pass the attached Ordinance for this section through the city limits.

If Council decides to adopt this ordinance, Staff recommends including previously adopted ordinance prima facie speed limits for speed zones on RR 620, Ordinance No. 07-03-27-A, and SH 71, Ordinance No. 01-08-28 so that these ordinances are codified via an amendment to Municipal Code of Ordinances as described in this proposed Ordinance No. 499.

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends adoption of Ordinance No. 499.

ATTACHMENTS:

Description	Type
Ord. 01-08-28	Backup Material
Ord. 07-03-27-A	Backup Material
TxDOT Strip Map	Backup Material
Ordinance No. 499	Ordinance

ORDINANCE NO. 01-08-28

AN ORDINANCE OF THE VILLAGE OF BEE CAVE, TEXAS, ZONING FOR TRAFFIC AND RATE OF SPEED THEREIN, ON SH 71 IN THE VILLAGE LIMITS OF THE VILLAGE OF BEE CAVE; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; WITH A SAVING CLAUSE REPEALING CONFLICTING LAWS AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF BEE CAVE, TEXAS:

SECTION I

It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on those portions of SH 71 routed in the Village of Bee Cave, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit.

Speed Zone

FOR EASTBOUND TRAFFIC

Beginning at the west village limit of Bee Cave at milepoint 12.324 to milepoint 14.386, a distance of 2.062 miles, a prima facie maximum speed limit of 55 miles per hour.

From milepoint 14.386 to the east village limit of Bee Cave at milepoint 15.555, a distance of 1.169 miles, a prima facie maximum speed limit of 50 miles per hour.

FOR WESTBOUND TRAFFIC

Beginning at the east village limit of Bee Cave at milepoint 15.555 to milepoint 14.386, a distance of 1.169 miles, a prima facie maximum speed limit of 50 miles per hour.

From milepoint 14.386 to the west village limit of Bee Cave at milepoint 12.324, a distance of 2.062 miles, a prima facie maximum speed limit of 55 miles per hour.

SECTION II

That all of the streets of this village, and all portions of any such streets, are hereby declared to be public streets and that the driving or operating of any motor vehicle on or along any portion of any street of this village at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named "The Offense of Speeding" and that the said offense is punishable by a fine in any sum not to exceed Two Hundred dollars ($200.00), unless otherwise provided by statute. That the use of the word "Speeding" shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by Village Ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

That in prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it in substance alleges that the defendant did while driving a motor vehicle in said village commit the offense of "Speeding".

SECTION III

That should any section or any portion of any section hereof be decreed to be void, the invalidity of such section or such portion thereof shall not affect the validity of the remaining portions of this ordinance; and that each section and each portion thereof not decreed to be invalid shall remain valid and enforceable.

That all ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed.

That the fact that prompt action should be taken in the regulation of traffic, on the streets of this village, in the manner provided for in this ordinance creates an emergency requiring that the rules that provide that an ordinance shall be read at three separate meetings of the Board of Alderman before final passage, be suspended; and that the said rules are hereby suspended, and this ordinance is here and now passed, and that it is ordered that it take effect from and after its passage and publication.

PASSED AND APPROVED this the 28th day of August, 2001.

Caroline L. Murphy

Mayor Caroline Murphy
Village of Bee Cave

ATTEST:

Sherry Mashburn

Sherry Mashburn, City Secretary
[SEAL]

ORDINANCE NO. 07-03-27-A

AN ORDINANCE OF THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, ADOPTING SPEED ZONES FOR TRAFFIC ON RR 620 IN THE CITY LIMITS OF THE CITY OF BEE CAVE; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS THEREUNDER; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; REPEALER; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Bee Cave, Texas ("Council") seeks to provide for the orderly development and use of the streets, roadways and public rights-of-way; and

WHEREAS, the Council further seeks to provide for the free flow and the expeditious handling of traffic and the safety of persons and property; and

WHEREAS, the Council is authorized to regulate traffic pursuant to sections 542.201 and 545.356 of the Texas Transportation Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Prima Facie Maximum Speed Limits on RR 620.

(a) It is hereby determined upon the basis of an Engineering and Traffic investigation completed by the Texas Department of Transportation that the prima facie maximum speed limit on those portions of RR 620 routed in the City of Bee Cave, shall be as follows:

Speed Zone

FOR NORTHBOUND AND SOUTHBOUND TRAFFIC:

On RR 620 from mile point 0.024 (at SH 71 center line) to mile point 1.855 (at Aria Dr. center line), a distance of 1.831 miles, a prima facie maximum speed limit of 55 miles per hour.

SCHOOL SPEED ZONE:

On RR 620 from mile point 1.616 (1384FT north of Falconhead Blvd.) to mile point 1.855 (at northern city limit), a distance of 0.239 miles, a prima facie maximum speed limit of 35 miles per hour when flashing.

(b) All of the streets of this city, and all portions of any such streets, are hereby declared to be public streets, and driving or operating of any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance, shall be guilty of a misdemeanor, which is named, "The Offense of Speeding," and that the said offense is punishable by a fine in any sum not to exceed two hundred dollars ($200.00). The use of the word "speeding" shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by city ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

(c) In prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it in substance alleges that the defendants did while driving a motor vehicle in said city commit the offense of "Speeding."

Section 3. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 4. Repealer. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 6. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 27th day of March, 2007.

Caroline Murphy, Mayor
City of Bee Cave, Texas

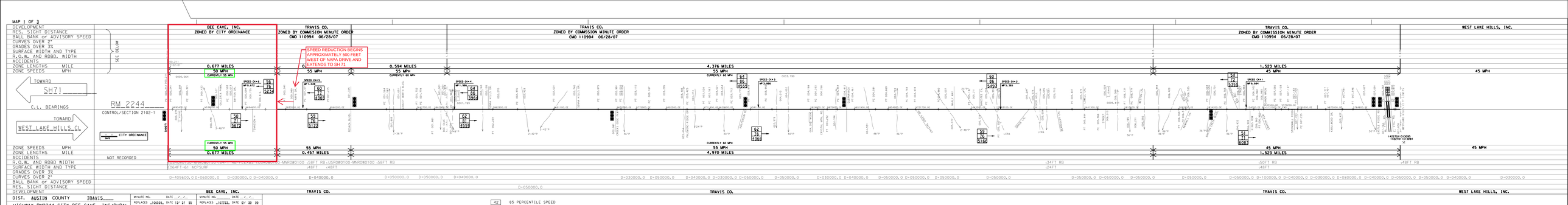
ATTEST:

Sherry Mashburn, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Bee Cave, Texas



DIST. AUSTIN COUNTY TRAVIS

HIGHWAY RM2244 CITY BEE CAVE, INC/RURAL

DATE OF SURVEY 04/01/21 SCALE 1" = 800'

MINUTE NO.	DATE
	/ /
REPLACES 1 06558	DATE 12 21 95
REPLACED BY	DATE / /
CANCELED BY	DATE / /

MINUTE NO.	DATE
	/ /
REPLACES 1 021752	DATE 02 20 99
REPLACED BY	DATE / /
CANCELED BY	DATE / /

LIMITS OF ZONE

	SECTION ONE	LENGTH 0.677 MILES		SECTION TWO	LENGTH 0.452 MILES		SECTION THREE	LENGTH 0.920 MILES		SECTION FOUR	LENGTH 1.523 MILES		SECTION FIVE	LENGTH 1.523 MILES	
	STA. OR M.P.	CONT. & SECT.	PROJECT	STA. OR M.P.	CONT. & SECT.	PROJECT	STA. OR M.P.	CONT. & SECT.	PROJECT	STA. OR M.P.	CONT. & SECT.	PROJECT	STA. OR M.P.	CONT. & SECT.	PROJECT
BEGINS	0.677	2102(2)2		0.677	2102(2)2		1.129	2102(2)2		1.929	2102(2)		6.853	2102(2)	
ENDS	0.677	2102(2)2		1.129	2102(2)2		1.929	2102(2)2		3.452	2102(2)		8.376	2102(2)	

42 85 PERCENTILE SPEED
62 TOP SPEED MEASURED
125 NUMBER OF CARS CHECKED

FATAL ACCIDENT
PERSONAL INJURY ACCIDENT
PROPERTY DAMAGE ACCIDENT

INDICATES SECTION ZONED BY COMMISSION MINUTE

SIGNALIZED INTERSECTION

* INDICATES CHECKS TAKEN

SPEED ZONE

(00) INDICATES DRIVE THROUGH SPEED DRIVE CONDUCTED BY:

rm2244zoxis.dgn

ORDINANCE NO. 499

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, AMENDING THE CITY OF BEE CAVE, TEXAS CODE OF ORDINANCES TITLE I GENERAL ORDINANCE, ARTICLE 18 TRAFFIC AND VEHICLES, ADDING PROVISIONS FOR SPEED LIMITS ON RR 620, SH 71 AND RM 2244; PROVIDING FOR A PENALTY FOR A VIOLATION AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED $200.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Bee Cave is a Texas Home-Rule Municipality and that the City has the exclusive control over and under the public highways, streets, and alleys within the City, as established by Texas Transportation Code, Section 311.001;

WHEREAS, the Texas Department of Transportation (TxDOT) conducted a Speed Study on RM 2244 and is recommending amending the prima facie speed limit in designated locations along RM 2244; and

WHEREAS, the City of Bee Cave staff concurs with the Texas Department of Transportation (TxDOT) and is recommending amending the prima facie speed limit in designated locations along RM 2244; and

WHEREAS, the City Council finds that the City of Bee Cave Code of Ordinances, Title I, Article 18 Traffic and Vehicles should be amended to add the prima facie speed limit along RM 2244 to protect the public health, safety and welfare; and

WHEREAS, the City has previously adopted by ordinance prima facie speed limits for speed zones on RR 620, Ordinance No. 07-03-27-A, and SH 71, Ordinance No. 01-08-28, and the City now desires to add these ordinances to the City's codified ordinances; and

WHEREAS, the City Council finds that it has the authority to amend and add the speed limits along RM 2244, RR 620 and SH 71 under Texas law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. It is hereby determined upon the basis of an Engineering and Traffic Investigation completed by the Texas Department of Transportation that the prima facie maximum speed limits on those portions of RM 2244, RR

620 and SH 71 in the City of Bee Cave, shall be as follows and the City of Bee Cave, Texas Code of Ordinances, Title I ("*General Ordinances*"), Article 18 ("*Traffic and Vehicles*"), is hereby amended by adding the following speed zones:

Speed Zone – RM 2244

EASTBOUND:

On RM 2244 under Control-Section 2102-01 starting from mile point 0.211 (SH 71) to mile point 0.888 (539 feet West of Napa Drive), a distance 0.677 miles, a prima facie speed limit of 50 miles per hour.

On RM 2244 under Control-Section 2102-01 from mile point 0.888 (539 feet West of Napa Drive) to mile point 1.939 (Bee Cave Eastern City Limits – 1,521 feet East of Ashley Worth Blvd.), a distance of 1.051 miles, a prima facie maximum speed limit of 55 miles per hour.

WESTBOUND:

On RM 2244 under Control-Section 2102-01 from mile point 1.939 (Bee Cave Eastern City Limits – 1,521 feet East of Ashley Worth Blvd.) to mile point 0.888 (539 feet West of Napa Drive), a distance of 1.051 miles, a prima facie maximum speed limit of 55 miles per hour.

On RM 2244 under Control-Section 2102-01 starting from 0.888 (539 feet West of Napa Drive) to mile point 0.211 (SH 71), a distance 0.677 miles, a prima facie speed limit of 50 miles per hour.

Speed Zone – RR 620

FOR NORTHBOUND AND SOUTHBOUND TRAFFIC:

On RR 620 from mile point 0.024 (at SH 71 center line) to mile point 1.855 (at Aria Dr. center line), a distance of 1.831 miles, a prima facie maximum speed limit of 55 miles per hour.

SCHOOL SPEED ZONE:

On RR 620 from mile point 1.616 (1384FT north of Falconhead Blvd.) to mile point 1.855 (at northern city limit), a distance of 0.239 miles, a prima facie maximum speed limit of 35 miles per hour when flashing.

Speed Zone – SH 71

FOR EASTBOUND TRAFFIC

Beginning at the west city limit of Bee Cave at mile point 12.324 to mile point 14.386, a distance of 2.062 miles, a prima facie maximum speed limit of 55 miles per hour.

From mile point 14.386 to the east city limit of Bee Cave at mile point 15.555, a distance of

1.169 miles, a prima facie maximum speed limit of 50 miles per hour.

FOR WESTBOUND TRAFFIC

Beginning at the east city limit of Bee Cave at mile point 15.555 to mile point 14.386, a distance of 1.169 miles, a prima facie maximum speed limit of 50 miles per hour.

From mile point 14.386 to the west city limit of Bee Cave at mile point 12.324, a distance of 2.062 miles, a prima facie maximum speed limit of 55 miles per hour.

Section 3. Violation. A violation of these provisions of the Code of Ordinances shall be a misdemeanor and shall, upon conviction, be fined an amount in accordance with Section 1.01.009 of the City's Code of Ordinances, as amended.

Section 4. Cumulative. This Ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Bee Cave except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed. This Ordinance shall not be construed to require or allow any act which is prohibited by state law.

Section 5. Severability. If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected herby, it being the intent of the City Council of the City of Bee Cave in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

Section 6. Effective Date. This ordinance shall be in full force and effect upon and after its date of adoption and publication in accordance with Section 10.02 of the City Charter.

Section 7. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED this _____ day of _____ 2023.

CITY OF BEE CAVE, TEXAS

By: _____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

_____
City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

DRAFT

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**9.**
Agenda Title:	**Discuss and consider action to appoint subcommittees for the Capital Improvement Projects.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza**

1. INTRODUCTION/PURPOSE

The purpose of this item is to provide council an opportunity to consider nomination of up to three (3) members to a Capital Improvements Plan Subcommittee.

2. DESCRIPTION/JUSTIFICATION

a) Background

The City's CIP was adopted in October 2021 after multiple discussions with Council and the Bee Cave Development Corporation. At that time $103M in projects ranging from trail connectivity, new facilities, to road improvements were identified in the Plan.

Staff has continued to slowly implement the plan through planning efforts, property acquisition, and procurement of design/construction teams. The team's experience in previous projects is that when elected officials participate, within reason, in more of the early phases of project development the final product is more representative of the community it's meant to serve and future related decisions come from a more informed place.

b) Issues and Analysis

At the January 10, 2023 Council meeting, staff proposed a future agenda item identifying members of Council to take a more direct and active role in implementation of the CIP, partnering with staff and consultants throughout each phase of the process. Though additional time commitments will be required of the officials, staff will ensure value by efficiently planning throughout the process.

Though the decision for which members of Council participate, if approved, staff recommends a subcommittee of the Mayor and two council members either for the CIP in general or setting up individual subcommittees based on project type (roads, trails, buildings, etc.)

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Nominate and take action on members of City Council to sit on CIP subcommittee(s).

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**10.**
Agenda Title:	**Discuss and consider action on Ordinance No. 497 calling a Special Election for May 6, 2023 to consider Home Rule Charter amendments.**
Council Action:	**Approve**
Department:	**City Secretary**
Staff Contact:	**Kaylynn Holloway, City Secretary**

1. INTRODUCTION/PURPOSE

The purpose of this item is to discuss and consider action on Ordinance No. 497 calling a Special Election for May 6, 2023 to consider Home Rule Charter amendments.

2. DESCRIPTION/JUSTIFICATION

a) Background

At the September 13, 2022 City Council meeting, city staff and council discussed proposing a minor amendment to the home rule charter.

b) Issues and Analysis

One proposition amending Section 4.02 of the Home Rule Charter is being proposed. The Ordinance is attached for review.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
Draft Ordinance No. 497	Ordinance

ORDINANCE NO. 497

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF BEE CAVE ON MAY 6, 2023 FOR THE PURPOSE OF AMENDING THE HOME RULE CHARTER; MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION; PROVIDING FOR AN ELECTION AGREEMENT WITH TRAVIS COUNTY; COMBINING OF THE GENERAL ELECTION IN CONJUNCTION WITH OTHER PARTICIPATING ENTITIES IN A JOINT ELECTION; PROVIDING EARLY VOTING POLLING PLACES, TIMES, AND DATES; AUTHORIZING QUALIFIED VOTER PARTICIPATION; REQUIRING NOTICE OF ELECTION TO BE POSTED IN ENGLISH AND SPANISH; PROVIDING FOR SELECTION OF ELECTION JUDGES AND CLERKS; PROVIDING FOR SEVERABILITY, OPEN MEETING, AND EFFECTIVE DATE

WHEREAS, the voters of the City of the City of Bee Cave, Texas (the "City") at an election held on May 11, 2013 adopted a Home Rule Charter; and

WHEREAS, the voters of the City of the City of Bee Cave, Texas (the "City") at an election held on May 7, 2016 approved amendments to the Home Rule Charter; and

WHEREAS, the voters of the City of the City of Bee Cave, Texas (the "City") at an election held on May 1, 2021 approved amendments to the Home Rule Charter; and

WHEREAS, the City finds it necessary and is authorized by state statute to hold a special municipal election on the next uniform election date, to wit, May 6, 2023 for the purpose of amending the home rule charter; and

WHEREAS, the City Council has made provision for the conduct of the Special Election to be conducted jointly with other political subdivisions in the area under the authority of Texas Election Code, Chapter 271; and

WHEREAS, The City has made provision to contract with Travis County to conduct the City's Special Election, pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code (the "Election Agreement"), jointly with other political subdivisions that hold elections on the same day in all or part of the same territory of the City, as authorized in Chapter 271, Texas Election Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS THAT:

Section 1: Date of Election. A Special Election shall be held in the City on the 6th day of May, 2023, which day is not less than Sixty-two (62) days from the date of the adoption hereof.

Section 2: Measures. The following measure amending the City Charter shall be submitted to the qualified voters of the City at the Special Election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

Measure A

SECTION 4.02 CITY MANAGER - DIRECTION AND SUPERVISION OF EMPLOYEES, NON-INTERFERENCE BY COUNCIL; APPOINTMENT AND REMOVAL OF DEPARTMENT HEADS

Except for the purpose of inquiries and investigations as provided by this Charter or as otherwise authorized by law, the City Council, the Mayor or its Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager through the City Manager. No Member of the Council, including the Mayor, shall give orders to any subordinate of the City Manager, either publicly or privately, unless specifically authorized by the City Manager in writing. It shall be permissible for a subordinate of the City Manager to answer questions and communicate information to a member of the Council provided that such questions and information are also made known to the City Manager. Neither the Council, the Mayor, nor any of its Members shall direct the appointment of any person to office by the City Manager or by any of his/her subordinates. The City Manager shall be responsible for, and shall have the power to appoint, suspend, and/or remove all or any one of the heads of the departments of the City with the concurrence of the City Council, except as otherwise provided by this Charter.

Section 3: Propositions. The measure shall be placed on the ballot in the form of the following proposition:

Measure A shall be placed on the ballot in the form of the following proposition:

Proposition A

An amendment to the City's home rule charter clarifying the process for orders between Council and staff under the supervision of the City Manager.

FOR_____ AGAINST_____

Section 4: Joint Election, Election Services Agreement, Use of Electronic Voting System and Authorization of Ballot. The election shall be held as a joint election pursuant to Texas Election Code Chapter 271 in conjunction with the City's General

election and elections which may be held on the election day by other political subdivisions (hereinafter "Participating Entities") under a Joint Election Agreement that was approved by the City Council.

Pursuant to Chapter 31 of the Texas Election Code, the City Council orders that the Election be conducted pursuant to an Election Services Agreement with Travis County Clerk which has been provided to the City Council and approved, and said agreement is incorporated herein as if fully set out.

An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for the Election and for early voting, by personal appearance and paper ballots for early voting mail.

Section 5: Election Day Precincts, Polling Places, Precinct Officials and Voting Times. The election precincts for this election shall be the Travis County Election Precincts wholly within the territorial limits of the City and the polling place established for each of these precincts shall serve as common polling places for the joint elections of the Participating Entities and they may be combined for the convenience of the voters. On Election Day, the polls shall be open from 7:00 AM. to 7:00 PM. The returns for precincts in Travis County will be provided by precinct for the general election and the Travis County Administrator shall tabulate and provide the election returns for the special election.

Section 6: Conduct of Election. The Travis County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement with the City; and the official ballots, together with such other election materials as are required by the Texas Election Code, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 7: Early Voting Polling Places, Times and Dates, Mail in Voting Procedures. Early voting for the election shall be conducted jointly with the Participating Entities in the joint election. Early Voting by personal appearance for the Election shall be conducted jointly at the locations and on the dates and times specified These Early Voting polling places shall be common polling places utilized by the City, the Participating Entities and Travis County, Texas. The main early voting polling place will be Travis County Airport Office, 5501 Airport Boulevard, Austin, Texas 78751. Early voting by personal appearance begins April 22, 2023 and ends on May 2, 2023.

The Regular Early Voting Clerk for voting by mail in the Election shall be the Bee Cave City Secretary. Applications from voters to vote early by mail in the Election shall be addressed to the Early Voting Clerk, 4000 Galleria Parkway, Bee Cave, Texas 78738. The Regular Early Voting Clerk for the City shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code and shall deliver all such applications to the Joint Early Voting Clerk as directed under the Joint Election Agreement.

Section 8: Qualified Voters and Conduct of Election. All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election,

such electors shall vote at the polling place designated for the City Election Precinct in which they reside or at any Voting Center if they are used during this Election. This election shall be held and conducted in accordance with the Texas Election Code, and as may be required by law, all election materials shall be printed in both English and Spanish.

Section 9: Notices. Notice of the election in English and Spanish, and as otherwise provided by law, shall be posted not later than the 21st day before Election Day, on the bulletin board used for posting notices of the meetings of the City Council of the City of Bee Cave and shall remain posted continuously through Election Day. Notice of the Election in English and Spanish shall also be given by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before Election Day in the official newspaper of the City.

Section 10: Election Materials and Supplies. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Agreement between the City and Travis County, the Travis County Elections Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Agreement. The Travis County Elections Officer shall give the notices required by the Texas Election Code and the Election Agreement to be given for the election.

Section 11: Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election precincts, the Presiding Judge of the Early Voting Ballot Board and the Central Counting Station Manager and Tabulation Supervisor shall be selected and appointed by Travis County and its appointees in compliance with the requirements of state law.

Section 12: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 13: Proper Notice and Open Meeting. The City Council officially finds, determines, and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon.

Section 14: Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 15: Effective Date. This Ordinance is effective immediately upon its passage and approval and publication as may be required by governing law.

PASSED AND ADOPTED this _____ day of January, 2023.

City of Bee Cave, Texas

_____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:

_____
City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**11.**
Agenda Title:	**Discussion and possible action to adopt Resolution No. 2023-01, a resolution of the City of Bee Cave, Texas, declaring its intention to reimburse project expenditures, including land acquisition costs, from the proceeds of tax-exempt obligations.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza**

1. INTRODUCTION/PURPOSE

The purpose of this item is to consider approval of a reimbursement resolution.

2. DESCRIPTION/JUSTIFICATION

a) Background

On October 26, 2021 City Council adopted a resolution expressing intent to reimburse up to $42,000,000 for expenditures related to the Capital Improvements Plan.

Council previously authorized staff to negotiate purchase of property related to implementation of the plan. The costs associated with this potential acquisition are not expected to exceed $2,000,000 which brings the total future eligible reimbursement to $44,000,000.

b) Issues and Analysis

Staff will track expenses related to all reimbursable costs for future action.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.

Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Approve resolution 2023-01.

ATTACHMENTS:

	Description	Type
🗋	Resolution	Backup Material

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**12.**
Agenda Title:	**Discuss and consider action on the legal services Request for Qualifications and/or in-house legal services.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza**

1. INTRODUCTION/PURPOSE

The purpose of this item is to discuss responses to the request for qualifications for legal services and allow further discussion of the potential in-house legal services.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council approved an RFQ for legal services on August 23, 2022. Responses were submitted in November. At the December 13, 2022 meeting, Council took no action on the responses but requested staff return with a discussion item to provide costs associated with potential creation of a staff City Attorney position to bring legal services in-house.

b) Issues and Analysis

Staff gathered some preliminary estimates for information and discussion purposes.

A breakdown of historic and potential expenses are below. *note: $121,235 of the FY '20 - FY '23 expenses are related to ongoing litigation and would not be included in duties assigned to in-house counsel.

In-House Estimate	One Time	Upfront	Annual
Building	$ 130,000.00		
Furniture	$ 8,000.00		
Technology		$ 7,000.00	$ 1,400.00
Lexis Nexis			$ 500.00

Westlaw			$ 500.00
Various Subscriptions			$ 1,000.00
Supplies			$ 500.00
Attorney			$ 180,000.00
Paralegal			$ 90,000.00
Total	$ 138,000.00	$ 7,000.00	$ 273,900.00

Historic Expenditures	Total
FY 2022 - FYTD	$ 10,591.00
FY 2021 - 2022	$ 198,622.00
FY 2020 - 2021	$ 293,356.00
FY 2019 - 2020	$ 205,155.00
Prior 3-year average	$ 232,378.00

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**13.**
Agenda Title:	**Discuss and consider action on an update to the hike and bike connectivity plan.**
Council Action:	**Discuss and Consider Action**
Department:	**Assistant City Manager**
Staff Contact:	**Lindsey Oskoui**

1. INTRODUCTION/PURPOSE

Amend the Connectivity Plan to reflect direction provided during the adoption process of the 2021 Capital Improvements Plan and for consistency with an application for grant funding.

2. DESCRIPTION/JUSTIFICATION

a) Background

Background on the Bee Cave Hike and Bike Connectivity Plan
The Bee Cave Hike & Bike Connectivity Plan, adopted by City Council in November 2016, is a guide to provide a safe, convenient, and functional transportation network throughout the City to satisfy regular travel and recreational needs for pedestrians and cyclists. The network is loosely configured as a hub and spoke system with a concentration of multi-use pathways in 'town center'—i.e. the Hill Country Galleria; the Shops at the Galleria; and the area identified in the City's Comprehensive Plan as the "Recreational Entertainment District," generally positioned west of RR 620, south of Bee Cave Parkway, and north of Little Barton Creek (inclusive of the forthcoming Village at Spanish Oaks project)—and 'spokes' out to the majority of residential neighborhoods, most of which were built with their own network of sidewalks.

The Connectivity Plan was most recently amended in April 2021.

Transportation Alternatives Grant
On December 2, 2022, the Texas Department of Transportation (TxDOT) announced a statewide Call for Projects for Transportation Alternatives Set-Aside (TA) Program funding. The TA program provides funding to plan for and construct a variety of alternative transportation projects that improve safety and mobility for non-motorized travelers and mitigate congestion by providing safe alternatives to motor vehicle transport. Through TxDOT's 2023 TA Call for Projects, the department will select projects for recommendation to the Texas Transportation Commission (commission) for current TA funds associated with available FY 2022-FY 2023 and anticipated FY 2024-FY 2025 federal appropriations under the Infrastructure Investment and Jobs Act (IIJA), totaling approximately $250 million.

This Call for Projects features a two-step application process. The Preliminary Application (Step 1) provides high-level proposed project information to determine eligibility and funding opportunities. Following successful completion of Step 1, a Detailed Application (Step 2) provides more comprehensive project information. This two-step approach is intended to enhance the quality of project applications and to foster communication between prospective project sponsors and TxDOT District staff. Both steps must be completed in order for a project to be considered for funding under this program call.

TxDOT's 2023 TA Program Guide and Preliminary Application (Step 1) are available on the department's website at: http://www.txdot.gov/inside-txdot/division/public-transportation/bicycle-pedestrian.html. TxDOT's 2023 TA Program Guide includes detailed information about eligibility requirements, specific procedures applicable to this Call for Projects, evaluation criteria, a map of the department's district offices, a list of the District TA Coordinators, and a list of virtual workshop dates for prospective project sponsors. The completed Preliminary Application must be received by TxDOT, via Box.com as outlined in the preliminary application instructions, no later than 5:00 p.m., CDT, on Friday, January 27, 2023. The Detailed Application (Step 2) will be posted on TxDOT's webpage on or about March 27, 2023.

b) Issues and Analysis

The Connectivity Plan was last updated in April 2021, ahead of and anticipation of discussions related to the City's current Capital Improvement Plan FY21-22 to FY 25-26, adopted in October 2021, which includes pedestrian related projects. During the course of Council discussions related to the CIP and, in July 2022, with the adopted of Ordinance 480 related to the Pearl project, there were some shifts in prioritization and direction related to pedestrian bridges. More specifically:

1) Council shifted the 'priority pedestrian bridge' from east of RR 620 between the Hill Country Galleria and Shops at the Galleria in the vicinity of 13001 SH 71 (aka the "Old Backyard" music venue) to approximately 1,600 feet west of RR 620 to cross between the forthcoming Village of Spanish Oaks and 13308 SH 71, (aka the City-owned "Revival tract" and forthcoming southern vehicular entrance to Bee Cave Central Park). **Two of the purposes of this amendment are to reflect this new above-grade crossing (See Label "A1" in attached "Proposed Changes" graphic), while simultaneously removing the on-grade crossing currently shown a few hundred feat to the east (See Label "A2").**

While still recognizing the need to improve pedestrian safety across SH 71 east of RR 620, Council discussed leaving the decision of a bridge in the original location versus a grade-level improvement at the intersection of SH 71 and Cross-Town Parkway to be determined at a future point in time, dependent on availability of funds TBD. **One of the purposes of this amendment is to provide the flexibility of the type of improved pedestrian crossing in this vicinity to on-grade OR above-grade. ("B")**

2) In its CIP discussion, Council earmarked funds for a second bridge, location TBD. With the adoption of the Pearl PDD Ordinance 480 in July 2022, that second location was solidified as being just north of the intersection of RR 620 and Bee Cave Pkwy. **Two of the purposes of this amendment are to delete the on-grade crossing ("C1") and insert an above grade crossing north of the intersection ("C2").** Furthermore, Ordinance 480 amended the pedestrian plan of the preceding project to include a pedestrian path along its entire frontage on Bee Cave Pkwy. **One of the purposes of this amendment is to fill in this gap. ("D")**

Unrelated to the prompts above, but to reflect reality, **the last proposed amendment is the addition of an on-grade pedestrian crossing to the intersection of Bee Cave Pkwy and Willie Way, as it is part of**

the required infrastructure improvements in the Back Yard Site Plan. ("E")

Changes C2 and D are critical for the City to be competitive in its request to TxDOT for Transportation Alternative Funding; the scope of Bee Cave's application, which is still being prepared, includes the RR 620 pedestrian bridge, and several segments of path along Bee Cave Parkway, Tordera, and 2244 identified in the CIP--for a total of approximately $10 million.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

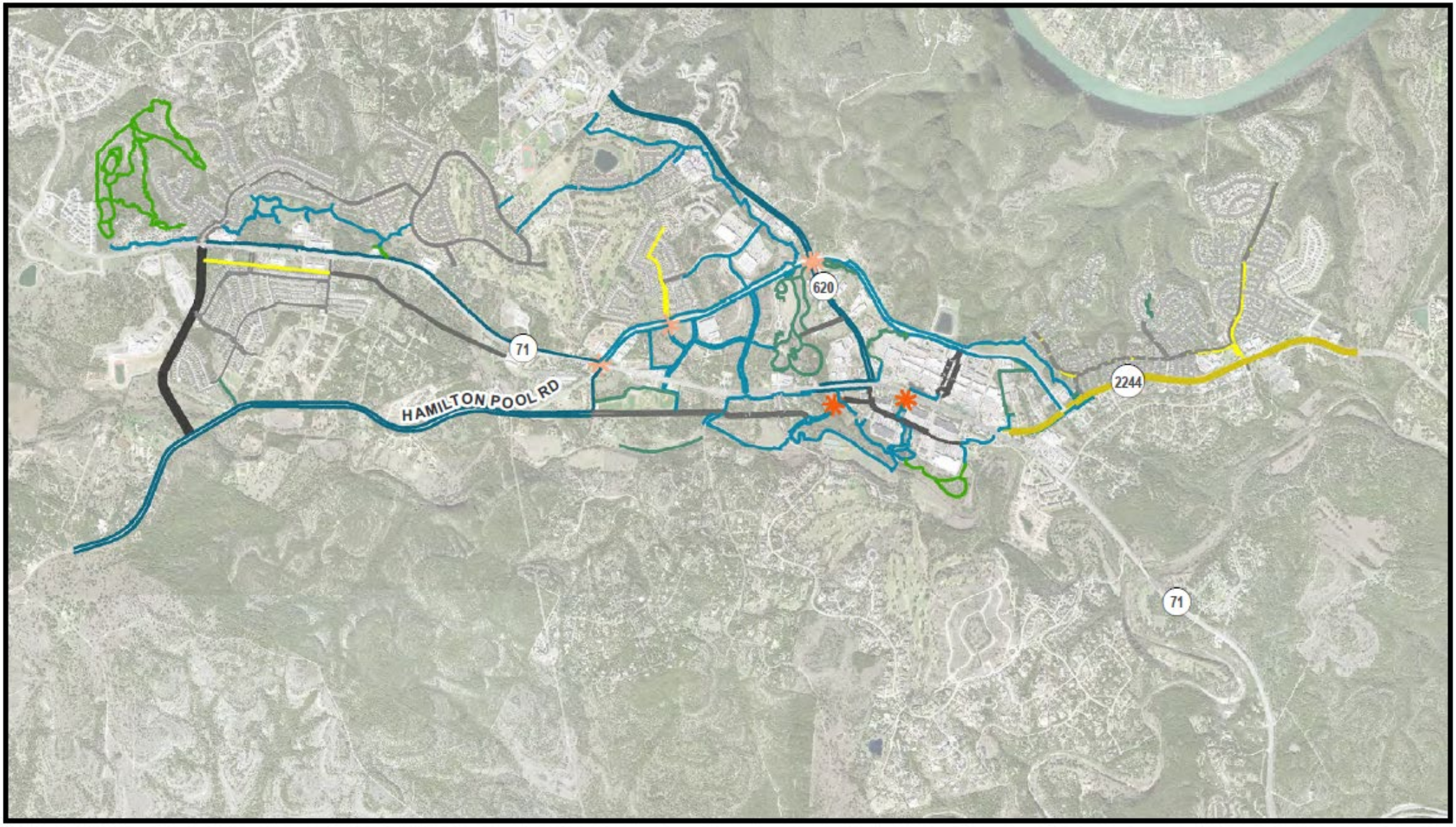
4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Approval of the proposed amendments to the Connectivity Plan.

ATTACHMENTS:

Description	Type
Adopted Connectivity Plan	Backup Material
Connectivity Plan Proposed Changes	Backup Material



Bee Cave Connectivity Plan

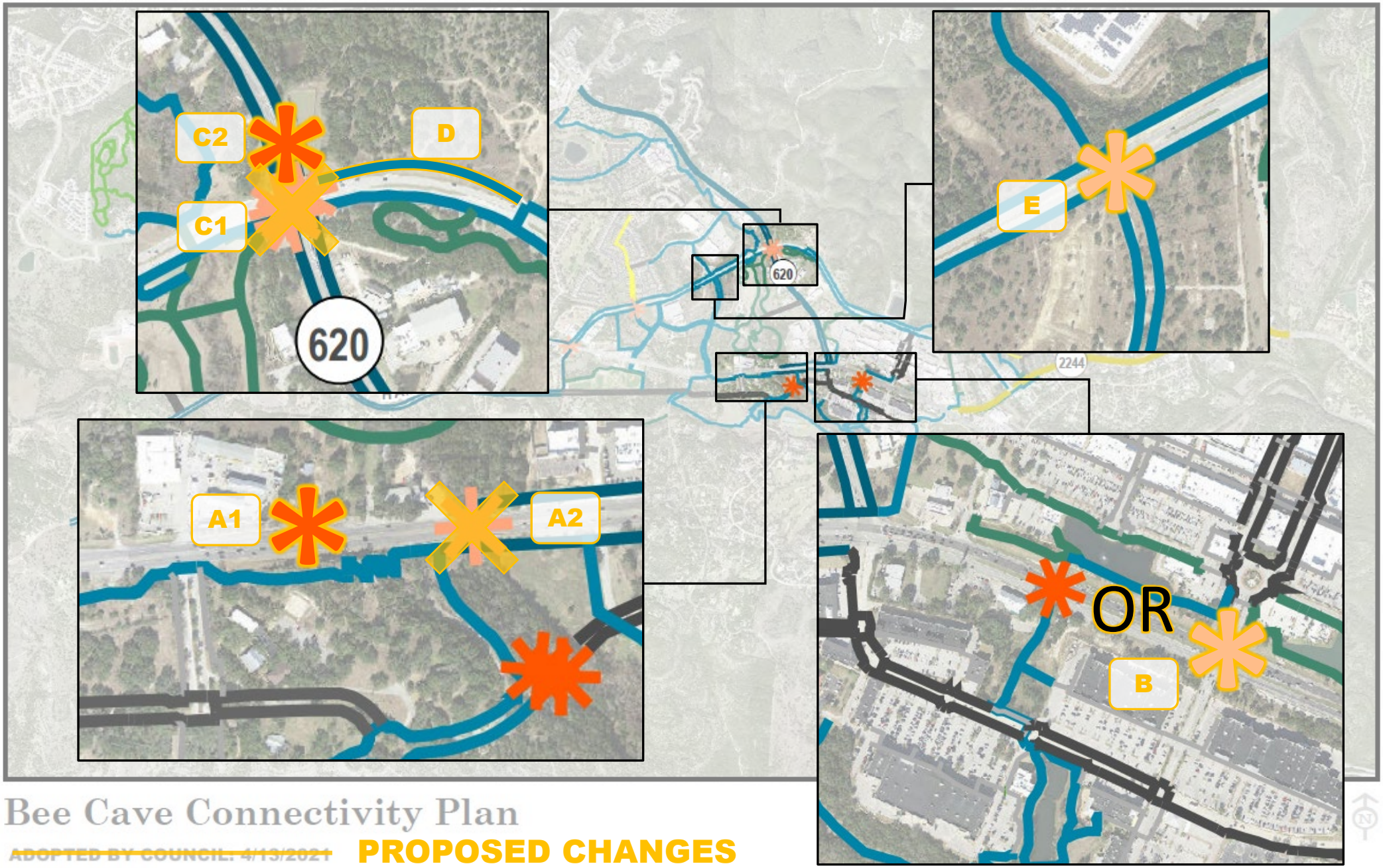
0 0.5 Miles

N

ADOPTED BY COUNCIL: 4/13/2021

Proposed Designation

- TXDOT Off-Grade Crossing; Off-Grade Crossing
- TXDOT On-Grade Crossing; Local Road On-Grade Crossing
- Primitive Recreational Trail
- Improved Recreational Path
- Shared Use Path
- TXDOT Shared Use Path
- Sidewalk - Primary Collector
- Sidewalk - Neighborhood Collector
- Sidewalk - Residential Collector
- Sidewalk - Local
- Bike Lane
- Bike Lane - Shared Shoulder



Bee Cave Connectivity Plan

~~ADOPTED BY COUNCIL: 4/13/2021~~ **PROPOSED CHANGES**

Proposed Designation

- TXDOT Off-Grade Crossing; Off-Grade Crossing
- TXDOT On-Grade Crossing; Local Road On-Grade Crossing
- Primitive Recreational Trail
- Improved Recreational Path
- Shared Use Path
- TXDOT Shared Use Path
- Sidewalk - Primary Collector
- Sidewalk - Neighborhood Collector
- Sidewalk - Residential Collector
- Sidewalk - Local
- Bike Lane
- Bike Lane - Shared Shoulder

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**14.**
Agenda Title:	**Discuss and consider action on the appointment of a member to the Planning and Zoning Commission.**
Council Action:	**Appoint member**
Department:	**City Secretary**
Staff Contact:	**Kaylynn Holloway, City Secretary**

1. INTRODUCTION/PURPOSE

To discuss and consider action on the appointment of a member to the Planning and Zoning Commission.

2. DESCRIPTION/JUSTIFICATION

a) Background

Ordinance No. 16 establishing the terms and composition of members of the P&Z was adopted on January 27, 2009. Positions 1 – 5 are the nomination of a Council Member and the term runs with that Council person. Position 6 is the nomination of the Mayor and runs with her term. Position 7 is a consensus of the Council with the term running with the Mayor's.

Ordinance No. 418, adopted November 2019, allows for the appointment of two alternates. The alternates are a consensus of the Council with the term running with the Mayor's.

b) Issues and Analysis

The Commission currently has one vacancy for an alternate position. Alternate positions are the consensus of Council with a term that expires in June 2024.

Please see the attached P&Z Roster. We have received one application. It is attached.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
V. Loomer application	Backup Material
Roster of Members	Backup Material

City of Bee Cave

Application for Planning & Zoning Commission

Additional Supplemental Application Form Required

We strongly encourage that a brief resume be submitted along with the application.

Name: Valorie Loomer
E-mail: valorieloomer@gmail.com
Address: 12006 Colleyville Drive, Bee Cave, TX 78738
How Long? 4 ½ years

Phone (Home): 202-316-4307
(Work): 202-316-4307

Registered Voter x Yes No **Certificate Number:** _____

Occupation, Experience/Degrees Held? _____

Why do you want to serve on this group? I'm an Austin area native, and I love our city of Bee Cave. I have a long history of leadership and service in the public and private sectors, and I am passionate about being more involved in local government.

Do you have any potential conflicts of interest? No. Besides being a private homeowner in Bee Cave, neither me nor my husband have any commercial interests related to building or development in the city, and we have no contracts related that would be of any conflict with the city.

Do you have any related experience? Yes, I have been involved in city planning and zoning initiatives in Delray Beach, Florida, which was also a small village that became a larger city outside of Palm Beach. I have had Board positions in several Homeowner's and Property Owner's Associations in Texas. I have led the planning and development work of ranch and rural properties in Mason, Texas and Adkins, Texas.

What do you feel you have to offer this group? I believe I bring a wide variety of experiences and an open minded perspective to the group. I am a longtime Texan and Austin area native, but I have also travelled to and lived in other cities across the world and across the US for almost 20 years before returning to the Austin area in 2018. I've lived in small villages outside of London and Frankfurt, and I have been a part of well planned growth in various charming small cities outside of major cities in the US, including: Reston, Virginia (outside of Washington, DC); Newport Beach, CA (outside of Los Angeles, CA), Delray Beach, FL (between Fort Lauderdale and Palm Beach, FL). I am also a former Texas teacher and administrator (in Round Rock ISD and Austin ISD), so I believe I bring that perspective to the group, when it comes to planning and zoning related to school district development projects. I am a rural landowner with cattle in Texas, so I also understand the needs and challenges of rural property owners. I have also been an investor in and CEO of private equity based companies in Texas, so I have experience working with venture capital firms, private equity investors, family offices, and wealth management firms. I am also passionate about the arts and music, which I believe is a cornerstone of Bee Cave's culture. My husband and I have an arts, education, and wellness foundation. We have donated to/supported the Zach theater in Austin, the Zilker Theater productions group, HAAM in Austin, and Safe in Austin, among other nonprofits in Bee Cave and in the Austin area. We have even hosted backyard music concerts in Bee Cave. I am also adept at reviewing policy, ordinances, covenants, contracts, and development/architectural plans and am able to read and analyze large volumes of information, see the interconnectedness of plans and ideas, and consider plans and projects from a wide variety of stakeholders.

TEXAS OPEN RECORDS ACT

Notice to Applicants: Once submitted, information contained in and included with this application is considered public record and must be

released if a request is made. According to Government Code Section 552.024 each employee or official of a governmental body and each former employee and official of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, and e-mail address. Each employee and official and each former employee and official shall state their choice to the City Secretary's office. Please indicate your decisions.

	ALLOW PUBLIC ACCESS (circle one)	
Home Address	X Yes	No
Home Phone Number	X Yes	No
E-mail Address	X Yes	No

Official Signature _____

Official Name (Please Print) **Valorie B. Loomer**

Date Submitted:
Received by:

Planning and Zoning Commission Supplemental Application

Once submitted, the information contained in this application is considered public record, and must be released to the public if request is made.

Name: V a l o r i e L o o m e r

Please fill out the following supplemental application and return to the City Secretary, along with the Committee Application.

In order to understand and contribute to issues faced by the Planning and Zoning Commission, members must have background knowledge of the governing City Ordinances and some corollary experience. The following questions are designed to help us identify skills that will be of benefit to the Commission. Please note proficiency in all of the areas is not required.

1) Please rank your proficiency in the following areas by placing a check mark in the column that best describes your experience level:

	No Experience	Some Experience	Proficient Proficient	Moderate Proficiency	Very Proficient	Proficiency Expert
Familiarity with the City		x				
Ordinances:						
Comprehensive Zoning		x				
Ordinance			x			
Comprehensive Land Use			x			
Plan			x			
Subdivision Regulations		x				
Sign Ordinance		x				
Fence Ordinance		x				
Pathway Study		x				
Parkland Dedication		x				
Residential & Commercial			x			
Planning						
Map & Plat Interpretation		x				
Architectural Drawing			x			
Interpretation		x				
Project Evaluation			x			
Ordinance Development						
(Writing & Content)		x				
Ordinance Interpretation						
(Writing & Content)				x		
Planned Development						
Ordinance Interpretation			x			
(Writing & Content)			x			

2) Please tell us about your other community programs or committees that you have been involved with. Most recently, I have been an Uplands HOA Board Member (Bee Cave), BCMS PTO and Teacher Appreciation Committee member, LT Cav Band volunteer, YMSL member and volunteer,

3) Please tell us about applicable experience or certifications you have relevant to Planning & Zoning. I have experience with residential neighborhood covenant review and content development, rural land development, evaluating commercial building development, reviewing rezoning efforts for commercial development, and evaluating school development plans.

PLANNING AND ZONING COMMISSION (2022-2024)		
Name and Address	***Position/Term***	***Contact Information***
Eric McKee **Hohl**	Position 1 June 1, 2024	emckee@beecavetexas.gov
Steven Schmidt **Rebber**	Position 2/Vice Chair June 1, 2024	sschmidt@beecavetexas.gov
Kirk Wright **Clark**	Position 3/ June 1, 2023	kwright@beecavetexas.gov
Jerry Dike **Hight**	Position 4/ June 1, 2023	jdike@beecavetexas.gov
Rick Scadden **Willott**	Position 5/ June 1, 2023	rscadden@beecavetexas.gov
Lori Wakefield **King**	Position 6 June 1, 2024	lwakefield@beecavetexas.gov
Kit Crumbley **Consensus of Council/term with Mayor**	Position 7/Chair June 1, 2024	kcrumbley@beecavetexas.gov
Julie DaSilva **Consensus of Council/term with Mayor**	**ALTERNATE** June 1, 2024	jdasilva@beecavetexas.gov
Vacant **Consensus of Council/term with Mayor**	**ALTERNATE** June 1, 2024	

January 2023

The Commission meets the 1st and 3rd Tuesday of the month at 6:00 pm in the Council Chambers.

City Council Meeting
1/24/2023
Agenda Item Transmittal

Agenda Item:	**15.A.**
Agenda Title:	**Deliberation regarding the potential acquisition of real property for public purposes**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

City Council Meeting
1/24/2023
Agenda Item Transmittal