AGENDA

Regular Meeting

City Council

Tuesday, May 9, 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. Administer Oath of Office and issue Certificates of Election.
5. Discuss and consider action on the selection of a Mayor Pro Tem.
6. Recognition and Moment of Silence
7. 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.

8. Staff Comments

Each department of the city may present a monthly report to the City Council

on informational items only which do not require action. Each department may provide a monthly report regarding department operations and any noteworthy events for council.

a. City secretary report
b. Communications report
c. Financial report
d. Human Resources report
e. Library report
f. Parks and Facilities report
g. Planning and Development report
h. Police Department report
i. City Manager's office report

9. 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 April 25, 2023.
B. Consider action on Resolution No. 2023-08 granting authority to the City Manager to issue payments and sign necessary documents under schedule set forth in Chapter 380 Grant Agreement between Kent Sports Holdings, L.P., TCHMall Sports and the City of Bee Cave.
C. Proclamation recognizing National School Nurse Day on May 10, 2023.

10. Discuss and consider action on items related to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (Ta) Call for Projects
    a. Resolution No. 2023-09 Supporting City of Bee Cave's application.
    b. Authorizing the City Manager to sign a letter of commitment for the maintenance of improvements.

11. Discuss and consider action on new legislative bills filed.

12. Discuss and consider action on the contract with HDR.

13. Close Regular Meeting

14. 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

B. Consultation with Attorney regarding pending litigation styled Citizens for Preservation of The Brown Property v. City of Bee Cave.

C. Consultation with Attorney regarding legal issues and obligations contained within the Interlocal Agreements with Travis County, Lake Travis Independent School District and other related agreements regarding road and transportation obligations.

15. Close Executive Session

16. Open Regular Meeting

17. Consider action, if any, on Executive Session

18. 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 5th day of May, 2023 at 4:00 P.M. (Seal)

_____

Kaylynn Holloway, City Secretary

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**4.**
Agenda Title:	**Administer Oath of Office and issue Certificates of Election.**
Council Action:	
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

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**5.**
Agenda Title:	**Discuss and consider action on the selection of a Mayor Pro Tem.**
Council Action:	**Select Mayor Pro Tem**
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

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**9.A.**
Agenda Title:	**Consider approval of the minutes of the Regular Session conducted on April 25, 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 April 25, 2022	Backup Material

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
April 25, 2023

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Andrew Clark, Mayor Pro Tem
Kevin Hight, Council Member
Andrew Rebber, Council Member
Andrea Willott, Council Member

Absent:

Kara King, Mayor
Courtney Hohl, Council Member

City Staff:

Clint Garza, City Manager
Kaylynn Holloway, City Secretary
Lindsey Oskoui, Assistant City Manager
Ryan Henry, City Attorney
Brian Jones, Police Chief
Kevin Sawtelle, City Engineer
Amanda Padilla, Sr. Planner
Jenny Hoff, Communications Director
Dori Kelly, Communications Specialist
Lanie Marcotte, Parks and Facilities Director
Anna Jensen, Administrative Coordinator
Rebecca Regueira, Executive Assistant

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 Pro Tem Clark at 6:00 p.m. on Tuesday, April 25, 2023.

Citizen Comments.

There were not any citizen comments at this time.

Staff Comments.

Sr. City Planner Amanda Padilla reported that the City of Bee Cave is officially designated as a Dark Sky community.

Consent Agenda.

A. **Consider approval of the minutes of the Regular Session conducted on April 11, 2023.**
B. **Consider approval of the Library Annual Report.**
C. **Consider approval of Proclamation for Air Quality Awareness for the week of May 1 through May 5, 2023.**

MOTION: A motion was made by Council Member Willott, seconded by Council Member Rebber, to approve the consent agenda items A-C.

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

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

The motion carried 4-0.

Discuss and consider appointing Rebecca Regueira and Crystal Jaime as Deputy City Secretaries.

MOTION: A motion was made by Council Member Rebber, seconded by Council Member Hight, to appoint Rebecca Regueira and Crystal Jaime as Deputy City Secretaries.

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

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

The motion carried 4-0.

Public Hearing, discussion and possible action on Ordinance No. 507 authorizing an amendment to Ordinance 454 a Conditional Use Permit for "Kennels" and "Veterinarian (Indoor Kennels)" located at 15839 West State Highway 71, Bee Cave, Texas.

Ms. Padilla presented this item. The amendment would amend condition 13 within Ordinance 454 to add an additional three (3) feet of fence to the five (5) foot tall exercise yard fence, with two (2) feet four (4) inches of board and batten on top of five (5) feet eight (8) inches of stone wall.

Mayor Pro Tem Clark opened the public hearing at 6:08 p.m.

There being no person wishing to provide public testimony, the public hearing closed at 6:09 p.m.

MOTION: A motion was made by Council Member Willott, seconded by Council Member Hight, to approve Ordinance No. 507 authorizing an amendment to Ordinance 454 a Conditional Use Permit for "Kennels" and "Veterinarian (Indoor Kennels)" located at 15839 West State Highway 71, Bee Cave, Texas.

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

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

The motion carried 4-0.

Update from Council Member Rebber on the Travis County Citizens Bond Advisory Commission's progress.

Mayor Pro Tem Clark reported that the Bond Advisory Commission would hold an outreach in Bee Cave on Wednesday, May 3rd and will be led by Commissioner Howard.

Discuss and consider action on a Chapter 380 Grant Agreement between Kent Sports Holdings, L.P., TCHMall Sports and the City of Bee Cave.

City Manager Clint Garza presented this item.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Rebber, to approve the Chapter 380 Grant Agreement between Kent Sports Holdings, L.P., TCHMall Sports and the City of Bee Cave and authorize either the Mayor or City Manager to execute the Chapter 380 Grant Agreement when it is complete.

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

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

The motion carried 4-0.

Discussion and update on new legislative bills filed.

City Attorney Ryan Henry reviewed the current list of bills filed.

Executive Session:

The City Council closed the Open Session at 6:20 p.m. to convene in Executive Session.

At this point in the meeting, Mayor Pro Tem Clark 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. Deliberation regarding the potential acquisition of real property for public purposes.
B. Consultation with Attorney regarding pending litigation styled *Citizens for Preservation of The Brown Property v. City of Bee Cave*.

The City Council closed the Executive Session at 7:02 p.m. and reconvened in Regular Session.

Adjournment:

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

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

The motion carried 4-0.

The City Council meeting adjourned at 7:02 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

_____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**9.B.**
Agenda Title:	**Consider action on Resolution No. 2023-08 granting authority to the City Manager to issue payments and sign necessary documents under schedule set forth in Chapter 380 Grant Agreement between Kent Sports Holdings, L.P., TCHMall Sports and the City of Bee Cave.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

The purpose of this item is to continue implementation of the 380 agreement approved by City Council on April 11, 2023.

2. DESCRIPTION/JUSTIFICATION

a) Background

If approved, the resolution will authorize the City Manager to execute the agreement and authorize payments consistent with performance metrics located within the agreement.

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
🗋	Resolution	Backup Material

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY OF BEE CAVE APPROVING THE 380 AGREEMENT BETWEEN THE CITY OF BEE CAVE AND KENT SPORTS HOLDINGS, L.P. AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH AGREREMENT UPON ALL INFORMATION BEING FILLED IN AND ACCEPT COMPLETION OF BENCHMARKS AND ISSUE PAYMENTS WHICH ARE CONSISTENT WITH THE SCHEDULE CONTAINED WITHIN THE 380 AGREEMENT.

WHEREAS, the City of Bee Cave is a home rule municipality, which has codified its regulations and enforcement; and

WHEREAS, the City of Bee Cave City Council approved the essential terms of a 380 Agreement with Kent Sports, L.P. regarding approximately 19.178 acres of property within the City's jurisdiction; and

WHEREAS, the essential terms are triggered upon a sequence of events which has not yet occurred; and

WHEREAS, the City Council finds it would be inefficient to bring back the Agreement for signature once the sequence of events occurs, especially when the City Council has already approved the essential terms of the agreement; and

WHEREAS, the approved essential terms of the agreement contain grant payments at certain benchmark points as part of the agreement; and

WHEREAS, the City of Bee Cave recognizes the importance of effective and efficient decision-making in the pursuit of the city's goals and objectives; and

WHEREAS, the City of Bee Cave the City Manager is responsible for managing the day-to-day operations of the city, including the implementation of projects; and

WHEREAS, the City Council has determined that seeking approval from City Council for such benchmarks in order to obtain payment would cause delays and inefficiencies that would be detrimental to the City's goals and interests; and

WHEREAS, the City Council believes it is in the interest of good and efficient governance that the City Manager have authority to issue such grant payments as long as they are issued consistent with the Schedule of Grant Payments contained within the approved 380 Agreement.

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

1. **The City Manager is authorized to execute the 380 Agreement once all required blanks and information have been filled in by the other parties to the Agreement.**
2. **The City Manager is authorized to sign documents and make payments consistent with the approved 380 Agreement's schedule of payments upon triggering events contained within the Agreement.**
3. **This resolution shall take effect immediately upon adoption.**

DULY PASSED AND APPROVED, on the _____ day of _____, 2023 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF BEE CAVE, TEXAS

_____
Kara King, *Mayor*

ATTEST:

_____
Kaylynn Holloway, *City Secretary*

APPROVED:

_____
Ryan Henry, City Attorney

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**9.C.**
Agenda Title:	**Proclamation recognizing National School Nurse Day on May 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
Proclamation	Backup Material

CITY OF BEE CAVE

Proclamation

National School Nurse Day May 10, 2023

WHEREAS, students are the future and, by investing in them today, we are ensuring our world for tomorrow; and

WHEREAS, families deserve to feel confident that their children will be cared for when they are at school and all students have a right to have their physical and mental health needs safely met while in the school setting; and

WHEREAS, school nurses have served a critical role in improving public health and in ensuring student's academic success for more than 120 years and school nurses address the home and community factors that impact students' health; and

WHEREAS, school nurses are professional nurses that advance the well-being, academic success, and life-long achievements of all students by serving on the frontlines and providing a critical safety net for our nation's most fragile children; and

WHEREAS, school nurses act as a liaison to the school community, families, and healthcare providers on behalf of children's health by promoting wellness and improving health outcomes for our nation's children; and

WHEREAS, school nurses understand the link between health and learning and are in a position to make a positive difference for children every day.

NOW THEREFORE, BE IT RESOLVED that the **National Association of School Nurses** celebrates and acknowledges the accomplishments of school nurses everywhere and their efforts to meet the needs of today's students by providing and advocating for quality student-centered care and offers gratitude for the nation's school nurses, who contribute to our local communities by supporting students to stay healthy, in school, safe, and ready to learn, and keeping parents and guardians at work, not just on this **National School Nurse Day**, but in every opportunity throughout the year.

THEREFORE, I, Kara King, Mayor of the City of Bee Cave, and on behalf of the entire City Council, do hereby proclaim Wednesday, May 10, 2023, as "School Nurse Day" in Bee Cave, and commend its observance to all citizens.

Dated this 9th day of May, 2023.

_____

Kara King, Mayor
City of Bee Cave

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**10.**
Agenda Title:	**Discuss and consider action on items related to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (Ta) Call for Projects**
Council Action:	**Discuss and Consider Action**
Department:	**Assistant City Manager**
Staff Contact:	**Lindsey Oskoui**

1. INTRODUCTION/PURPOSE

Discuss and consider action on a "resolution of support by the governing body" and a letter of commitment to maintain improvements, both of which are required components of the City's forthcoming application for Transportation Alternatives grant funding.

2. DESCRIPTION/JUSTIFICATION

a) Background

The City is pursuing grant funding through TXDOT's Transportation Alternatives Grant Program for construction of a pedestrian bridge at the intersection of RR 620 and Bee Cave Parkway, Special Use Paths along Bee Cave Parkway and a sidewalk on Tordera Dr.

b) Issues and Analysis

As part of the application, the entity requesting the funding must provide a resolution of support by the governing body for the application and a commitment to maintain the improvements upon being funded. Regarding the latter, although the City may elect to enter into an agreement with the Economic Development Corporation for maintenance of the improvements because the EDC maintains nearby pedestrian infrastructure, staff recommends pursuing that later in order to meet the application deadline and avoid unnecessarily complicating our response on this component.

3. FINANCIAL/BUDGET

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

Addtl tracking info

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Authorize the Mayor and City Manager to execute the documents, as appropriate.

ATTACHMENTS:

Description	Type
Draft Resolution 2023-09 Letter of Support	Resolution Letter
Draft Letter of Commitment for Maintenance	Backup Material

RESOLUTION2023-09

A RESOLUTION SUPPORTING CITY OF BEE CAVE'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS

WHEREAS, the Texas Department of Transportation issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

WHEREAS, the TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Bee Cave would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE THAT: The City of Bee Cave supports funding this project as described in the 2023 TA Detailed Application (including the preliminary engineering budget, if any, construction budget, the department's direct state cost for oversight, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City of Bee Cave is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

DULY PASSED by majority vote of all members of the City Council of the City of Bee Cave on the 9th day of May, 2023.

_____	_____
(Print or type name of signatory 1)	(Print or type Name of signatory 2)
_____	_____
(Print or type Title of signatory 1)	(Print or type Title of signatory 2)
_____	_____
(Signatory 1)	(Signatory 2)

[DATE]

Texas Department of Transportation
Public Transportation Division

RE: TXDOT Transportation Alternatives City of Bee Cave Grant Application – Acceptance of Maintenance Responsibility

To the TxDOT Transportation Alternatives Selection Committee:

The entirety of the proposed Bee Cave Pkwy SUP project lies within City ROW, TxDOT ROW, easements granted to the City, and proposed City ROW. The City of Bee Cave hereby commits to be responsible for maintenance of the improvements included in the Bee Cave Pkwy SUP project.

Sincerely,

[signature]

Clint Garza

City Manager, City of Bee Cave, TX

4000 Galleria Parkway Bee Cave, Texas 78738
512/767-6675

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**11.**
Agenda Title:	**Discuss and consider action on new legislative bills filed.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

To discuss and consider action on new legislative bills filed.

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
5/9/2023
Agenda Item Transmittal

Agenda Item:	**12.**
Agenda Title:	**Discuss and consider action on the contract with HDR.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

The purpose of this item is to discuss the contract related to Great Divide Drive Low Water Crossing Improvements with HDR Engineering.

2. DESCRIPTION/JUSTIFICATION

a) Background

On September 9, 2021, City Council awarded the contract for the design of improvements to Great Divide Low Water Crossing to HDR.

On April 11, 2023 City Council was presented findings based on previous direction to design an improvement that conveyed a 10-year storm event and was approximately 100' in length. No formal action was taken at the April 11 discussion.

b) Issues and Analysis

When HDR was selected for design in September 2021, the direction provided in the request for qualifications was to design the aforementioned storm frequency and structure. Since that time, no other official action has been taken by Council.

HDR representatives will be present to discuss options.

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
🗋	ILA	Backup Material

ORIGINAL

INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF BEE CAVE FOR ROAD AND BRIDGE PROJECTS

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This Interlocal Agreement between Travis County and the City of Bee Cave for Road and Bridge Projects (the "Agreement") is made and entered into by the City of Bee Cave, a home rule municipal corporation with its offices located at 4000 Galleria Parkway, Bee Cave, Texas 78738, hereinafter referred to as the "City", and Travis County, Texas, a political subdivision of the State of Texas having a mailing address of P.O. Box 1748, Austin, Texas 78767, hereinafter referred to as the "County", and collectively the "Parties", each acting by and through its duly elected officials:

WITNESSETH:

WHEREAS, each city and county in Texas is responsible for providing for public health, safety, and welfare within its jurisdiction in the best manner it sees fit;

WHEREAS, the County proposed certain improvements to a low water crossing on a county road called Great Divide Road ("Great Divide"), which is shown on **Exhibit A**; and

WHEREAS, the City prefers that different improvements be made to Great Divide; and

WHEREAS, the City intends to assume jurisdiction and responsibility over Great Divide by annexing it and then constructing its alternative improvements; and

WHEREAS, the City and County desire the County to enter into an agreement with the Lake Travis Independent School District (the "District") for construction of a bridge and roadway (the "Vail Divide Southern Extension") between Hamilton Pool Road and Highway 71, as shown on **Exhibit B,** to provide access to a new District school currently under construction; and

WHEREAS, while most of the Vail Divide Southern Extension right of way is outside the City's city limits, a portion of that right of way, as described and depicted in **Exhibit C**, is in the city (the "City Roadway Portion"); and

WHEREAS, the City Roadway Portion may need to be disannexed to allow the County to pay for construction of that part of the Vail Divide Southern Extension; and

WHEREAS, the County and the City can each take certain actions that will expedite the other Party's road improvement project and thereby serve and benefit the citizens of both jurisdictions; and

WHEREAS, the City and the County intend to conform this Agreement in all respects to

TEX. GOV'T CODE § 791.001 et. seq., as amended, more commonly known as "The Interlocal Cooperation Act."

NOW, THEREFORE, it is mutually agreed as follows:

I.
TERM OF AGREEMENT.

The term of this Agreement shall commence on the date of approval of this Agreement by the County and the City and shall continue in full force and effect until the City has successfully annexed Great Divide and, if necessary, de-annexed the City Roadway Portion and the Vail Divide Southern Extension and alternative improvements to Great Divide have been constructed.

II.
RIGHTS AND RESPONSIBILITIES OF THE PARTIES

This Agreement shall govern the procedure by which the County and City intend to exchange jurisdiction over Great Divide and the City Roadway Portion and the jurisdiction of the City over construction of the Vail Divide Southern Extension project.

A. As a tier 2 city, annexation of Great Divide by the City is subject to Local Gov't Code Section 43.1055, which provides that a tier 2 city may annex a road or right of way upon the request of the governing body of the political subdivision that maintains the road or right of way. In such case the annexation procedure is the process applicable to a tier 1 city. The County agrees within 14 days from the effective date of this Agreement to place and consider an item on the Commissioner's Court agenda to request that the City of Bee Cave annex Great Divide.

B. The City will within 14 days from receipt of the County's request for the City to annex Great Divide, place an item on the agenda for the next regular council meeting of the Council of the City to consider adoption of an ordinance to commence the annexation process for Great Divide. If such ordinance is approved, the City will thereafter follow the annexation procedures and conduct public hearings as provided by Chapter 43 of the Local Gov't Code. Upon completion of the public hearings and other requirements set out in Chapter 43, the City shall place an item on the City's agenda to consider adoption of an Ordinance annexing Great Divide.

C. Pursuant to Section 43.142 of the Local Gov't Code, a home-rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality. The City hereby agrees that within thirty days of receipt of a request from the District to place an item on the agenda for a council meeting of the Council of the City to initiate disannex of the City Roadway Portion as depicted in Exhibit "C".

D. In exchange for the County and the School District constructing the Vail Divide Southern Extension, the City hereby agrees to defer its regulatory oversite for

construction and approval of the Vail Divide Southern Extension project to the authority and regulations of the County. No permits or other approvals of the City shall be required for construction of the Vail Divide Southern Extension.

E. Within 90 days from the date of the annexation of Great Divide, the City agrees to retain an engineering firm to study Great Divide and provide recommendations to the City regarding possible bridge solutions to replace the low water crossing with a bridge and possibly establishing a secondary emergency access route other than Great Divide (the "Alternative Improvements").

F. Within 90 days from the date that the engineering firm provides recommendations regarding possible bridge solutions, the Council of the City will consider and make appropriate decisions regarding the most cost-effective solution to replace the low water crossing with Alternative Improvements.

G. Within six months from the date that the City makes a decision regarding the appropriate solution for a bridge, the City will retain an engineering firm to design the Alternative Improvements.

H. Within 90 days from the completion of the design, the City will commence the procurement process for construction of the Alternative Improvements that have been selected. Construction shall be commenced and completed as soon as reasonably possible and subject to appropriations by the City.

I. Prior to hiring an engineering firm, the City will consider a budget amendment for the current fiscal year to include the costs of the engineering study and the design of the Alternative Improvements. Prior to commencing the procurement process for construction, the City shall consider as part of its budget process for fiscal year 2019-2020 the costs associated with construction of a bridge and any professional services needed to complete design or support construction. Funds may be budgeted from the City's general fund, or a special fund may be set up, or the City may consider issuance of bonds for the bridge project, or any other legally available source of revenue.

J. Upon the City's annexation of Great Divide, the County agrees to in good faith negotiate and within 90 days enter into an agreement with the School District for the design and construction of the Vail Divide Southern Extension in an amount sufficient to cover design and construction costs of the Vail Divide Southern Extension.

K. County agrees to in good faith and diligently pursue completion of the Vail Divide Southern Extension construction which is estimated to be completed on or before May 2022.

III.
CITY REPRESENTATIVES.

The Council of the City hereby designates the City Manager to serve as the representative for

the City under this Agreement. The City Manager shall be responsible for notifying the County regarding the performance of the City regarding the matters set forth herein and providing the County with notice of meetings of the City in which matters covered by this Agreement are to be considered.

IV.

COUNTY REPRESENTATIVE.

The County hereby designates the County's Public Works Director to serve as the representative for the County under this Agreement. The County's Public Works Director shall be responsible for notifying the City regarding the performance of the County regarding the matters set forth herein and providing the City with notice of meetings of the County in which matters covered by this Agreement are to be considered.

V.

FORCE MAJEURE.

In the event that the performance by the County or the City of any of its obligations or undertakings hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God, or the common enemy, or the result of war, riot, civil commotion, sovereign conduct, or the act or conduct of any person or persons not a party or privy hereto, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

VI.

VENUE AND CHOICE OF LAW.

THE OBLIGATIONS AND UNDERTAKINGS OF EACH OF THE PARTIES TO THIS AGREEMENT SHALL BE PERFORMABLE IN TRAVIS COUNTY, TEXAS, and this Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

VII.

ENTIRETY OF AGREEMENT AND MODIFICATION.

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any prior Agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing signed by the party to be charged and expressly authorized by the governing body of such party. NO OFFICIAL, REPRESENTATIVE, EMPLOYEE, OR AGENT OF THE COUNTY OR THE CITY HAS ANY AUTHORITY TO MODIFY OR AMEND THIS AGREEMENT EXCEPT PURSUANT TO SPECIFIC AUTHORITY TO DO SO GRANTED BY THE COMMISSIONERS COURT OF THE COUNTY OR THE COUNCIL OF THE CITY, AS APPLICABLE.

VIII.
NON-ASSIGNMENT OF RIGHTS.

No assignment of this Agreement or of any right accruing hereunder shall be made in whole or in part by the City or County without the prior mutual consent of the County and the City.

IX.
SUCCESSORS AND ASSIGNS.

This Agreement shall be binding upon and inure to the benefit of the successors, successors in office, and assigns of the respective parties hereto.

X.
NOTICE.

Any notice to be given hereunder by either party to the other shall be in writing and may be effected by personal delivery in writing or registered or certified mail, return receipt requested when mailed to the proper party, at the following addresses:

CITY:

Mayor Monty Parker
4000 Galleria Parkway
Bee Cave, Texas 78738

With copy to:

Clint Garza
City Manager
4000 Galleria Parkway
Bee Cave, Texas 78738

Patty Akers
City Attorney
13625 Pond Springs Rd, Suite 204
Austin, Texas 78729

COUNTY:

County Judge Sarah Eckhardt
P.O. Box 1748
Austin, Texas 78767

with copy to:

David Escamilla
Travis County Attorney's Office
P.O. Box 1748
Austin, Texas 78767

Attn: File No. 291.903

Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

XI.
MEDIATION

When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator or someone appointed by a court of competent jurisdiction for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

XII.
NO RIGHTS OF THIRD PARTIES

Third Party Rights Not Created. This Agreement is not intended to and shall not be construed to create any rights or remedies in any person or legal entity that is not a party to this Agreement and the Parties are not waiving any defense or immunity to which they are entitled against any person or legal entity that is not a party to this Agreement.

DATED this 18 day of JUNE, 2019.

TRAVIS COUNTY, TEXAS

By: _____
Sarah Eckhardt
County Judge

CITY OF BEE CAVE

By: Monty Parker
Monty Parker
Mayor

708934

Attest:

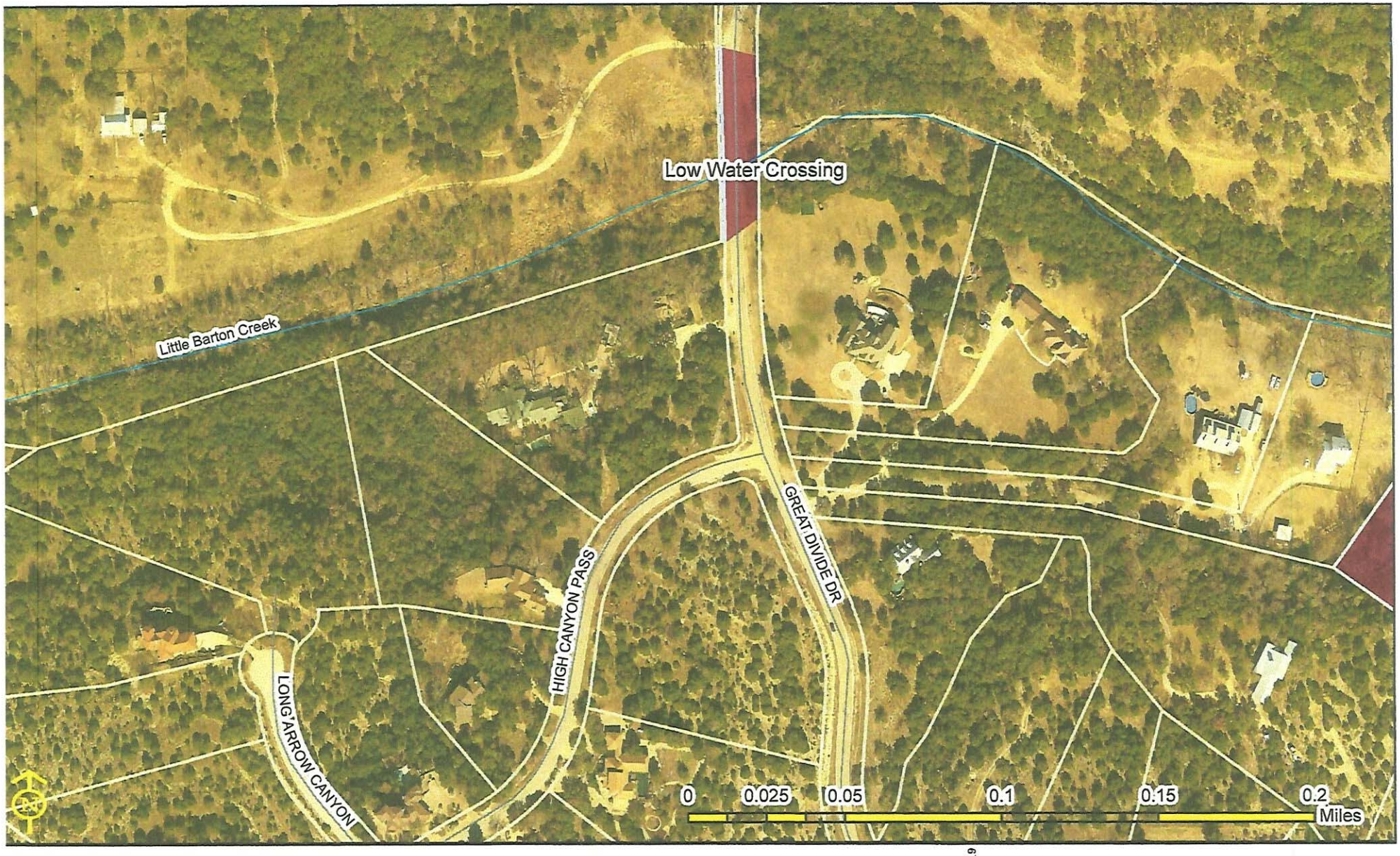
Kaylynn Holloway, City Secretary

Approved as to Form:

City Attorney

708934

Exhibit A
Great Divide Low Water Crossing



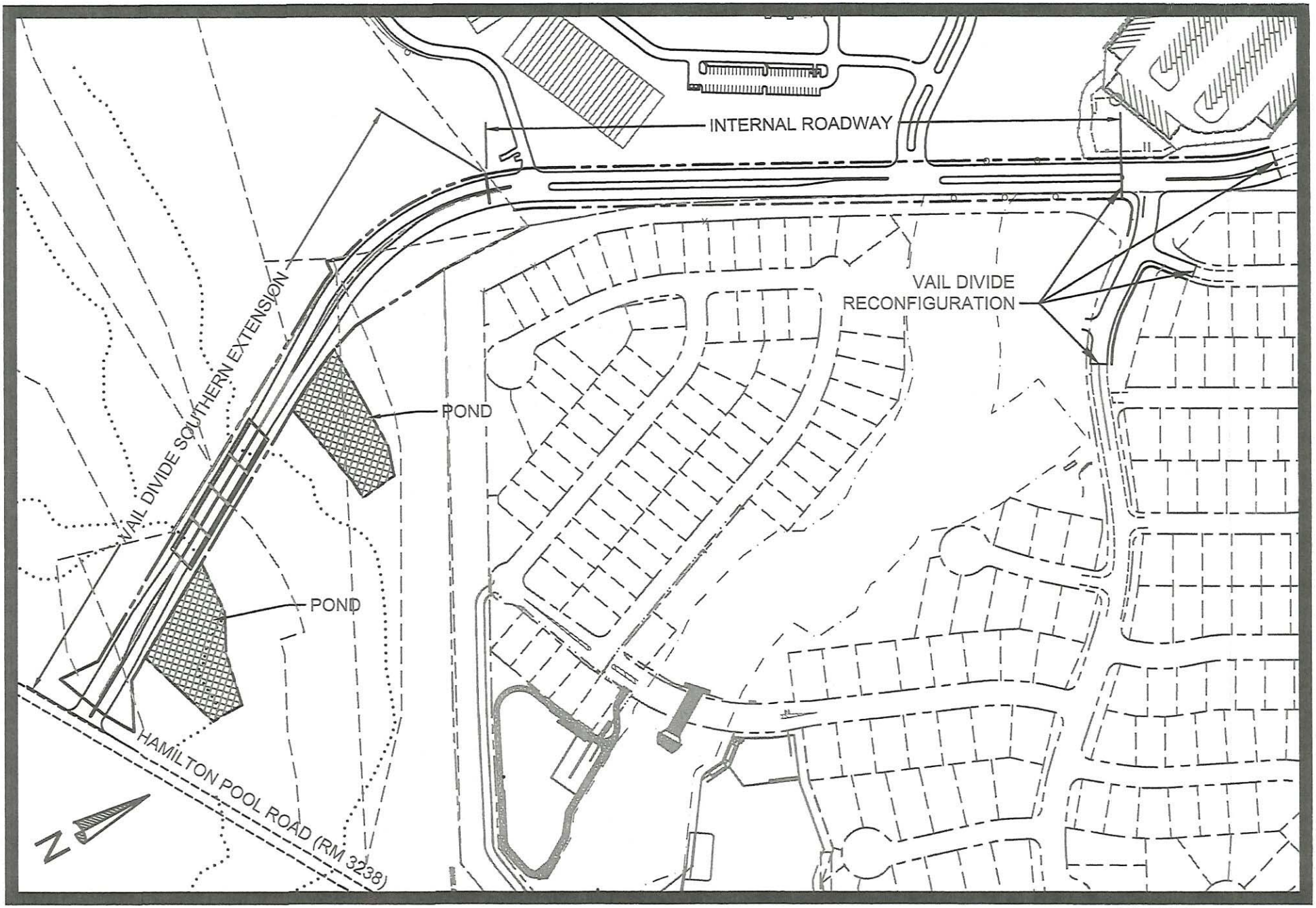
06.11.2019

Exhibit A

Legend

- Bee Cave Corporate Limits
- Bee Cave ETJ
- Parcels
- Creeks & Rivers

Exhibit B
Vail Divide Southern Extension



0 300'

SCALE: 1" = 300'

EXHIBIT "B"

MALONE★WHEELER
SINCE INC. 1993

CIVIL ENGINEERING ★ DEVELOPMENT CONSULTING ★ PROJECT MANAGEMENT

5113 Southwest Pkwy, Suite 260
Austin, Texas 78735

Exhibit C
Property Description/Map
City Roadway Portion

ELECTRONICALLY RECORDED 2019027326

TRV 5 PGS

EXHIBIT C

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed of record in the public records: Your social security number or your driver's license number. Tex. Prop. Code § 11.008.

SPECIAL WARRANTY DEED

15/ITC/1 848120 -COM/GMH

STATE OF TEXAS	§	
	§	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF TRAVIS	§	

That Series 4, a series of AAA Vino Series, LLC, a Texas series limited liability company, of the County of Travis, State of Texas, hereinafter referred to as "GRANTOR," whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration to the undersigned paid by the Trustees, and their successors in office, of the Lake Travis Independent School District, an independent school district created under the laws of the State of Texas, whose mailing address is 3322 Ranch Road 620 South, Austin, Texas 78738, hereinafter referred to as "GRANTEE," the receipt of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL, and CONVEY unto the Grantee, all of the following real property in Travis County, Texas, to-wit:

> That certain 0.84-acre tract of land situated in Travis County and being more particularly described by metes and bounds in Exhibit "A" which is attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular rights and appurtenances thereto in any way belonging, unto the said GRANTEE and assigns forever; and GRANTOR does hereby bind itself, its representatives, successors, and assigns to WARRANT AND DEFEND FOREVER, all and singular, the said premises unto the said GRANTEE and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, except as to the exceptions to conveyance and warranty.

This conveyance is being made by Grantor and accepted by Grantee subject to those

matters set forth in Exhibit "B" attached hereto and made a part hereof for all purposes ("Permitted Exceptions").

EXECUTED this 27 day of February, 2019.

GRANTOR:

Series 4, a series of AAA Vino Series, LLC, a Texas series limited liability company

By: _____
Arnulfo Trevino, Manager

By: _____
Maria Elena Arizmendez, Manager

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 27 day of February, 2019 by Arnulfo Trevino, Manager of Series 4, a series of AAA Vino Series, LLC, a Texas series limited liability company, on behalf of said company.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

_____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 27 day of February, 2019 by Maria Elena Arizmendez, Manager of Series 4, a series of AAA Vino Series, LLC, a Texas series limited liability company, on behalf of said company.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

_____
Notary Public, State of Texas

EXHIBIT "A"

DESCRIPTION OF A 0.84 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN JANUARY 2019, LOCATED IN THE JOSEPH REYNOLDS SURVEY NUMBER 44, ABSTRACT NUMBER 664, AND THE W. CONRADI SURVEY NUMBER 70, ABSTRACT NUMBER 211, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 5.81 ACRE TRACT CONVEYED TO SERIES 4, DESCRIBED IN DOCUMENT NUMBER 2017169723, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.84 ACRE TRACT, AS SHOWN ON THE ATTACHED PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod with "Delta Survey" cap found for the north corner of said 5.81 acre tract, same being the northeast corner of a called 0.91 acre tract conveyed to Lake Travis Independent School District, described in Document Number 2018014123, Official Public Records, Travis County, Texas, same being the southeast corner of a called 136.059 acre tract conveyed to Lake Travis Independent School District, described in Document Number 2010014061, Official Public Records, Travis County, Texas, also being a corner in the west line of a remainder of a called 117.35 acre tract conveyed to Meritage Homes of Texas, LLC., described in Document Number 2011172383, Official Public Records, Travis County, Texas, for the **POINT OF BEGINNING;**

THENCE with the east line of said 5.81 acre tract, same being the west line of said remainder of 117.35 acre tract, S01°05'55"W, a distance of 223.15 feet to a 12 inch wood fence post found for the southwest corner of said remainder of 117.35 acre tract, same being a corner in the north line of said 5.81 acre tract;

THENCE leaving said common line, and crossing said 5.81 acre tract, S04°14'08"E, a distance of 249.23 feet to a ½ inch iron rod with "Delta Survey" cap found in the south line of said 5.81 acre tract, same being the northeast corner of that 1.31 acre tract conveyed to Lake Travis Independent School District and described in Document Number 2018014123, Official Public Records, Travis County, Texas, also being a corner in the north line of a remainder of a called 15.954 acre tract conveyed to Cecil D. Perkins, described in Volume 4223, Page 1454, Deed Records, Travis County, Texas;

THENCE with the south line of said 5.81 acre tract, same being the north line of said 1.31 acre tract, N86°05'45"W, a distance of 167.59 to a ½ inch iron rod found for the southwest corner of said 5.81 acre tract, same being the northwest corner of said 1.31 acre tract, also being a corner in the east line of a called 8.85 acre tract conveyed to Cecil D. Perkins, described in Document Number 2017173698, Official Public Records, Travis County, Texas,

THENCE with the west line of said 5.81 acre tract, same being the east line of said 8.85 acre tract, and the east line of the said 0.91 acre tract, N18°23'46"E, a distance of 485.03 feet to the **POINT OF BEGINNING** and containing 0.84 acres of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

01-07-19
Date

John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

STATE OF TEXAS
REGISTERED
JOHN E BRAUTIGAM
5057
PROFESSIONAL
LAND SURVEYOR

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700

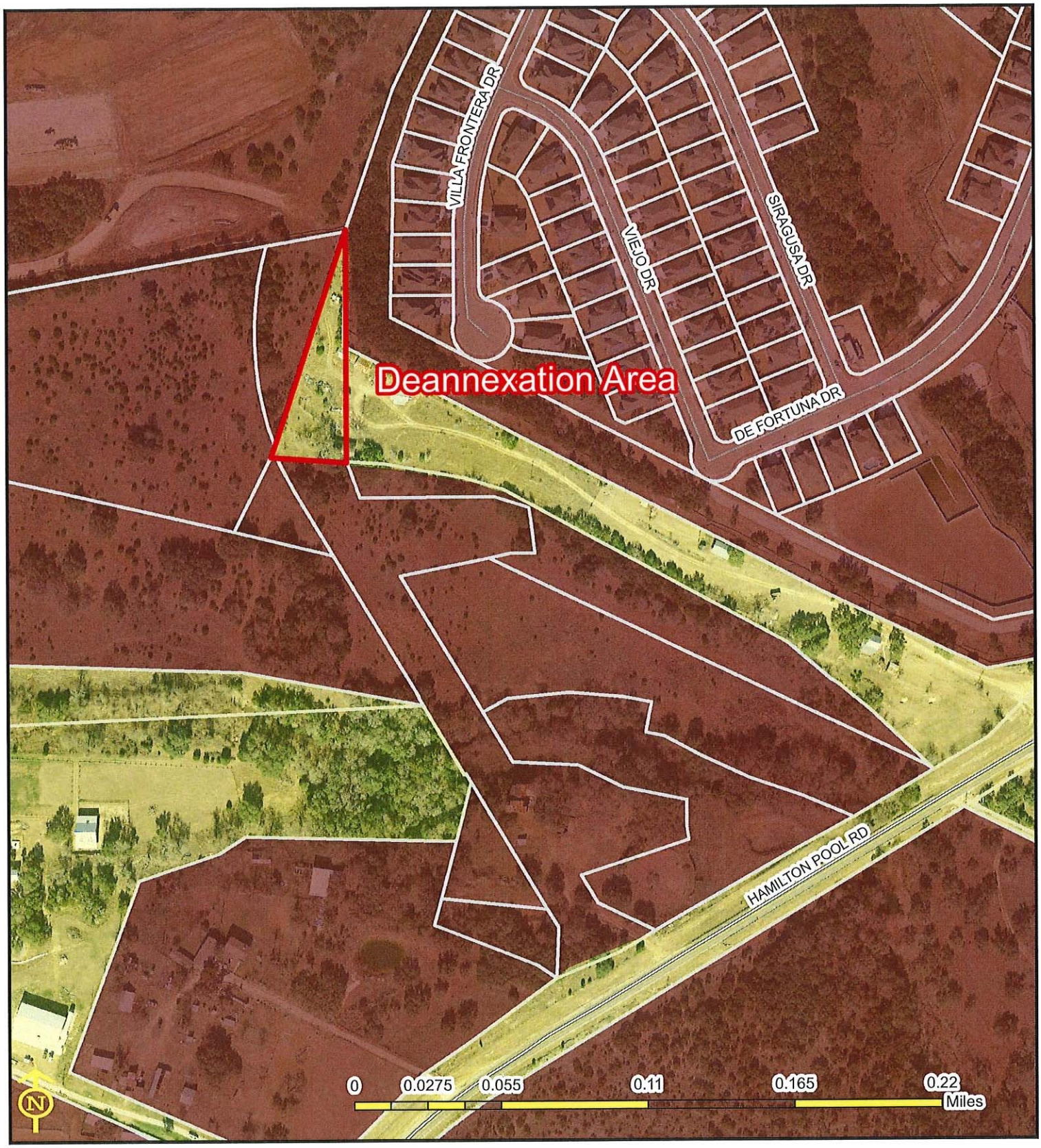
EXHIBIT B
PERMITTED EXCEPTIONS

Matters reflected on survey prepared by John E. Brautigam, R.P.L.S. No. 5057, dated 1/7/2019 and updated February 6, 2019:

1. Encroachment or protrusion of one-story stone & wood house, tin barn and metal tank onto or over easterly property line.

2. Any claim, right, or assertion of title by the adjoining land owner in and to that strip of land located between the property line and the fence(s).

3. Easement rights related to overhead utility line as shown.



06.11.19

Exhibit C

Legend

- Deannexation Area
- Bee Cave Corporate Limits
- Bee Cave ETJ
- Parcels

City Council Meeting
5/9/2023
Agenda Item Transmittal

Agenda Item:	**13.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
5/9/2023
Agenda Item Transmittal

Agenda Item:	**13.B.**
Agenda Title:	**Consultation with Attorney regarding pending litigation styled Citizens for Preservation of The Brown Property v. City of Bee Cave.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

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
5/9/2023
Agenda Item Transmittal

Agenda Item:	**13.C.**
Agenda Title:	**Consultation with Attorney regarding legal issues and obligations contained within the Interlocal Agreements with Travis County, Lake Travis Independent School District and other related agreements regarding road and transportation obligations.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

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
5/9/2023
Agenda Item Transmittal