



AGENDA

Regular Meeting

BEE CAVE DEVELOPMENT BOARD

Tuesday, September 26, 2023

4:30 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

THE CITY OF BEE CAVE DEVELOPMENT BOARD 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 City Council may be in attendance at the Meeting. No action will be taken by the Commission or Council.

1. Call meeting to order
2. Roll Call
3. Discuss and consider action on the selection of a President, Vice President and Secretary to the Bee Cave Development Board.
4. Consider approval of the minutes of the Special Session conducted on August 29, 2023.
5. Activity update.
6. Discuss and consider action on a Professional Services Agreement with outside legal counsel for the Development Board.
7. Discuss and consider appointment of Board members to the following subcommittees: Professional Acquisition Disposition Committee, Regulatory Review Committee and the Planning and Business Development Committee.
8. Discussion regarding future administrative items, meeting times and dates.
9. Adjournment

The Board 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 Board 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 22nd day of September, 2023 at 3:00 P.M. (Seal)



Economic Development Board Meeting

9/26/2023

Agenda Item Transmittal

Agenda Item: 3.

Agenda Title: Discuss and consider action on the selection of a President, Vice President and Secretary to the Bee Cave Development Board.

Board Action: Select officers

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

Cert. Obligation

Other source

Addtl tracking info

Fund/Account No.

GO Funds

Grant title

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION



***Economic Development Board Meeting
9/26/2023
Agenda Item Transmittal***

Agenda Item: 4.

Agenda Title: Consider approval of the minutes of the Special Session conducted on August 29, 2023.

Board 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
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MINUTES OF THE SPECIAL MEETING OF THE
BEE CAVE DEVELOPMENT BOARD
CITY OF BEE CAVE
August 29, 2023

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Quinn Gormley, President
John Dashtara, Director
Kevin Hight, Director
Tony Lockridge, Secretary
Victoria Winburne, Director

Absent:

Christian Alvarado, Vice President
Christy Black, Director

City Staff:

Clint Garza, City Manager
Kaylynn Holloway, City Secretary
Lindsey Oskoui, Assistant City Manager
Jenny Hoff, Communications Director
Dori Kelley, Communications
Lanie Marcotte, Parks and Facilities Director
Anna Jensen, Sr. Administrative Assistant for Parks and Facilities

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave Development Board was called to order by President Gormley at 4:30 p.m. on Tuesday, September 29, 2023.

Consent Agenda.

- A. **Consider approval of the minutes of the Regular Session conducted on July 25, 2023.**
- B. **Consider approval of the minutes of the Workshop Session conducted on August 8, 2023.**

MOTION: A motion was made by Director Hight, seconded by Director Lockridge to approve the consent agenda items A and B.

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

Voting Aye: President Gormley, Directors Dashtara, Hight, Lockridge and Winburne
Voting Nay: None
Absent: Vice President Alvarado and Director Black

The motion carried 5-0.

Discuss and consider action on a Professional Services Agreement with RTG for the design and realignment of the Southwest Collector/ Hamilton Pool Road.

President Gormley presented this item.
Brock Miller with RTG also spoke on this item.

MOTION: A motion was made by Director Hight, seconded by Director Lockridge to approve the Professional Services Agreement with RTG for the design and realignment of the Southwest Collector/ Hamilton Pool Road and authorize the City Manager to execute the agreement.

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

Voting Aye: President Gormley, Directors Dashtara, Hight, Lockridge and Winburne
Voting Nay: None
Absent: Vice President Alvarado and Director Black

The motion carried 5-0.

Discussion and update from the Workshop Session regarding current and future City projects and priorities.

MOTION: A motion was made by President Gormley, seconded by Director Hight, to form three subcommittees: Professional Acquisition Disposition Committee, Regulatory Review Committee and the Planning and Business Development Committee.

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

Voting Aye: President Gormley, Directors Dashtara, Hight, Lockridge and Winburne
Voting Nay: None
Absent: Vice President Alvarado and Director Black

The motion carried 5-0.

Discussion regarding future administrative items, meeting times and dates.

Communications Specialist Dori Kelley reported on future events and the Board's new website and available tools.

The Board will meet again on September 26th.

Adjournment

MOTION: A motion was made by Director Hight, seconded by Director Dashtara, to adjourn.

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

Voting Aye: President Gormley, Directors Dashtara, Hight, Lockridge and Winburne
Voting Nay: None
Absent: Vice President Alvarado and Director Black

The motion carried 5-0.

The Economic Development Board adjourned the meeting at 5:20 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

President

ATTEST:

Secretary/Treasurer



Economic Development Board Meeting
9/26/2023
Agenda Item Transmittal



***Economic Development Board Meeting
9/26/2023
Agenda Item Transmittal***

Agenda Item: 6.

Agenda Title: Discuss and consider action on a Professional Services Agreement with outside legal counsel for the Development Board.

Board Action: Discussion and possible action

Department: City Manager

Staff Contact: Clint Garza

1. INTRODUCTION/PURPOSE

The purpose of this item is to procure outside legal counsel for matters between the Corporation and City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

The DC currently utilizes the same legal counsel as COBC. In some instances, an agreement between the two entities is required and staff feels separate representation for each is wise.

b) Issues and Analysis

Outside counsel will only be utilized in specific instances.

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
 Engagement Letter	Backup Material



The Gwosdz Law Firm, PLLC

Modern Business Practices | Traditional Legal Advice

The Heritage Mark Building
5606 N. Navarro, Suite 300-Q
Victoria, Tx. 77904

361-574-8644
Fax: 512-642-8376
www.GwosdzLaw.com

September 19, 2023

Quinn Gormley, President
Bee Cave Economic Development Board
4000 Galleria
Bee Cave, Texas, 78738

Via: Hand Delivery

Re: Engagement Letter

Dear Sir,

Thank you very much for allowing The Gwosdz Law Firm, PLLC (the “Law Firm”) the opportunity to represent the Bee Cave Economic Development Board (the “Client”). This Engagement Letter is a legal contract. As used in this Engagement Letter, the term “Parties” refers to both the Client and the Law Firm.

The Client is advised to have independent legal counsel review this contract on its behalf. The Law Firm has a conflict of interest that prevents it from representing you in connection with the negotiation, preparation, or execution of this Engagement Letter. If you sign this Engagement Letter, you are agreeing to the following:

1. **Scope of Engagement.** This Engagement Letter confirms that the Law Firm will represent the Client as special counsel with respect to drafting, negotiation, and potential approval of an administrative services agreement with the City of Bee Cave (the “Representation”). It is understood and agreed that our engagement is limited to the Representation, and our acceptance of this engagement does not imply any undertaking to provide legal services other than those set forth in this Engagement Letter and any future supplements expressly referencing this Engagement Letter’s date and Parties.

2. **Law Firm Personnel.** I will be the attorney in charge of the Representation. You may call, write, or email me with questions about the Representation. Other firm personnel, including firm lawyers and legal assistants will participate in the Representation under my direction if, in our opinion, their participation is necessary or appropriate.

3. **Fees.** We are delighted to have the opportunity to do this work for the Client and will bill for our services no more often than monthly as work is performed. It is the policy of the Law Firm to keep records of the time and efforts expended in its representation. These time records will be reflected in your monthly statement. Time expended is charged in increments of fifteen minutes, even though the time spent may be less than fifteen minutes. Before proceeding, no retainer shall be required of the Client for the legal services of the Law Firm pursuant to this agreement. From time to time, and for various reasons, we may need to adjust our rates. It is understood and agreed that these rate adjustments will be effective without the need to amend or re-approve this Engagement Letter, so long as we notify you in writing, the rate adjustment occurs no more than once per year, and the new rates become effective at the onset of a new calendar year.

(January 1). Our attorneys' current rates are as follows: Mr. Gwosdz is \$250.00 per hour. The Law Firm also consists of legal assistants whose time is billed at \$125.00 per hour.

4. **Incidental Charges.** Fees, charges, and expenses of others (such as filing fees, court reporters, experts, investigators, and consultants) will be the Client's responsibility. In the event the Law Firm incurs such charges, the Client agrees to promptly reimburse us upon receipt of the bill. In the event the Representation results in mediation, Client agrees to pay the mediator's fees in advance of the mediation. We do not charge for incidental expenses, such as photocopying, messengers, postage, and specialized computer applications.

5. **Supplemental Representation.** The Client may occasionally desire additional legal services beyond the scope of the Representation. The Law Firm and the Client may execute a supplemental representation agreement covering matters requiring specialized consideration or matters beyond the scope of the Representation. Absent such supplemental representation agreement, it is understood and agreed that the Representation does not include civil litigation, criminal prosecution, or criminal defense matters.

6. **No Tax Advice.** There may be financial matters incidental to the Representation, including certain tax consequences. The Law Firm has not furnished, and will not furnish, tax advice to the Client regarding the Representation or any supplemental representation. We hereby direct and advise you to obtain independent tax counsel for any financial matter incidental to the Representation.

7. **Discharge and Withdrawal.** You may discharge us from this representation at any time. We will be free to withdraw at any time, with or without cause, subject to reasonable notice under the circumstances. We will be entitled to receive compensation from you for all services rendered and all disbursements made, under the provisions of this Engagement Letter, up to the time of withdrawal. Circumstances may arise that will require us to withdraw from representation under the Texas Disciplinary Rules of Professional Conduct or other applicable professional standards. In such circumstances, as well as in the instances referred to above, we will cooperate in the transfer of the matter to other counsel of your choice. The Client and Law Firm agree that any disputes arising out of or connected with this agreement shall be submitted to confidential nonbinding mediation.

8. **Ethics.** All lawyers in Texas have an obligation to maintain a high standard of ethical conduct toward their clients and others. To enforce this standard, the State Bar of Texas investigates and prosecutes complaints of professional misconduct against attorneys licensed in Texas. If you feel that misconduct may have occurred or if you have questions regarding the disciplinary process, you may call or write the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, (512) 463-1381 or 1-800-932-1900 (toll free).

If this agreement expresses your clear understanding of our representation, please sign below, where indicated, and it will constitute our agreement for legal services and our full authorization, upon request, to act on the Client's behalf as counsel as requested. The establishment of an attorney-client relationship between the Law Firm and the Client is contingent on the Client signing this Engagement Letter and returning same to the Law Firm.

I look forward to working with you, and should you ever have any questions regarding our representation or billing, please contact me immediately.

Sincerely yours,

Thomas A. Gwosdz
The Gwosdz Law Firm, PLLC

Bee Cave Economic Development Board

Quinn Gormley, President

Date:



Economic Development Board Meeting

9/26/2023

Agenda Item Transmittal

Agenda Item: 7.

Agenda Title: Discuss and consider appointment of Board members to the following subcommittees: Professional Acquisition Disposition Committee, Regulatory Review Committee and the Planning and Business Development Committee.

Board Action: Discussion and possible action

Department: City Manager

Staff Contact: Clint Garza

1. INTRODUCTION/PURPOSE

The purpose of this item is to give the Board of Directors an opportunity to establish subcommittees to work directly with staff on previously identified areas of focus.

2. DESCRIPTION/JUSTIFICATION

a) Background

At a previous workshop and subsequent regular meeting, the BOD discussed utilization of subcommittees to work on specific goals established over a previous months of discussions.

Each subcommittee will assist staff in planning and implementation of regulatory review, planning and business development, and professional acquisition and disposition.

b) Issues and Analysis

A previously stated goal of the DC has been to establish standards and objectives that are measurable to ensure progress is made on specific and targeted areas of Economic Development in Bee Cave.

Staff and Council have used subcommittees with success through challenging or difficult projects with a great degree of success. Staff feels that model works well for the Corporation's mission.

3. FINANCIAL/BUDGET

Amount Requested

Cert. Obligation

Other source

Addtl tracking info

Fund/Account No.

GO Funds

Grant title

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION



***Economic Development Board Meeting
9/26/2023
Agenda Item Transmittal***

Agenda Item: 8.

Agenda Title: Discussion regarding future administrative items, meeting times and dates.

Board 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
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4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION