AGENDA

Regular Meeting

City Council

Tuesday, February 13, 2024

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. Recognition and Moment of Silence
5. 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.

6. 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

7. 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 23, 2024.
B. Consider approval of the minutes of the Special Session conducted on February 6, 2024.
C. Consider approval on Resolution No. 2024-05 A Resolution of the Bee Cave City Council supporting Shield Ranch's application to the International Dark-Sky Association program.

8. Discuss and consider action on Resolution No. 2024-02 supporting a change in the West Travis County Public Utility Agency's irrigation policy

9. Discuss and consider action on Ordinance No. 525 adopting Article 1.06 of the Bee Cave Code of Ordinances providing for Bee Cave City Council Parliamentary Rules.

10. Discuss and consider action on a Memorandum of Understanding between the City of Bee Cave Municipal Court and the Village of the Hills, Texas for hosting and operating municipal court under concurrent jurisdiction.

11. Discussion and possible action regarding a Memorandum of Understanding between West Travis County Public Utility Agency and The City of Bee Cave regarding a Reclaimed Water Irrigation Project at Central Park.

12. Discussion and possible action on community events and publicity.

13. Close Regular Meeting

14. Open Executive Session

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding real property; Section 551.074 – Personnel Matters-to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; 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 legal issues associated with city's intellectual property rights, associated legal claims, potential responses and resolution.
C. Personnel – City Manager and City Secretary

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 9th day of February, 2024 at 4:00 P.M. (Seal)

_____

Kaylynn Holloway, City Secretary

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**7.A.**
Agenda Title:	**Consider approval of the minutes of the Regular Session conducted on January 23, 2024.**
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 23, 2024	Backup Material

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
January 23, 2024

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

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

City Staff:

Clint Garza, City Manager
Kaylynn Holloway, City Secretary
Ryan Henry, City Attorney
Travis Askey, Finance Director
Lindsey Oskoui, Assistant City Manager
Jenny Hoff, Communications Director
Dori Kelley, Business Relations and Development Manager
Brian Jones, Police Chief
Lanie Marcotte, Parks and Facilities Director
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 King at 6:00 p.m. on Tuesday, January 23, 2024.

Recognition and moment of silence

Citizen Comments.

Lake Travis High School students, Gabby Garrick and Olivia St. Peter informed the Council about their fund- raising efforts to help prevent blood cancer.

Staff Comments.

Business Relations Manager Dori Kelley reported on the final participation numbers and contributions from the 2024 Bee Cave on Ice.

City Manager Clint Garza reported on the progress of the Advanced Funding Agreement with TxDOT.

Consent Agenda.

A. Consider approval of the minutes of the Regular Session conducted on January 9, 2023.
B. Consider approval of the finance and investment reports. (Q4)

MOTION: A motion was made by Council Member Hohl, seconded by Council Member Rebber, to approve consent agenda items A&B.

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 Resolution No. 2024-03 accepting the termination of the Memorandum of Understanding with the Friends of the Parks Foundation.

Mr. Garza presented this item.

MOTION: A motion was made by Council Member Rebber, seconded by Council Member Hight, to approve Resolution No. 2024-03 accepting the termination of the Memorandum of Understanding with the Friends of the Parks Foundation.

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 2024 Joint Election Agreement, Election Services Agreement and Resolution No. 2024-04 approving adoption of new election equipment with Travis County.

City Secretary Kaylynn Holloway presented this item.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Hohl, to approve the 2024 Joint Election Agreement, Election Services Agreement and Resolution No. 2024-04 approving adoption of new election equipment 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 Ordinance No. 525 adopting Article 1.06 of the Bee Cave Code of Ordinances providing for Bee Cave City Council Parliamentary Rules.

This item was not considered during this meeting.

Discuss and consider action on Ordinance No. 526 amending Chapter 14 of the City Code, "Offenses And Additional Provisions", to add Articles 14.07, "Solicitations At Street Intersections", and 14.08 "Aggressive Solicitation".

MOTION: A motion was made by Council Member Hight, seconded by Council Member Rebber, to approve Ordinance No. 526 amending Chapter 14 of the City Code, "Offenses And Additional Provisions", to add Articles 14.07, "Solicitations At Street Intersections", and 14.08 "Aggressive Solicitation.

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.

Executive Session:

The City Council closed the Open Session at 6:19 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 551-074 – Personnel Matters-to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee. A quorum of the City Council will be present for the executive session.

A. Personnel – City Manager

The City Council closed the Executive Session at 7:23 p.m. and reconvened in Regular Session.

In Open Session:

MOTION: A motion was made by Council Member Hight, seconded by Council Member Willott, to accept the resignation of City Manager Clint Garza.

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.

Adjournment:

MOTION: A motion was made by Council Member Hight, seconded by Council Member Rebber, 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 7:32 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

_____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**7.B.**
Agenda Title:	**Consider approval of the minutes of the Special Session conducted on February 6, 2024.**
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 February 6, 2024	Backup Material

MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
February 6, 2024

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
Lindsey Oskoui, Assistant City Manager
Travis Askey, Finance Director
Rebecca Regueira, Executive Assistant
Dori Kelley, Business Relations Manager

Call to Order and Announce a Quorum is Present

With a quorum present, the special meeting of the Bee Cave City Council was called to order by Mayor King at 4:31 p.m. on Tuesday, February 6, 2024.

Executive Session:

The City Council closed the Open Session at 4:32 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.

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551-074 – Personnel Matters-to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee. A quorum of the City Council will be present for the executive session.

Personnel – City Manager

The City Council closed the Executive Session at 7:23 p.m. and reconvened in Special Session.

In Open Session:

Discussion and possible action for the appointment of an Interim City Manager.

MOTION: A motion was made by Mayor Pro Tem Clark, seconded by Council Member Hohl, to appoint Lindsey Oskoui & Travis Askey as Co-Interim City Managers upon Clint Garza's departure.

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.

Adjournment:

MOTION: A motion was made by Council Member Rebber, seconded by Council Member Hight, 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 7:24 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

_____
Kara King, Mayor

ATTEST:

_____
Kaylynn Holloway, City Secretary

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**7.C.**
Agenda Title:	**Consider approval on Resolution No. 2024-05 A Resolution of the Bee Cave City Council supporting Shield Ranch's application to the International Dark-Sky Association program.**
Council Action:	**Consider approval**
Department:	**Planning and Development**
Staff Contact:	**Amanda Padilla, Senior Planner**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

Staff recommends that the Bee Cave City Council support Shield Ranch's application to the International Dark-Sky Association for designation as an Urban Night Sky Place by adopting Resolution No. 2024-05. This resolution demonstrates Bee Cave's commitment to the preservation and protection of the night sky from light pollution, aligning with the values of nearby International Dark Sky designated areas like Dripping Springs and Reimers Ranch. Given the proximity of Shield Ranch and their dedication to environmental stewardship, the City of Bee Cave views this collaboration as a vital part of regional conservation initiatives, furthering the mission to protect the night sky for its scientific, educational, and recreational benefits.

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 approval of Resolution No. 2024-05.

ATTACHMENTS:

Description	Type
Resolution No. 2024-05	Resolution Letter

RESOLUTION NO. 2024-05

A RESOLUTION OF THE BEE CAVE CITY COUNCIL SUPPORTING SHIELD RANCH'S APPLICATION TO THE INTERNATIONAL DARK-SKY ASSOCIATION PROGRAM FOR DESIGNATION AS AN URBAN NIGHT SKY PLACE.

WHEREAS, the City of Bee Cave was designated as an International Dark Sky Community in 2023, with the commitment to preserve and protect the night sky from light pollution; and

WHEREAS, the City of Bee Cave is situated near Drippings Springs and Reimers Ranch, both of which are esteemed International Dark Sky designees; and

WHEREAS, the City of Bee Cave recognizes the importance of supporting the efforts of surrounding communities and places in pursuing efforts to become recognized by the International Dark Sky; and

WHEREAS, the City of Bee Cave recognizes that Shield Ranch's proximity to the City of Bee Cave presents a significant opportunity for regional conservation efforts; and

WHEREAS, the City of Bee Cave recognizes that Shield Ranch's adjacency to our community has a direct and meaningful impact on the preservation of our shared night sky; and

WHEREAS, the City of Bee Cave finds that Shield Ranch has demonstrated a longstanding commitment to environmental stewardship through conservation-minded land management practices and educational programming; and

WHEREAS, the City of Bee Cave regards Shield Ranch as a key partner in efforts to promote the protection of the night sky and the nocturnal environment for its scientific, natural, educational, and public enjoyment; and

WHEREAS, the City of Bee Cave is committed to actively supporting Dark Sky Places, including Shield Ranch, by promoting night sky events and programs to our residents.

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

1. The City Council supports Shield Ranch's application to the International Dark-Sky Association program for designation as an International Dark Sky Place.
2. The City endeavors to collaborate with Shield Ranch and other local Dark Sky Places in efforts to promote night sky preservation and public awareness.
3. The meeting at which this resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the open meetings act, Texas government code, chapter 551.

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
2/13/2024
Agenda Item Transmittal

Agenda Item:	**8.**
Agenda Title:	**Discuss and consider action on Resolution No. 2024-02 supporting a change in the West Travis County Public Utility Agency's irrigation policy**
Council Action:	**Discuss and Consider Action**
Department:	**Planning and Development**
Staff Contact:	**Lindsey Oskoui, Assistant City Manager**

1. INTRODUCTION/PURPOSE

A resolution supporting a change in the West Travis County Public Utility Agency's Irrigation Policy.

2. DESCRIPTION/JUSTIFICATION

a) Background

At the West Travis County Public Utility Agency (WTCPUA) Board meeting on August 17, 2023, the board adopted a policy to restrict the issuance of meters for commercial landscape irrigation until the expansion of the Water Treatment Facility located on Bee Cave Road. which will impede the effective establishment of vegetation for commercial developments. Although the City of Bee Cave recognizes the significance of efficient water use in commercial developments, the establishment of landscaping is essential for enhancing community aesthetics, supporting local ecosystems, and providing water quality benefits, such as permanent stabilization to mitigate stormwater erosion. However, the current policy restrictions on commercial landscape irrigation by the WTCPUA pose significant challenges to achieving this.

b) Issues and Analysis

City staff has worked closely with the WTCPUA staff to find a balanced approach that accommodates the vital need for environmental conservation through the establishment of vegetation while also ensuring the provision of adequate treated water supplies to meet the demands of existing customers. Resolution 2024-02 proposes the issuance of temporary water meters for irrigation purposes, limited to a one-year period, to support the crucial phase of plat establishment. To align with water conservation goals, the resolution also recommends that planting activities be scheduled between October and March, which are months with lower water demand and optimal plant growth conditions. In circumstances where planting is not feasible during those months, the resolution requires commercial developers to provide fiscal security. Additionally, the city will require as a condition of site plan approval that the landowner commit to adhering to water restrictions

imposed by WTCPUA at all times and that, during the period of vegetation establishment, the landowner expressly identify its supplemental source(s) of irrigation water and means for implementation during periods when permitted water usage is less than necessary for establishment of vegetation. This policy will ensure that the city continues its efforts in establishing commercial landscaping while also balancing the need for water conservation. If adopted, the resolution will be presented at the next WTCPUA board meeting, with the hope that it will provide a path for the WTCPUA to amend their policy that restricts the establishment of new commercial irrigation.

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 approval on Resolution No. 2024-02.

ATTACHMENTS:

	Description	Type
🗋	Resolution 2024-02	Resolution Letter

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BEE CAVE CITY COUNCIL REQUESTING THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY AMEND ITS POLICY TO ALLOW TEMPORARY METERS FOR COMMERCIAL LANDSCAPE IRRIGATION TO FACILITATE THE ESTABLISHMENT OF VEGETATION.

WHEREAS, the City of Bee Cave recognizes the significance of sustainable landscaping and efficient water use in commercial developments within its jurisdiction; and

WHEREAS, the establishment of landscaping within City Limits is essential for enhancing community aesthetics, supporting local ecosystems, and providing water quality benefits, such as permanent stabilization to mitigate stormwater erosion; and

WHEREAS, incorporating native and drought-tolerant plants in commercial landscaping substantially reduces long-term irrigation needs, these plants require minimal watering during the first one to three years post-planting to ensure proper establishment.

WHEREAS, at the West Travis County Public Utility Agency (WTCPUA) Board meeting on August 17, 2023, the board adopted a policy to restrict the issuance of meters for commercial landscape irrigation until the expansion of the Water Treatment Facility (water treatment plant) located on Bee Cave Road, which will impede the effective establishment of vegetation for commercial developments; and

WHEREAS, the adoption of this temporary policy by the WTCPUA is motivated by the fact that 70% of water usage is attributable to irrigation during the summer months, leading to recent and recurring challenges in water supply; and

WHEREAS, in an effort to address water supply issues, the WTCPUA is actively engaged in the design and construction of an expansion to the water treatment plant. However, until such expansion is completed, restrictions on the issuance of meters for commercial landscape irrigation are deemed necessary to ensure sustainable water availability; and

WHEREAS, the City of Bee Cave and the WTCPUA recognize the importance of established vegetation in the help to minimize stormwater pollution and that a sufficient supply of treated water is available for existing customers; and

WHEREAS, both the City of Bee Cave and the WTCPUA have engaged in constructive discussions aimed at finding a balanced approach that accommodates the vital need for environmental conservation through the establishment of vegetation while also ensuring the provision of adequate treated water supplies to meet the demands of existing customers; and

WHEREAS both entities also recognize that continuing to require the use of silt fencing as a temporary measure in lieu of vegetation during this period of peak demand is a reasonable compromise solution, but not a long-term solution; and

WHEREAS both entities recognize that allowing a commercial business to plant vegetation October through May provides a seven-month window to establish planting during a period when the PUA has not historically experienced an unserviceable demand for water

WHEREAS, allowing temporary water meters for commercial landscape irrigation would promote the efficient and responsible use of water resources; and

WHEREAS, the use of native and drought-tolerant plants in commercial landscaping is crucial for reducing water demand; and

WHEREAS, in circumstances where planting cannot occur between October and March, there is a need for fiscal security to ensure the establishment of vegetation at a suitable later date;

WHEREAS, introducing a policy for temporary meters with a duration limit not to exceed one year, would balance the needs of landscape establishment with water conservation principles effectively; and

WHEREAS, during the vegetation establishment period, to cover any gap between irrigation water demand and water supply in accordance with water restrictions, as a condition of site plan approval, land owners need to identify their supplemental source(s) of water for irrigation and a plan for implementation.

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

1. The City Council of Bee Cave formally requests the West Travis County Public Utility Agency to implement a policy allowing the issuance of temporary meters for commercial landscape irrigation, intended solely for facilitating vegetation establishment.
2. The City Council of Bee Cave further requests that any proposed temporary meters that are approved should be authorized only for a period not exceeding one year.
3. The City of Bee Cave recommends that planting of landscaping for commercial purposes should be restricted to the months between October and March, in line with the optimal conditions for vegetation growth and adherence to water conservation strategies.
4. In cases where planting is not feasible between the months of October and March, the City Council requires that commercial developments provide fiscal security for the postponement of landscaping and ensure proper landscaping at a later date.
5. In all cases, the City of Bee Cave will require as conditions of site plan approval that the landowner commit to adhering to water restrictions imposed by West Travis County Public Utility Agency at all times and that, during the period of vegetation establishment, the land owner must expressly identify its supplemental source(s) of irrigation water and means for implementation during periods when permitted water usage is less than that which is necessary for establishment of vegetation; the acceptance of said supplemental water source(s) and means for implementation shall be subject to approval by the City Engineer for the City of Bee Cave.

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:

By: _____

Kara King, Mayor

ATTEST:

By: _____

Kaylynn Holloway, City Secretary

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**9.**
Agenda Title:	**Discuss and consider action on Ordinance No. 525 adopting Article 1.06 of the Bee Cave Code of Ordinances providing for Bee Cave City Council Parliamentary Rules.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza**

1. INTRODUCTION/PURPOSE

The purpose of this item is to allow council an opportunity to discuss adoption of parliamentary rules for all council, commission, and board meetings.

2. DESCRIPTION/JUSTIFICATION

a) Background

Staff and counsel were asked to draft an ordinance establishing rules to ensure decorum in public meetings.
The proposed ordinance is attached in backup.
Staff and counsel will provide additional information if requested during the meeting.

b) Issues and Analysis

Fundamentally, the way public meetings are conducted will not change. However, the adoption of these rules will simply formalize how meetings are conducted and buttress the presiding officer's authority to maintain decorum.

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
Ordinance No. 525	Ordinance

ORDINANCE NO. 525

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ADOPTING ARTICLE 1.06 OF THE BEE CAVE CODE OF ORDINANCES, PROVIDING FOR BEE CAVE CITY COUNCIL PARLIAMENTARY RULES, PROVIDING FOR ORDER OF BUSINESS AND MEETING DECORUM, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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, as a home rule municipality, derives its powers exclusively from its home rule charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, the City Council has determined necessity exists to update, consolidate, and clarify the ordinance setting the rules applicable to public city meetings; and

WHEREAS, the City Council finds this ordinance is necessary for the good and efficient management of the City.

WHEREAS, the City of Bee Cave believes it is important to update the policies and structure of the City's operations from time to times; and

WHEREAS, the City of Bee Cave has determined the necessity to incorporate Meeting Decorum Policy for all open meetings of the city council, city commissions, boards, and committees; and

WHEREAS, the City of Bee Cave finds it is in the best interest of its residents and the general public to adopt the following rules of conduct and decorum; and

WHEREAS, the City of Bee Cave hereby creates the below listed code provisions to govern the operations of the City; and

WHEREAS, while the public may provide information during designated times at public meetings to the City Council, such presentation must be limited to public business in order for the City Council to efficiently and effectively conduct its meetings; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Chapter 1, Article 1.06, of the Bee Cave Code of Ordinances is hereby created and passed and shall read as follows:

Sec. 1.06.001 Application of Article

This article shall apply to meetings of the city council and any boards and commissions of the City.

Sec. 1.06.002 Preparation, contents and posting of agenda

1) **For City Council:** The agenda will be prepared by the city manager or designee. Any member of the city council, including the mayor, may place an item on the agenda as long as they provide the topic and any backup information to the city manager no later than five business days prior to the posting of such agenda. The city manager shall have circulated the regular meeting agenda to all council members, and the mayor, prior to regular meetings in sufficient time to allow for comment.
2) **For boards and commission:** The placement of items on an agenda for boards and commissions shall be placed by the city manager. The chair or president of the board or commission shall have the authority to place items on the agenda. Any appointed member of a board or commission may request an item be placed on the agenda.
3) The agenda for regular meetings of the city council will include, at a minimum, the following, in an order to be determined by the agenda or the presiding officer:
   - **a)** Determination of quorum and call to order.
   - **b)** Pledge of allegiance
   - **c)** Moment of silence.
   - **d)** Citizen's participation. During which citizens may address the council on any topic of general public interest. Citizens must sign up prior to the meeting.
   - **e)** Each ordinance, resolution, or policy that the mayor, any single council member, or city staff wishes to have council consider. Each of these agenda items shall be specifically described and there shall be provision for citizens' comments on each item for which a council vote is planned.
   - **f)** Approval of minutes of previous meeting(s), if available.
   - **g)** Reports of staff
4) Routine matters may be placed on a consent agenda, which will be treated as one agenda item. Before the consent agenda is voted on, any item will be removed at the request of any single member of council or the mayor and handled as a separate agenda item.
5) The agenda for all meetings shall be posted by the city secretary or his/her designee.

Sec. 1.06.003 Presiding officer

1) The mayor (or, in the mayor's absence, the mayor pro tem) shall preside over all meetings of the city council. In the absence of both the mayor and mayor pro tem. The senior councilmember, as determined by length of service, shall preside. In the event that two or more council members have the same length of service, the councilmember with the longest city residency shall preside. The chair or president elected or appointed to each board or commission shall be the presiding officer for such board or commission.
2) The presiding officer shall preserve order and decorum and is authorized to enforce compliance with the rules contained herein. The presiding officer shall require body members and citizens to limit discussion to the question under consideration and as posted on the agenda.
3) The city manager or his/her designee shall be present and on the dais at all posted council meetings, except when excluded by the council for an executive session.
4) The presiding officer's decision on a procedural matter can be overruled by a majority vote. The motion to overrule may be made at any time and must be seconded. The person making the motion may make a brief statement and the presiding officer may explain his/her position, but no other member may speak on the motion. The presiding officer will then put the ruling to a vote of the council, board, or commission.

5) Any or all of the provisions of this procedure may be suspended temporarily by a majority vote, except such portions that embody provisions of the charter or of state law.

Sec. 1.06.004 Introduction of agenda items; debate and voting

1) The presiding officer must introduce every item on the agenda. The presiding officer may change the order of the agenda. The council or board or commission may elect not to take action on any agenda item.
2) Any agenda item before the council or board or commission may be decided only by a motion, a second, and a favorable vote by a majority of the members present and voting (unless state law, the charter, or this division requires more than a simple majority).
3) Motions should be "positive" rather than "negative."
4) The council, board or commission may agree to limit debate on any agenda item. That agreement must be formalized by a vote of a majority of the council, board or commission.
5) For council meetings:
   a) The presiding officer must introduce each agenda item.
   b) The mayor, or the city manager, or the sponsoring councilmember, will present a clear statement of the topic to be considered.
   c) The mayor will invite councilmember and staff comments. Each councilmember shall be recognized to offer his/her comments at least once. The mayor shall make comments at this time.
   d) There shall be no limit to the number of times a councilmember may ask for the floor, but a councilmember shall speak only when recognized by the presiding officer. Councilmembers' remarks shall generally be addressed to the presiding officer, but councilmembers may ask questions of other councilmembers or of the staff. Councilmembers may respond to remarks or questions but will refrain from exchange or remarks with the public except that a councilmember may ask a citizen a question of a factual or technical nature.
   e) No main motion will be recognized until the presiding officer is satisfied that every councilmember has had a reasonable opportunity to present his or her comments on the general topic.
   f) The presiding officer will request a motion and a second. The presiding officer will repeat the motion. The mayor may make a motion or may second a motion. After a motion has been made and seconded, the presiding officer will recognize each councilmember for debate on the motion. The presiding officer is not obligated to recognize any councilmember for a second time until every councilmember wishing to speak has been given the opportunity to do so. The presiding officer may enter the debate. When the presiding officer is satisfied that each councilmember has had a reasonable opportunity to address the motion, the presiding officer will call for a vote. Debate will cease and the vote be taken.
6) **For Boards and Commission:** boards and commissions may adopt their own rules of procedure for meetings, subject to approval by the city council. If a board or commission has not adopted their own rules and had such rules approved by the city council, boards and commissions must follow the procedures outlined in this section.

Sec. 1.06.005 Parliamentary procedure

1) Generally. In regular and special meetings these rules will govern; where the rules are silent, the presiding officer is authorized to determine reasonable rules of procedures; the presiding

officer, at his or her discretion, may rely on the most recent edition of Robert's Rules of Order unless they conflict with the city charter or state statutes.

2) Main motions. A new main motion may not be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.

3) Secondary motions. During the debate on a main motion, secondary motions may be proposed. The following are examples of the secondary motions, listed in the order of their rank;
   - **a)** Motion to table the main motion, i.e., lay it aside and go on to the next item on the agenda.
   - **b)** Motion to request that discussion cease and that the main motion be voted on, i.e., moving to the previous question.
   - **c)** Motion to limit discussion to a fixed amount of time.
   - **d)** Motion to postpone action on the proposal until some definite time in the future.
   - **e)** Motion to refer the proposal to a committee.
   - **f)** Motion to amend the main motion.
   - **g)** Motion to postpone action on the proposal to an indefinite future time.

4) Privileged motions. Privileged motions may be made at any time. The following are the privileged motions, listed in order of rank.
   - **a)** Motion to set the time and place of the next meeting other than a regular meeting.
   - **b)** Motion to fix the time of adjournment.
   - **c)** Motion to adjourn.
   - **d)** Motion to recess.
   - **e)** Motions on questions of privilege.

Sec. 1.06.006 Citizen Participation

1) At every regular council meeting there will be a general "citizen participation" period for comments on any topic of general public interest.

2) In addition, at every regular and every special meeting, each agenda item for which a council vote is planned will provide a period for "citizen participation" on that particular subject. Such citizen participation shall be completed before council discussion of the topic starts.

3) All citizen participation on a topic on the agenda is limited to three minutes per topic. Time may not be allocated to other speakers. Unless additional time is granted by the presiding officer, the time period is cumulative of the topic at the meeting. A citizen may speak on more than one topic and is provided three minutes for each topic on the agenda and a total of three minutes for all topics which are not on the agenda. Unless invited to speak by the presiding officer, all citizens must sign in prior to the start of a meeting in order to be provided with time to present comments.

4) Unless invited by the presiding officer to speak at other times, members of the public are entitled to speak only during a citizen participation portion of a council meeting, and then only when recognized by the presiding officer. Speakers should identify themselves by name and address. The presiding officer may direct that citizen comments be addressed to the council, board, or commission as a whole and not to individual members nor to other members of the audience or the public at large. Members of each body should refrain from responding to citizen comments during the "citizen participation" period (except in the case of questions for which a straightforward factual answer can be given).

5) The presiding officer may limit the number of times that a citizen may speak during a meeting. Should there be a large number of persons with essentially the same message, the presiding officer may request that they indicate their view by a show of hands. The presiding officer may limit the total amount of time allocated to citizen comments during a meeting.

6) Members of the public attending council meetings shall observe rules of propriety, good conduct, and Meeting Decorum Policy, which is attached as Exhibit "A". The presiding officer is authorized to remove from the meeting room and to bar from attending the remainder of the meeting any person who does not adhere to the meeting rules and Meeting Decorum Policy. In case the presiding officer shall fail to act, any member of the body may move to require the enforcement of the rules, and the affirmative vote of the majority of the body members present and voting shall require the presiding officer to act.

Sec. 1.06.007– Debate and Order

(a) Presiding Officer. The presiding officer at a meeting shall control the flow and order of the meeting. If an agenda item was requested by city staff, the city manager may summarize the item for the council or may refer to the staff member who requested the item to brief the council, board or commission. If the item was requested by one or more members of the council, board, or commission, the presiding officer must allow the requesting members to summarize the item. Once the purpose for the item has been briefed to the council, board or commission, the presiding officer may encourage either further discussion or call for a motion.

(b) Discussion of the Item Without Interruption. Each council, board, and commission member must be given an opportunity to speak on the item without interruption. The presiding officer is also to be given an opportunity to speak on the item without interruption. The presiding officer must maintain order and not allow interruption of a member who has the floor. The presiding officer must also be allowed to speak without interruption on the item. The presiding officer must allow each member the opportunity to speak at least once before allowing any member to speak on the item a second time. Citizens providing comments and members of the audience may not speak out, interrupt, disrupt, or disturb the debate while members of the council, board or commission are discussing and item or when a presenter is providing information to the council, board or commission.

(c) Ruling a Member or Public Out of Order. When a member of the public, a council, board, or commission member, or anyone else present during the meeting disrupts the meeting, interrupts the person who has the floor, or fails to follow the direction of the presiding officer in the course of maintaining the orderly progression of the meeting, the presiding officer or a member of the city council, board or commission may call that person out of order. Being called out of order applies only to actions taken in a specific meeting and such determinations may not be combined to future meetings.

1. **Presiding Officer.** The presiding officer shall warn a disruptive person, person interrupting the individual who has the floor, or person failing to follow the instructions of the presiding officer they are acting out of order. If the person continues to disrupt, interrupt, or fail to comply with instruction the presiding officer shall instruct the person they are determined to be out of order and to cease

such actions or else they will be removed from the meeting. The presiding officer may instruct the person on a proper method to handle an item without disruption. The presiding officer must ensure opinions are expressed, but without disruption to the debate and action process. The presiding officer shall determine if a person is out of order.

2. **Body members.** If the presiding officer fails to call a person out of order, or is the one interrupting or causing disruption, any member of the city council, board or commission may call the disrupting or interrupting person out of order. The member may raise a point of order and note either the presiding officer is out of order or that the person interrupting is out of order.
    - **a.** The presiding officer may acknowledge and concede the point or may dispute the point.
    - **b.** If the presiding officer concedes the point, the presiding officer shall instruct the person interrupting or disrupting the meeting to cease such actions, else they may be removed from the meeting.
    - **c.** If the presiding officer disputes the point and the person disrupting or interrupting is not the presiding officer, the presiding officer must explain why the point is disputed. After explanation, the city council, board or commission must vote on whether the person called was out of order or not.
    - **d.** If the presiding officer is the person called out of order and the presiding officer concedes the point, the presiding officer shall cease such disruptive or interrupting actions.
    - **e.** If the presiding officer is the person called out of order and the presiding officer disputes the point, the presiding officer must explain why the point is disputed. After the explanation, any other member of the city council, board or commission may second the point that the presiding officer is out of order. The council, board or commission must vote on whether the presiding officer was out of order or not.

(d) Ejecting a Body Member or Public from Meeting.[1]

1. If a member of the public is warned, then determined to be out of order by the presiding officer, the presiding officer may have the person removed from the meeting for any subsequent disruptions, interruptions, or failures to follow the presiding officer's instructions which occur at the same meeting. The presiding officer may instruct any law enforcement official to remove the person from the meeting and such law enforcement official must comply with the instruction.

[1] Official Comment: Removal from a public meeting is a significant remedy. As a result, the purpose of this subsection is to give both the public and members of the council, board, and commission three chances before they are removed. For members of the public, they should receive a warning, then a determination they are out of order, and upon a third violation, they may be removed from the meeting. For members of the council, board or commission, they are not provided a warning, but must be found out of order two times during the same meeting. Upon a finding the third time that a member of the city council, board or commission is out of order, the member may be removed.

2. If a member of the city council, board or commission is determined to be out of order more than two times during a single meeting, the presiding officer may have the member removed from the meeting. The presiding officer may instruct any law enforcement official to remove the person from the meeting and such law enforcement official must comply with the instruction.
3. If the presiding officer is determined to be out of order by vote of the city council, board or commission more than two times during a single meeting, the presiding officer may be removed from the meeting. If the mayor is removed under this subsection, the mayor pro tem shall assume control of the meeting. If the mayor and mayor pro tem are not available to control the meeting, the remaining council person with the most senior tenure on the council shall assume control of the remainder of the meeting.[2]
4. Nothing in this section prevents a presiding officer or a member of law enforcement from forcibly removing an individual without warning due to an immediate threat of physical violence or harm.

II.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III.
SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

[2] Official Comment: Because the presiding officer's presence during the meeting is of such importance, the ability to remove the presiding officer can only be done by a majority of the members present during a meeting. If the presiding officer concedes any point of order raised by a member, such concession shall not be used against the presiding officer for purposes of removal. However, multiple concessions during a meeting can be considered for purposes of considering an ethics complaint raised against the presiding officer.

IV.
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public 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

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 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*

Exhibit A.

Members of the public are invited and encouraged to attend any sessions of the City Council that are not closed to the public in accordance with the Texas Opening Meetings Act. Meeting Rules and Procedures along with the Meeting Decorum Policy are established by ordinance and apply to all open meetings of the City Council, City Boards, commissions, and committees. The presiding officer of the meeting will ensure that the decorum of the meeting is maintained and is appropriate.

City of Bee Cave Meeting Decorum Policy

I. Application

- The City of Bee Cave meeting decorum policy is applicable to all those in attendance of the city's public meetings, including the public, media, councilmembers and city staff.
- All persons in attendance shall mute all hand-held devices including laptops.
- While the public is invited to attend all meetings (with the exception of executive sessions) and encouraged to attend, the public's participation is limited to that of observers unless a member of the public makes a proper request to address the body to speak during the designated time. A call for comments during a public hearing qualifies as a properly designated time to allow a member of the public to speak.
- The City Council has expectations that all members of the public will be courteous and respectful to others, will be patient when listening to others speak, will not interrupt when others are speaking, and will be mindful of everyone else's time.
- Each person attending the meeting will refrain from private conversations while the meeting is in session.
- Reactions from the audience following the recognition of citizens and other guests are considered appropriate and encouraged. Reactions from the audience during staff presentations to the council, citizen participation and during council discussion are not appropriate and are not permitted. This includes but is not limited to clapping, cheering, booing, stamping of feet, whistling, shouting, and other audible behaviors.
- No placards, banners, or signs are permitted inside the meeting room. Exhibits, displays, and visual aids used in presentations for posted agenda items are permitted.
- All members of the public will wear appropriate attire, including being fully clothed, having shoes or sandals, and be groomed in a sanitary manner.
- All persons present at a meeting have an obligation to obey the presiding officer, who holds the duty to maintain order.
- Members of the public should not bring food or drinks into the meeting chambers unless given permission by the presiding officer or city staff.

- All persons shall not leave trash, debris, discarded papers, or other items brought into the meeting chambers. All persons must take out what they bring in.
- Any person making personal, rude, impertinent, profane, or slanderous remarks or who becomes boisterous when addressing the councilmembers or while attending a meeting may be removed from the meeting room at the request of the presiding officer.
- During the conduct of official business, members of the news media shall refrain from conducting interviews with other persons in the meeting room.
- Any person using a recording device or camera may be directed by city staff to a designated area in the meeting room.

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**10.**
Agenda Title:	**Discuss and consider action on a Memorandum of Understanding between the City of Bee Cave Municipal Court and the Village of the Hills, Texas for hosting and operating municipal court under concurrent jurisdiction.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

The purpose of this item is for staff to update City Council on discussions between the City staff and Village of the Hills staff regarding concurrent municipal court jurisdictions.

2. DESCRIPTION/JUSTIFICATION

a) Background

The Village of the Hills reached out to staff to discuss the possibility of assisting with municipal court services for The Village.

The Village identified a need for municipal court services for ordinance and code violations from within their jurisdiction but does not currently have a municipal court in which to hear cases related to said violations.

Conversely, the City has operated municipal court for a number of years and has staff and legal counsel in place to support the judicial functions.
The City Manager and legal counsel will provide additional background in open session as well as answer questions from the body.

b) Issues and Analysis

Costs associated with implementation with the agreement(s) will be reimbursed to the city through a combination of fines and contribution from the Village.

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
Municipal Court MOU	Backup Material

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BEE CAVE MUNICIPAL COURT AND THE VILLAGE OF THE HILLS, TEXAS FOR HOSTING AND OPERATING MUNICIPAL COURT UNDER CONCURRENT JURISDICTION

This Memorandum of Understanding ("MOU") is between City of Bee Cave Municipal Court, (hereinafter referred to as "Bee Cave"), a home rule municipal corporation of the State of Texas, and the Village of the Hills, Texas (hereinafter referred to as "Village"), a general law type B municipal corporation of the State of Texas, regarding the hosting and operation of a municipal court of record hosted by the City of Bee Cave, Texas.

1. Bee Cave hosts a municipal court of record within its territorial and jurisdictional limits.
2. The Village, though having a municipal court pursuant to state law, does not host or operate its municipal court.
3. The Village has requested assistance in hosting and operating its municipal court.
4. Texas Government Code § 29.003(i) authorizes two municipalities to jointly create concurrent jurisdiction of their municipal courts, which allows for the municipal court for Bee Cave to have jurisdiction over offenses occurring within the territorial limits of the Village as if the municipal court of Bee Cave were the original jurisdiction.
5. The city council of the Village and the city council of Bee Cave have agreed to create such concurrent jurisdiction as authorized by state law.
6. Under this agreement, the municipal court of Bee Cave has concurrent jurisdiction over all offenses committed within the territorial limits of the Village and which would fall within the jurisdiction that a municipal court of the Village would possess under state law.
7. Under this agreement, the Presiding Judge of the Municipal Court for Bee Cave is authorized to administer the judicial tasks and supervise the court administrative tasks necessary to accomplish the utilization of concurrent jurisdiction.
8. Under this agreement, the City Attorney for Bee Cave, as the designated prosecutor for the State of Texas, is authorized to act as the attorney for the State of Texas and prosecute all offenses within the original and concurrent jurisdiction within Bee Cave municipal court jurisdiction.
9. Under this agreement, the City Manager of Bee Cave is authorized to take such necessary action within city administration tasks necessary to accomplish the intent of this agreement including coordinating with the administrative staff at the Village, coordinating with surrounding agencies, and implementing such administrative changes necessary to allow the Bee Cave municipal court to take full advantage of such concurrent jurisdiction.
10. Under this agreement, Bee Cave agrees to allocate the appropriate and required court costs to the State of Texas.

11. Under this agreement, and in contemplation of the costs to Bee Cave for hosting the Village's municipal court, Bee Cave will retain all fines collected from adjudicating the Village's municipal court's docket.
12. Under this agreement, Bee Cave will invoice the Village by the _____of every month for the time spent by Bee Cave municipal court staff working on the adjudication of the Village's municipal court's docket. The fees collected under section 11 of this agreement may be used to offset any costs incurred for staff time.
13. The term of this agreement begins on _____, 2024 and continues until either party terminates the agreement in accordance with 14 below.
14. This agreement may be terminated by either party with thirty (30) days written notice.

City of Bee Cave, Texas

_____ _____

Signature Date

Village of the Hills, Texas

_____ _____

Signature Date

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**11.**
Agenda Title:	**Discussion and possible action regarding a Memorandum of Understanding between West Travis County Public Utility Agency and The City of Bee Cave regarding a Reclaimed Water Irrigation Project at Central Park.**
Council Action:	**Discussion and possible action**
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager / Lindsey Oskoui, Assistant City Manager**

1. INTRODUCTION/PURPOSE

The purpose of this item is to discuss a MOU between WTCPUA and COBC regarding a future partnership for use of reclaimed water for irrigation at Central Park.

2. DESCRIPTION/JUSTIFICATION

a) Background

Staff has been in discussions with WTCPUA over the last few years regarding a potential partnership for disposal of treated effluent on Central Park.

Parks and Facilities staff have had difficulty with the existing groundwater source irrigation system at Central Park and have been exploring options to irrigate to a standard worthy of the park in it's current form as well as future build out through implementation of the Central Park Master Plan and CIP.

Additionally, the WTCPUA is in the process of identifying areas where treated effluent can be disposed of for compliance with PUA's Texas Land Application (Permit No. WQ0013594001). As the system expands capacity additional treatment and disposal is required. Current areas for TCEQ approved disposal include partnerships with Spanish Oaks Golf Club, Spanish Oaks HOA (common areas), Falconhead Golf Course, & Falconhead HOA (common areas).

b) Issues and Analysis

Current disposal of treated w/w is limited to above ground/spray irrigation systems in the aforementioned areas. Under the MOU and proposed future agreement, the PUA will pay for and install a subsurface area drip dispersal system (SADDS) within a mutually agreed upon and Master Plan identified area within Central Park.

Under the terms of the MOU, the City will not pay for installation, irrigation water, or charge the PUA for the leased area. The city will be responsible for maintaining the infrastructure required for irrigation.

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
🗋	MOU	Cover Memo

DRAFT: FOR REVIEW ONLY
2/7/2024

MEMORANDUM OF UNDERSTANDING BETWEEN THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY AND THE CITY OF BEE CAVE (Central Park Reclaimed Water Irrigation Project)

The West Travis County Public Utility Agency (the "WTCPUA") and the City of Bee Cave (the "City") (collectively the "Parties") enter into this memorandum of understanding ("MOU") regarding their intent to undertake a project that will provide reclaimed water for irrigation through a subsurface area drip dispersal system ("SADDS") to the City's Central Park pursuant to the applicable rules of the Texas Commission on Environmental Quality ("TCEQ") and amendment of the WTCPUA's Texas Land Application Permit ("TLAP") No. WQ0013594001.

WHEREAS, the WTCPUA is a public utility agency governed by Chapter 572 of the Texas Local Government Code and created pursuant to a Concurrent Ordinance approved by the participating entities of Hays County, the City, and Lake Pointe Municipal Utility District[1]; and

WHEREAS, the WTCPUA, under the TLAP, performs domestic wastewater treatment operations, including operations relating to disposal of effluent by irrigation; and

WHEREAS, TCEQ has previously administratively authorized the use of reclaimed water for irrigation from WTCPUA wastewater treatment facilities under Title 30, Texas Administrative Code, Chapter 210, Reuse Authorization No. R13594001 ("WTCPUA 210 Authorization"); and

WHEREAS, the City is in the design phase of parkland known as Central Park, and desires to incorporate SADDS into its park master plan design and utilize reclaimed water provided by the WTCPUA to irrigate said parkland; and

WHEREAS, the WTCPUA and the City desire to work together on a common plan for the provision of reclaimed water for irrigation of Central Park.

NOW THEREFORE, the WTCPUA and the City enter into this Memorandum of Understanding (the "MOU") and understand and agree to the following:

1. Defined terms in the above Recitals are incorporated herein for all purposes.

2. The WTCPUA and the City will negotiate a service agreement whereby the WTCPUA will provide reclaimed water to the City's Central Park to be used for irrigation purposes to be authorized under the WTCPUA's TLAP. The City agrees to work proactively to address any comments raised by TCEQ personnel regarding the agreement between the parties.

---

[1] Lake Pointe Municipal Utility District is a successor in interest to West Travis County Municipal Utility District No. 5.

3. The City agrees to delineate areas available for SADDS as part of the park master plan, which WTCPUA will seek to include as irrigated areas under its TLAP in a future amendment application. The City will provide the WTCPUA with the opportunity to provide input on the conceptual layout process. Design will include a transmission main through the parkland and separate from the irrigation fields to promote expansion of the WTCPUA's reclaimed water service area.

4. The City will execute a long-term lease of the SADDS irrigation areas to the WTCPUA on terms and conditions mutually agreeable to both parties without cost to the WTCPUA within the timeframe necessary to support WTCPUA's application to amend its TLAP permit.

5. Both the WTCPUA and the City agree that the City will have review and input on the Site Preparation, Springs and Seeps Monitoring, and Annual Cropping Plans as those project components are required by TCEQ. The parties further agree that the WTCPUA will have inspection ability and access to the irrigation areas to ensure and confirm that the provisions of the TLAP are being met.

6. The WTCPUA and the City agree that the SADDS will be used as the primary application method for irrigation water, and that supplemental irrigation may be applied by the City at the City's sole discretion, except that such application shall not cause a violation of the WTCPUA TLAP.

7. Irrigation of reclaimed water via the SADDS fields will be managed by City maintenance personnel in compliance with the WTCPUA TLAP, which includes (a) a daily maximum application rate limited to 0.1 gallons per square foot per day (0.16" per day) for any irrigated area via SADDS, and (b) the WTCPUA is willing to provide a minimum amount of water at no cost to the City as mutually agreed to and depending on the nature and priority of various application areas.

8. The WTCPUA agrees to design, procure, fund, and oversee construction of the SADDS transmission main. The SADDS system design and installation will include a new pump station. The WTCPUA agrees that all costs associated with installation of the SADDS system, including but not limited to, installation of the irrigation lines and the transmission line shall be the sole responsibility of WTCPUA.

9. The City agrees to lease the property and maintain the SADDS fields in exchange for WTCPUA's provision of reclaimed water without cost to the City. Should the City desire to cease maintenance of the SADDS, WTCPUA will charge the City a reasonable and regular rate for delivery and provision of such water to recoup its operations and maintenance costs.

10. The parties agree that reclaimed water irrigation also may be extended to Central Park and applied via the SADDS contemplated herein pursuant to the WTCPUA 210 Authorization during an interim period, if any, between construction and commissioning of the system and issuance of the final TLAP authorizing the irrigation under the terms thereof. The intent

of this provision is to allow the irrigation project to be built and used for the mutual benefit of both parties as quickly as possible. The Parties will execute any necessary service agreement under the WTCPUA 210 Authorization required by TCEQ to effectuate irrigation during this interim period.

11. The parties may also mutually agree to the use of spray irrigation in some areas if the use of reclaimed water would be maximized by such irrigation method while remaining in compliance with TCEQ regulations and requirements.

12. The parties may modify this MOU only by mutual consent. Any modification shall be effective only if written and executed by the authorized representatives of each Party.

13. The term of this MOU is two years from the Effective Date described below.

Effective and agreed to as of the date of the last signature ("Effective Date").

[Signature pages to follow]

CITY OF BEE CAVE

By: _____

Name: _____

Date: _____

ATTEST:

By: _____

Name: _____

Title: _____

WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

By: _____
Scott Roberts, President

Date: _____

ATTEST:

_____

_____, Secretary

City Council Meeting
2/13/2024
Agenda Item Transmittal

Agenda Item:	**12.**
Agenda Title:	**Discussion and possible action on community events and publicity.**
Council Action:	
Department:	**City Manager**
Staff Contact:	**Clint Garza, City Manager**

1. INTRODUCTION/PURPOSE

Council Member Hohl requested that this item be placed on the agenda.

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
2/13/2024
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
2/13/2024
Agenda Item Transmittal

Agenda Item:	**13.B.**
Agenda Title:	**Consultation with attorney regarding legal issues associated with city's intellectual property rights, associated legal claims, potential responses and resolution.**
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
2/13/2024
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