

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS October 19, 2021

1) Call to Order

The meeting was called to order at 7:02 PM

2) Roll Call

Mayor Bohm and Commissioner Brushwood are present.

3) Citizens Comments will be taken from the audience on Non-Agenda related topics. No action may be taken by the City during Citizens Comments.

Kathryn Rosenbluth states Bear Creek Oaks Property Owners Association annual meeting will be on October 26, 2021; meeting will be virtual or location to be determined.

Trent Brackenridge said with the new stop light at JD's Market it's become increasingly difficult to leave the neighborhood due to increase of traffic and the timing of lights.

Kathryn Rosenbluth shared a conversation she had with Miki Cook, resident on Niles Cove. A nonresident was parking his car (white Honda CRV) in the Niles Cove cul-de-sac then riding his bike in the neighborhood. Miki asked he not to block their driveway access; he got mad and said he can park on any public street. She suggested he park at the North Madrone entrance instead of Niles Cove. He's now parking at the North Madrone entrance. Miki suggested VOBC Commissioners might want to think about an Ordinance prohibiting parking on the street for nonresidents who are not resident's guests. Sighting most of our streets are too narrow for parking and many of our houses too hidden from view for security. She believes no resident wants a strangers cars parked in front of their home.

4) Approval of Minutes from April 19, 2021 Commissioners Meeting.

Table

5) Approval of Minutes from May 17, 2021 Commissioners Meeting.

Table

6) Approval of Minutes from August 16, 2021 Commissioners Meeting.

Mayor Bohm makes motion to approve August 16, 2021 minutes as edited. Edits: Correct spelling in #9.A "road boar" should be spelled road bore . Correct word in #9.I: change active to activate. Commissioner Brushwood seconds. Motion is approved unanimously.

7) Approval of Minutes from September 20, 2021 Commissioners Meeting.

Mayor Bohm makes motion to approve September 20,2021 minutes with one edit. Edit: #8.d \$ to 35.18 corrected to \$35.18. Commissioner Brushwood seconds. Motion is approved unanimously.

8) Discussion and possible action in regard to reviewing 2021- 2022 budget and actual expenditures.

Table. The 2021 -2022 budget and actual expenditures isn't available. City Secretary confirms all expenses on tonight's agenda are included in the 2021 -2022 budget.

9) Consent Agenda- the following may be acted upon in one motion. A Commissioner, Mayor or a Citizen may request items be pulled for separate discussion and/or action.

a. Approve payment to Knight Law Firm \$960.00 for July 2021 attorney services. Invoice #3319 dated 9/20/2021.

b. Approve payment to News Dispatch \$85.40 for public notice of VOBC Outdoor Burn Ordinance and Subdivision Ordinance. Invoice #62804 dated 10/6/2021.

c. Approve reimbursement to Kathryn Rosenbluth \$146.28 for annual VOBC web site domain renewal with Hostgator.

d. Approve payment to Texas Municipal League \$591.00 for annual membership renewal. Invoice dated 8/2/2021.

Mayor Bohm makes a motion to approve the Consent Agenda as read. Commissioner Brushwood seconds. Motion is approved unanimously.

10) New Business

A) Action to appoint and oath into office, Trent Brackenridge to fill the vacant City Commissioner seat on Council. Term expires November 2022. (Mayor Bohm)

Mayor Bohm welcomes Trent Brackenridge to VOBC council and appoints him to fill the vacant seat. Mayor Bohm oaths Trent Brackenridge into office.

B) PUBLIC HEARING: Discussion and possible action to approve the updated Outdoor Burn Ordinance #211019.001 to include the new Hays County Fire Outdoor Burn Permitting requirements.

Mayor Bohm opens the public hearing. Outdoor Burn Ordinance has been updated to incorporate Hays County Fire Marshall outdoor burn permitting requirements. Ordinance language has been approved by Hays County Fire Marshall and legal counsel. Commissioner Brushwood makes motion to approve VOBC Outdoor Burn

Ordinance #211019.001. Commissioner Brackenridge seconds. Motion is approved unanimously.

C) PUBLIC HEARING: Discussion and possible action to approve the updated Subdivision Ordinance #211019.002 to amendments implementing the changes in Chapter 212, Texas Local Government Code adopted by the Texas Legislature as House Bill 3167.

Mayor Bohm opens the public hearing. Updating the Subdivision Ordinance has been a topic of discussion for many months. At this point all modifications and clarifications have been made. Mayor Bohm reviews each item modified after discussion two minor edits are made: 1) page 7 of 21 Section 8.a Required Copies: Filing Deadline add “been”. An application shall not be considered complete until all preliminary plat requirements have “been’ met and submissions made. 2)page 17 of 21 b. Setback Requirements #2. Remove ‘pens, animal pens’ . Change “No pens, corrals, sheds, barns, animal pens or similar structures shall be located within”, to “No corrals, sheds, barns or similar structures shall be located within. VOBC still needs to create the “Checklist and Schedule/Calendar” as referenced in the Subdivision Ordinance. Mayor Bohm makes a motion to approve Subdivision Ordinance #211019.002 with the minor edits referenced on page 7 and 17. Commissioner Brushwood seconds. Motion is approved unanimously.

D) Discussion and possible action regarding State of Texas Opioid Settlement claims and VOBC participation.

VOBC received notification the State of Texas has joined two nationwide settlement agreements to resolve all opioid litigation brought by states and local governments. If VOBC wants to participate we must submit a signed documentation to participate by January 2,2022. Mayor Bohm will investigate this further for discussion next month.

E) Discussion and possible action regarding VOBC’s participation in updating 2015 Hays County Hazard Mitigation Plan.

VOBC has participated in the Hays County Hazard Mitigation Plan in the past; and will continue to do so. Commissioner Brushwood volunteered to be the primary contact person and Kathryn Rosenbluth, City Secretary, the secondary contact person. Mayor Bohm makes a motion to have Commissioner Brushwood primary and Kathryn Rosenbluth

secondary. Commissioner Brushwood seconds. Motion approved unanimously.

F) Discussion and possible action regarding VOBC/TDS Annual Trash Clean Up Day held on September 25, 2021.

Council agrees overall it was a successful trash collection day. Mayor Bohm mentioned a Niles Cove resident complained they didn't have full access to their driveway when vehicles were unloading. This was unfortunate and largely due to the positioning of the roll off and trash compactor. Unfortunately, the roll off wasn't dropped in an ideal location. During the event it was re-positioned for greater access. TDS Representative, Frankie Bates was in attendance.

G) Discussion and possible action regarding the Low Water Crossing dedication ceremony to Erin Foster held on October 2, 2021.

Council agrees the dedication ceremony went well. It was a beautiful day, and the creek was running. Family and neighbors gathered shared Erin Foster stories, memories and laughs. Mayor Bohm dedicated the Low Water Crossing to Erin Foster.

H) Discussion and possible action regarding VOBC Commissioner meeting dates during the 2021 holiday season.

City Secretary will be out of town on the scheduled November 16, 2021 Commissioners Meeting. Council recommends moving November meeting to Tuesday 11/9/21 or Thursday 11/18/21. City Secretary will reach out to Friendship Creekside for meeting room availability on 11/9/21 or 11/18/21. December Commissioners meeting will be as scheduled; Tuesday December 21, 2021.

11) Old Business

A) Discussion and possible action regarding Village of Bear Creek roads and Right of Way. Including but not limited to Cononavirus Local Fiscal Recovery Fund (CLFRF) program.

Mayor Bohm confirmed we received the first installment of CLFRF funds, \$59,468.65. These funds can only be spent on infrastructure ie: Water, Internet, Sewer or Coronavirus.

Commissioners discussed Miki Cook's suggestion of enforcing 'resident only parking on city streets'; first we need to investigate if this is something Hays County Sherriff would enforce. Commissioner Brushwood said Johnny TX Road Repair and Patches would do road work the week after Thanksgiving. VOBC has approved an expenditure not to exceed \$2,500.00.

Commissioners discuss a 20' section of S Madrone Trl where edge of the road is eroding. Commissioner Brushwood said Johnny charges \$1800.00 loan to fix road edges. Mayor Bohm makes a motion to increase the \$2,500.00 approved amount to not exceed \$7,000.00 for multiple loads of hot mix crack fill and 1 load of road edge. Commissioner Brackenridge seconds. Motion approved unanimously. Commissioner Brushwood mentions the street indicator signs haven't been replaced on the stop sign at FM1826 and N Madrone Trl; he did notify TX Dot. Tx Dot has trimmed around the "Hill Blocks View" sign at FM 1826 approaching N Madrone Trl.

B) Discussion and possible action regarding improving traffic safety at the two VOBC intersections FM 1826 at N Madrone Trl and Bear Creek Dr and FM1826 and 45W.

Council has general discussion regarding timing of the new light at JD's, traffic load and how that's affecting residents ability to safely gain access to FM1826. This is an on going issue; unfortunately will get worse as additional subdivisions/homes are being built off FM1826.

C) Discussion and possible action regarding Driveway Ordinance #190218.001. Not limited to updating the Ordinance and its association it to the Subdivision Ordinance

Mayor Bohm requested City Secretary provide him with the Driveway Ordinance #190218.001 word document.

D) Discussion and possible action regarding Covid-19 Hays County Disaster Order, the Governors Orders and VOBC.

Mayor Bohm shared information from Hays County Covid-19 noting that Covid-19 numbers are trending in a positive direction.

E) Discussion and possible action regarding VOBC records and fire recovery. (Mayor Bohm)

Mayor Bohm has investigated off site storage. Darden Hills Storage charges \$80./month for 5 X 5 storage unit. Slaughter Storage charges \$96./month for a 5 x 5 storage unit. Both facilities have fire suppression hallways but not the unit. Iron Mountain is fully fire controlled; they charge \$200./month for 20 boxes. Texas Library & Archive stores documents at \$.24 cents per box/per month. VOBC would need to adopt an Ordinance documenting our storage retrieval and disposal policies. Commissioners agree we should proceed with exploring Texas Library & Archive for our record storage. Mayor Bohm is in possession of box's reclaimed from the July 16, 2021 fire. He brought one box to the meeting. When opened it appeared the file folders are damaged; but paper documents

inside the folder appear salvaged. City Secretary and Mayor will convene at future date time to analyze the contents of documents in the reclaimed boxes. We've yet to receive an invoice for fire recovery.

F) Discussion and possible action regarding Village of Bear Creek web site maintenance.

No update. Table.

11) Announcements

**A) Next VOBC Commissioners Meeting is Tuesday, November 16, 2021 7:00 PM
at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737**

12) Adjournment

The meeting adjourned at 9:36 PM

Submitted on November 7, 2021 by Kathryn Rosenbluth

Approved on _____ 11/9/2021 _____

By *Kathryn Rosenbluth*

Kathryn Rosenbluth, City Secretary