

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS March 21, 2023

1) Call to Order

The meeting was called to order at 7:01 PM

2) Roll Call

Mayor Bohm, Commissioner Brushwood and Commissioner Brackenridge 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.

Mark Bohm said he attended last week's Bear Creek Oaks Property Owners Assn meeting. A fair amount of the meeting was dealing with both roads and the proposed Mission Oaks Condominium project. New BCOPOA President is Cathy Cole. Seems the HOA is trying to hit a reset button and make headway to updating the BCOPOA Restrictions, so they are enforceable and in keeping with legislative changes. Joel Despain and Jim Bellevue both residents and attorneys were in attendance. Joel Despain spoke at the meeting, Jim Bellevue did not.

Al Brushwood asked if the FAA Public Notice regarding the FAA San Antonio Airspace Modernization Project Final Environmental Assessment letter has concluded. Kathryn Rosenbluth replied all she know is what the letter states "The FAA has issued a finding of no significant impact and record of decision for the project. Project implementation is scheduled to begin near the end of 2023".

Trent Brackenridge asks if there is a reason the property restrictions are managed by the HOA and not the Village. City Secretary explained the HOA was established decades before the city. We voted to become a city. The HOA was already established, so we agreed to sort of work in concert with each other. HOA continues to approve all permanent structures per Deed Restrictions. The city won't have to deal with building codes, inspections, and all the extra layers of complexity for a city. As a city we would have to allow diversity and all types of housing, whereas a homeowner's association abides by the Deed Restrictions. Over time we've seen HOA variances and board members with different interpretations of the Deed Restrictions. Those in attendance have a general discussion about land use, commercial businesses, zoning and sort term rentals.

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

Table, minutes are not complete.

5) Approval of Minutes from April 19, 2022 Commissioners Meeting.

Table, minutes are not complete.

6) Approval of Minutes from February 21, 2023 Commissioners Meeting.

Mayor Bohm makes a motion to approve the February 21, 2023 minutes as submitted.

Commissioner Brackenridge seconds. Motion passes unanimously.

7) Discussion and possible action in regard to reviewing 2022- 2023 budget and actual expenditures.

City Bookkeeper to relocate recording expense from Subdivision Plat Review (Income) to Misc. Plat Recording (Expense).

8) 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 Friendship Creekside Fellowship \$50.00 for 3/21/2023 VOBC Commissioners meeting in the Annex.**
- b. **Approve reimbursement \$180.30 to Kathryn Rosenbluth for recording 8905 N Madone Trl Final Plat with Hays County. (\$30.00 tax cert, \$121.00 recording fee and \$39.30 travel reimbursement)**
- c. **Approve payment to Texas Road Repair Inc \$2,000.00 for road & shoulder repair on Bear Creek Dr and FM 1826. Invoice dated 3/9/2023.**
- d. **Approve payment to Hays County Auditor \$500.00 for 10/1/2022 – 9/30/2023 Animal Control Services per interlocal agreement. Invoice dated 2/21/2023.**
- e. **Approve payment to Hays Central Appraisal District \$115.38 for 2023 2nd Quarter. Invoice dated 3/16/2023..**

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

9)New Business

A) Discussion and possible action regarding, and not limited to, the sale and development of Lang Family Ranches properties: Lot 5, Section 3, Bear Creek Oaks (5.06 acres) and the adjoining Lot 8, Silver Spur Ranchettes (39.13 acres) aka Mission Oaks Condominiums both in Hays County.

Mayor Bohm had planned to attend March 14, 2023 Hays County Commissioners meeting to address this item. At the last minute a request to delay came from a Silver Spur Ranchettes citizens group. A resident of Silver Spur Ranchettes, Bill Wagner, is spreading the word of the proposed development throughout the community, with environmental impact and density concerns. He's also communicating with City of Austin regarding the ETJ in the aquifer contributing zone. Bill Wagner requested Commissioner Walt Smith table the item. The seller is pushing to get the item back on the agenda quickly. When put back on the agenda Hays County should be required to send notification letters to all property owners within 200 feet. Walt Smith,

our Precinct Commissioner said it's been challenging to get a Mission Oaks Condominium development agreement because the property hasn't been sold. Appears they want Hays County Commissioners Court to approve the development agreement, for marketing purposes. Walt Smith confirmed their plan is for 39 acres of Silver Spur Ranchettes and does not include the 5-acre tract in Bear Creek Oaks. Walt agreed the Seller is requesting Hays County spend county resources to work up a development agreement so the seller can market it as 'approved'. Mayor Bohm reached out to our legal counsel and requested they review our Subdivision Ordinance and confirm it's as tight as it can be. And also review our Driveway Ordinance.

B) Discussion and possible action regarding VOBC/TDS Annual Trash Clean Up day scheduled for Saturday, March 25, 3033. 9am to 1pm at Niles Cove and Madrone Cr.

City Secretary confirmed with Frankie Bates, TDS Representative, that the manned trash compactors will arrive by 9am. However, the roll offs have a 4 hour window for delivery; sometime between 6 am and 10 am. Hopefully we'll have a roll off at least at one location by 9 am. Mayor Bohm and Commissioner Brushwood confirmed they'll be out of town for the event. Commissioner Brackenridge will take advantage of the event early, but won't be available after 10am. City Secretary is available and will monitor the event. Commissioners have a general discussion about the event. This Sunday City Secretary will put up the signage for the event.

C) Discussion and possible action regarding Capital Area Metropolitan Planning Organization (CAMPO) request for 2023 \$350.00 contribution Letter dated 3/8/2023.

The Council has a general discussion. Commissioner Brackenridge researched CAMPO and reports that CAMPO projects are not in our area; therefore making a cash contribution to CAMPO will be of little value to us. Commissioners agree not to contribute money to CAMPO.

D) Discussion and possible action regarding \$284.42 opioid settlement distribution check received 3/15/2023.

The Opioid Abatement Trust Fund was established by the TX Legislature in 2021 to receive statewide opioid abatement litigation settlement proceeds and make distributions to Opioid Abatement Trust Fund recipients. City Secretary said the Village of Bear Creek received \$284.42 check for our allocation from the Opioid Abatement Trust Fund to address opioid-related harms in our community.

10) Old Business

A) Discussion and possible action regarding the Coronavirus Local Fiscal

Recovery Fund (CLFRF) program and VOBC use of allocated funds.

Table.

B) Discussion and possible action regarding West Travis County Public Utility Agency (WTCPUA) \$3,500.00 proposal to model the Village water line around North Madrone Trl creating a looped system through the VOBC. The model to define what line size is needed and the expected pressures.

Mayor Bohm presents Chad Gilpin's Water Main Expansion Cost estimate and exhibit.

Gilpin is still trying to get the actual engineering study, or the summary of the study. He was given a quick summary of the engineering study and provided an cost estimate based on that. Their model indicated we needed an eight-inch line to support fire hydrants, service the loop and equalize pressure. There is a six-inch line coming in off Bear Creek that splits and a four-inch line coming in on Bear Creek Dr and a six-inch line going along S Madrone Trl. The water expansion line would come off FM1826 and go down N Madrone Trl then connect with the existing line a S Madrone Trl. It wouldn't include Niles Cove, Cedar Cove nor connect the existing Bear Creek line with the existing S Madrone Trl line. If we construct the loop parts Niles Cove, Cedar Cove and some on Bear Creek Dr wouldn't have the WTCPUA water line option. The bid includes a 30% contingency of \$621,000. Total estimate cost \$2,940,018.27, which far exceeds the CLFRF grant funds. Commissioners have a general discussion regarding possible additional funding sources including property owner contributions. As we continue to explore the issue we'll likely need to have a community meeting(s) for citizen support and feedback. If we float a bond that would need to be approved by vote of registered voters. Bohm pointed out if more property owners had WTCPUA water option that increases the potential to subdivide their lot to 2 acre tracts..

C) Discussion and possible action regarding Village of Bear Creek roads and Right of Way.

City Secretary has received positive feedback on Texas Road Repair work at Bear Creek Drive and FM 1826 entrance. Citizens are very appreciative of the road work done at that intersection. Mayor Bohm spoke to Chad Gilpin about our roads. Chad drove through the Village and did a quick, high-level summary and feels our roads look pretty good. He recommends in +/- 2 years that we do another chip and seal; as a topcoat surface of all roadways.

In regards to Right of Way Ice Storm clean up Commissioner Brushwood drove the neighborhood with Pete of Garcia Tree Service. Pete charges \$220.00/hour, the crew works 10 hr days and price includes chipping. We can get on wait list to do the job. But due to Oak Wilt he wouldn't cut any Oaks until June. Due to the size of job there will be lots of chipping and mulch. Mayor Bohm is concerned the volume of mulch in Right of Way will hinder water flow and could potentially cause additional issues. Commissioner Brackenridge prefers not chipping, as it molds it's a hotbed for Oak Wilt. Commissioner Brushwood said Pete's plan is to come through and chainsaw everything that needs to be cut. The next day they'd come back mulch, overnight he's concerned residents will add to the cut debris in Right of Way. Probably looking at 2-3 days of work. Brushwood will discuss mulching and hauling off the debris. City Secretary will reach out for evidence of insurance and his W9 form.

City Secretary mentions we have a couple street sign poles that are leaning and some street signs

that are faded and could be updated for better visibility.

D) Discussion and possible action regarding improving traffic safety at the two VOBC intersections FM1826 at N Madrone Trl and Bear Creek Dr and FM1826 and 45 W. Including but not limited to 1826 Neighborhood Coalition. (Commissioner Brushwood)

Mayor Bohm spoke to Willie with TX Dot. He had an associate with TX Dot who has been doing modeling for Hays County and identifying where they are installing the speed detection signs on the call. TX Dot is fine with us finding one or two speed detection signs, but they'd have to be a specific brand that cost +/- \$5,000.00 each and we may have to enter an interlocal agreement with TX Dot.. Their looking into it. Willie said they need a warrant analysis to classify Bear Creek Drive and North Madrone Trl, it's in the works and scheduled for April – May. Once done they'll get back to Mayor Bohm how they've classified those two intersections and their recommendations for the right solution. Doesn't necessarily mean anything will happen right away. But before you can implement a plan you need to determine what the plan is. Bohm is encouraged with the direction of the call and TxDot's willingness.

E) Discussion and possible action regarding opening a new VOBC interest bearing asset account.

City Secretary reports she met with Wells Fargo and Chase Bank. Chase Bank recommended she go back to Prosperity Bank and confirm our accounts are collateralized. With pledged accounts we are insured for greater than \$250,000.00. She confirmed with Prosperity Bank, Accounting Treasury Department that our accounts are collateralized. If we increase our balances or add new accounts, the collateralization increases. She's communicating with Michelle Espinoza, Bank Officer, who confirmed all we need to proceed are City Minutes instructing the dollar amount, type of account and names of signers. Michelle recommended the 7 month CD 4% rate and 4.03 APY based on rate sheet dated 2/21/2023. Commissioners have a general discussion. City Secretary recently moved \$50,000.00 from Checking to Money Market. In Checking and Money Market our grand total is \$473,001.23 of which \$190,000.00 is the CLFRF grant funds. Mayor Bohm recommends keeping \$100,000.00 liquid and put the remaining in CD's. Mayor Bohm makes a motion to keep \$100,000.00 in our active Checking and Money Market account and place the rest in seven month CD's with Prosperity Bank. All members of Council and City Secretary as signers. Commissioner Brackenridge seconds. Motion approved unanimously.

F) Discussion and possible action regarding Driveway Ordinance #190218.001

Table

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

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

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

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11) Announcements

A) Next VOBC Commissioners Meeting is Tuesday, April 18, 2023 at 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.

B) The VOBC/TDS Annual Trash Clean Up Day will be held on Saturday, March 25, 2023 9:00AM to 1:00 PM at Niles Cove and Madrone Circle.

12) Adjournment

The meeting adjourned at 8:53PM

Submitted on April 9, 2023 by Kathryn Rosenbluth

Approved on _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary