

'MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS January 16, 2024

1) Call to Order

The meeting was called to order at 7:05 PM

2) Roll Call

Mayor Bohm, Commissioner Brushwood are present. Commissioner Brackenridge is delayed.

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 mentions that Hays County Government Offices had a big snafu with juror summons not going out; so they were hand delivered. Kathryn Rosenbluth shared that WTCPUA posted a boil water notice for Belterra, due to the freeze. The boil water notice did not include the Village of Bear Creek.

Mayor Bohm tables #4 & #5 until Commissioner Brackenridge is present.

4) Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Cause No. 23-1625, Lipkowski v Village of Bear Creek, et al., In the 428 Judicial District Court, Hays County, Texas.

5) Reconvene into open session to take action as determined appropriate in the City Council's discretion regarding Cause No. 23-1625, Lipkowski v. Village of Bear Creek et al, in the 428 Judicial District Court Hays County, Texas

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

Table, minutes are not complete.

7) Approval of Minutes from December 19, 2023 Commissioners Meeting.

Mayor Bohm makes a motion to approve December 19, 2023 minutes as submitted. Commissioner Brushwood seconds. Minutes are approved unanimously.

7:12 PM Commissioner Brackenridge is present.

7:15 PM Mayor Bohm opens #4 and council enters an Executive Session.

4) Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Cause No. 23-1625, Lipkowski v Village of Bear Creek, et al., In the 428 Judicial District Court, Hays County, Texas.

7:30 pm Mayor Bohm reconvenes the VOBC Commissioners meeting.

- 5) **Reconvene into open session to take action as determined appropriate in the City Council's discretion regarding Cause No. 23-1625, Lipkowski v. Village of Bear Creek et al, in the 428 Judicial District Court Hays County, Texas**

Table. No item was presented for consideration.

Meeting continues the Commissioners Meeting in order of the agenda; starting with #8.

- 8) **Discussion and possible action in regard to reviewing 2023- 2024 budget and actual expenditures.**

Table no action needed. City Secretary mentions she's prepared the annual IRS 944 form; Employers Annual Federal Tax Return and check for execution. This amount has been budgeted for in Payroll Taxes.

- 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 Friendship Creekside Fellowship \$50.00 for**

1/16/2024 VOBC Commissioners meeting in the Annex.

- b. **Approve payment to The Knight Law Firm \$90.00 for October 2023 attorney services. Invoice #5585 dated 12/21/2023.**

Mayor Bohm makes a motion to approve the consent agenda as read. Commissioner Brackenridge seconds. Motion is approved unanimously.

10) **New Business**

- A) **Discussion and possible action regarding VOBC Liability Insurance and Workers Comp Insurance.**

Mayor Bohm confirmed with Paige Saenz legal counsel, it's important we have liability insurance. It's possible liability coverage could come into play and cover attorney fees, in the open law suit. Workers Comp insurance is important if a worker is hurt in the city and file a claim citing it's VOBC's fault. City Secretary proposes we remove the Workers Comp Insurance from TML liability policy (\$1,000.00). Our TML representative, Luis Canales confirmed Workers Comp Insurance can be removed from the policy and obtained elsewhere. City Secretary obtained a \$1,000,000. Workers Comp Insurance quote from Texas Mutual (\$330.00); that's a \$670.000 savings for VOBC. She's yet to see a policy to compare it to TML. Council has a general discussion. Mayor Bohm makes a motion to approve substituting Texas Mutual for Workers Compensation Insurance instead of TML.

If TMLS's Workers Comp coverage is higher than \$1,000,000. Then we stick with TML If both policies offer \$1,000,000. Workers Comp Liability, we switch just the Workers Comp coverage to Texas Mutual for \$330.00; saving the Village \$670.00. Commissioner Brackenridge seconds. Motion is approved unanimously.

B) Discussion and possible action to select possible dates for the 2024 VOBC/TDS Annual Trash Collection Day. 1.

Council has a general discussion and selects three potential dates for the 2024 VOBC/TDS Annual Trash Collection Day: Saturday April 13, 2024, Saturday April 20, 2024 and Saturday April 27, 2024. City Secretary to reach out to Frankie Bates TDS Representative, and request scheduling 2024 annual trash collection one of these dates.

C) Discussion and possible action regarding City Secretary's out of office 2/10/2024 to 2/27/2024.

City Secretary will be available via online and phone during her absence. Council has a general discussion. During her absence Commissioner Brushwood to check VOBC mail, Mayor Bohm to post agenda in posting boxes. Commissioner Brackenridge will schedule an online meeting for 2/20/2024 Commissioners Meeting.

11) Old Business

A) Discussion and possible action regarding VOBC Trash and Recycling services and contract renewal. Not limited to Texas Disposal Services.

TDS presented a 1-year contract renewal with Option #1: six bulky pickups and no annual trash day at \$29.57 month. Option #2: no bulky pickups and an annual trash day at \$30.84 month. Council has a general discussion and agrees TDS favors the bulky pick-up option. Bulky pickup residents call TDS and schedule a pickup for 'bulky household items'. IE: water heater, refrigerator, washer/dryer etc. Council agrees the annual trash collection day better serves our residents as it includes construction materials, brush, larger bulky items in addition to everyday household bulky items. Bulky item pick up requires residents to leave their bulky items at curb for pick up. Items could be sitting there for days and that's not a good look for our community. Council agrees to retaining the annual TDS trash cleanup day. Mayor Bohm will reach out to Frankie Bates TDS representative and request a 1-year contract with Option #2 for our legal counsel to review.

B) Discussion and possible action on VOBC CD's with Prosperity Bank.

City Secretary informs Council, VOBC has two CD's with Prosperity Bank. One is for \$200,000.00 at 5% and comes due July 2, 2024. The other is for \$175,000.00 at 5% and comes due August 4, 2024.

C) Discussion and possible action regarding the Coronavirus Local Fiscal Recovery Fund (CLFRF) program and VOBC use of allocated funds. (Including but not limited to Broadband and Water)

City Secretary completed training for the CLFRF 4/30/2024 annual reporting deadline. Informs Council per CLFRF program requirements; funds obligated by December 31, 2024. Once obligated we have until September 30, 2026 to spent the money. If not obligated by December 31, 2024 we'll be required to return funds. Council has a general discussion on viability using the funds for broadband or water. Mayor Bohm looking into the possibility we can commit the funds in grants to assistant resident(s) to afford water line extension. Council agrees once a pathway of allocating CLFRF funds is determined, we should include community education and involvement

D) Discussion and possible action regarding West Travis County Public Utility Agency (WTCPUA) water expansion model/study for VOBC, including but not limited to discussion of VOBC City Engineer cost estimates for implementation as well as various possible approaches to fund the project.

Table.

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

City Secretary notifies Council on January 12, 2024 she sent a Right of Way violation letter to Martin Speer, 9300 Madrone Cr for a box truck parked in Right of Way. The box truck has no plates. Per Ordinance they have 30 days to move out of Right of Way. If not, she'll call Hays County Sherrif and request it be tagged for removal. Commission Brackenridge shares concerns with road edging and will identify these areas on roadway.

F) 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 the status of radar speed detectors FM1826 and the 1826 Neighborhood Coalition. (Commissioner Brushwood)

Commissioner Brushwood reports at end of 2024 we can expect TX Dot's completed road study.

G) Discussion and possible action regarding VOBC records and fire recovery.

Mayor Bohm shares that we're able to locate the documents pertaining to James Bellevue open records request in VOBC records reclaimed from the fire. At this time documents pertaining to James Bellevue open records have been turned over to Audrey Guthrie, Knight Law Firm. Council has general discussion regarding record retention.

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

Table

11) Announcements

A) Next VOBC Commissioners Meeting is Tuesday, February 20, 2024, 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.

12) Adjournment

The meeting adjourned at 8:34 PM

Submitted on February 10, 2024 by Kathryn Rosenbluth

Approved on _____ 2/20/2024 _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary