

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS March 19, 2024

1) Call to Order

The meeting was called to order at 7:03 PM

2) Roll Call

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

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; as a result 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.

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

Table, minutes are not complete.

5) Approval of Minutes from February 20, 2024 Commissioners Meeting.

Table, minutes are not complete.

6) 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 is included in the Payroll Taxes budget item.

7) 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 3/19/2024 VOBC Commissioners meeting in the Annex.**
- b. Reimburse Kathryn Rosenbluth \$24.25 for printing the VOBC/TDS Annual Trash Day flyer.**
- c. Approve payment to Hays County Auditor \$500.00 for Animal Control services 10/1/2023- 9/30/2024 per Interlocal Agreement with Hays County. Invoice dated 3/8/2024.**
- d. Approve payment to JL Powers & Associates LLC \$1,100.00 for March**

2024 consulting services. Invoice #10923 dated 3/1/2024.

- e. Approve payment to Knight Law Firm \$690.00 for November 2023 attorney services. Invoice #5651 dated 2/19/2024.**
- f. Approve payment to Hays Central Appraisal District \$133.09 for 2nd Quarter 2024. Invoice dated 3/1/2024.**

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

Mayor Bohm opens Executive Session at 7:16 pm.

- 8) 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.**

Mayor Bohm reconvenes the VOBC Commissioners meeting at 8:05 pm. No action taken.

- 9) 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**

10) New Business

A) Discussion and possible action regarding an update from JL Powers & Associates.

Mayor Bohm provides a re-cap on the seller, Lang Family Ranch tract in Silver Spur Ranchettes applied with the City of Austin to be removed from Austin ETJ. In January the City of Austin approved release from their ETJ. They've submitted a water request with West Travis County Public Utility (WTCPU) (there are three drawings, just one of the three has the water line butting up to VOBC). As far as we know the Seller has no intention of developing, just trying to remove barriers, to make the sale more attractive to a potential buyer. There's a good chance it could be several months with no action. Our current agreement is to pay \$1,100.00/month regardless of if JL Powers & Associates takes any action. Mayor Bohm spoke with Jim Powers, both agreed dormant for a long time. Suggest converting our agreement from \$1,100.00/month payment to a retainer agreement, where we would give him an agreed sum that he can draw upon. The council has a general discussion, all agree it's best we cease paying \$1,100./month through the period of inaction. . Mayor Bohm makes a motion

for that he'll reach out to Legal Counsel to draw up a retainer agreement and leave a \$2,000.00 deposit that JL Powers & Associates can draw upon as needed. Commissioner Brushwood seconds. Motion passes unanimously. City Secretary asks how the Council wants this expenditure reflected on the budget. The Council has a general discussion. Mayor Bohm makes a motion to create a new expense item for Consultation Fees of \$7,000.00. Commissioner Brushwood seconds. Motion is approved unanimously.

B) Discussion and possible action regarding TDS/VOBC Trash Collection Day to be held on April 20, 2024.

City Secretary is including the TDS/VOBC Trash Collection Day flyer with the BCOPOA annual invoices. Most invoices are mailed, she's still working on getting maybe a dozen or so. The Sunday prior to the event she'll install event signage at each entrance and the allowed/prohibited signage at each event location. She'll also post reminders to the BCO Facebook page. Council members confirm they'll be available day of and contributing to the event.

8:24 pm Mayor Bohm requests a brief recess

8:27pm Mayor Bohm resumes the meeting

C) Discussion and possible action to review and approve Subdivision Application and Checklist.

Mayor Bohm as the Subdivision Application and Checklist prepared by Legal Counsel, on his computer. All huddled around his computer, no printed copies to review. Mayor Bohm explained the Subdivision Ordinance, Section 60 outlines the subdivision application and checklist. Application is required to be completed and submitted with the required documents. The checklist is to assist the applicant and VOBC with what's requirements, action steps and timeline. The council has a general discussion. Mayor Bohm makes a motion to approve the VOBC Subdivision Application and Checklist as submitted. Commissioner Brushwood seconds. Motion is approved unanimously.

D) Discussion and possible action regarding Pedernales Electric Cooperative's power line upgrade and vegetation maintenance.

Mayor Bohm said one of our residents who lives right along the power line received a letter from PEC notifying them they're looking to upgrade the power lines. PEC will be doing a ground study of whether the existing towers are capable of supporting the additional weight of new or more wires, or if the need to bury the wires, or upgrade the

existing towers. If the outcome is upgrading the towers or burying wires or both will affect many residents. We'll all feel the effects of large machinery on our roads. It's Mayor Bohms understanding this is part of a power line upgrade going all the way to 290. City Secretary has received PEC email and letter notifying of PEC vegetation maintenance through our community, going door to door. Though she's not seen any evidence of PEC vegetation maintenance.

E) Discussion and possible action regarding CAMPO's request for a \$350.00 contribution to fund numerous CAMPO projects.

Mayor Bohm confirms CAMPO routinely requests a contribution. We've not done so in the past, largely as we don't see any benefit in doing so. Commissioner Brushwood recommends we don't contribute to CAMPO.

11) Old Business

A) 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)

Pending an update from Trent Brackenridge regarding Broadband. City Secretary is aware of the 4/30/24 annual reporting deadline.

B) 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.

No action.

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

Trent Brackenridge is using white spray paint to identify all edges of road requiring repairs. By his estimation so far, we'll far exceed the 2 loads of road repair material previously approved. Mayor Bohm makes a motion to increase edge of road repair not to exceed \$14,000.00. Commissioner Brushwood seconds. Motion approved unanimously.

D) 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 45 W. Including but not limited to FM 1826 from HWY 290 to FM 150 and the 1826 Neighborhood Coalition. . (Commissioner Brushwood)

Commissioner Brushwood attended the Travis County TxDOT 1826 Feasibility Study meeting. Reports it was a nice display of all the design options. TX DOT is planning for FM 1826 from 290 to the Travis County line, a four-lane divided highway. It may narrow down as it approaches the Hays County line, as TxDOT improvements for FM1826 from Hays County line to 150 have a different time line and spearheaded by Hays County TxDOT. He's optimistic that our intersections could get a depth or height change, to have greater visibility. Hays County TxDOT should have the FM1826 from Hays County line to 150 study finished in 6 months. The Travis County project includes a bridge at Slaughter Creek with large square culverts, and their reworking the transition in from of JD's at the FM 1826 and 45 intersection. Willie with TxDOT took care of re installing the street signage on top of the stop sign at North Madrone Trail and FM 1826.

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

Table

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

City Sectary shares she notified Rowland Williams on Friday no documents were visible on our web site and she was unable to upload the May agenda. Rowland has reached out to the developer he contracted with and pending a response. Could be an issue with plug in, could be an issue when Word Press renewed, or we've been hacked. If the later I asked Rowland if he was familiar with using a site called Wix instead of Word Press. He's not familiar with Wix but he is familiar with Squarespace. Rowland is diligently working on the issue and City Secretary is hopeful it will be resolved quickly with no any harm or damage to VOBC. The Council has a general discussion regarding web site security and vulnerability, suggest we find a platform more secure than Word Press.

12) Announcements

A) Next VOBC Commissioners Meeting is Tuesday, April 16, 2024, 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.

B) VOBC/TDS Annual Trash Day is Saturday, April 20, 2024 from 9:00 AM to 1:0 PM at Niles Cove and Madrone Circle.

13) Adjournment

The meeting adjourned at 8:58 PM

Submitted on June 23, 2024 by Kathryn Rosenbluth

Approved on _____ 7/16/2024 _____

By *Kathryn Rosenbluth*

Kathryn Rosenbluth, City Secretary