

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
May 21, 2024**

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 got a call Quincy Despain, BCOPOA Vice President, asking about the vacant lot at N Madrone entrance with the dumped construction debris. He suggested she reach out to City Secretary for property owners contact information.

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 428th Judicial District Court, Hays County Texas.

City Council enters Executive Session at 7:07 pm

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

City Council exits Executive Session at 7:42 pm and returns to Commissioners Meeting. No action required.

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

Table, minutes are not complete.

7) Approval of Minutes from March 18,2024 Commissioners Meeting.

Table, minutes are not complete.

8) Approval of Minutes from April 16, 2024 Commissioners Meeting.

Mayor Bohm makes a motion to approve the April 16, 2024 minutes as submitted. Commissioner Brackenridge seconds. Motion is approved by 2. Commissioner Brackenridge abstains.

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

Council has a general discussion. No action needed.

10) 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 5/21/2024 VOBC Commissioners meeting in the Annex.**
- b. **Approve payment to JL Powers & Associates LLC \$3,300.00 for retainer for new agreement beginning May 1, 2024. Invoice #10958 dated 5/2/2024.**
- c. **Approve payment to Knight Law Firm \$1,710.00 for January 2024 attorney services. Invoice #5813 dates 4/25/2024.**
- d. **Approve payment to Montemayor Britton Bender PC \$2,050.00 partial payment for 9/2022 -10/2023 VOBC Fiscal Review. Invoice #24-495 dated 4/30/2024.**
- e. **Approve payment to Texas Disposal Systems \$119.10 for TDS Trash Day – Mattress and Freon charge. Invoice #7868282 Dated 5/1/2023.**
- f. **Approve payment to Texas Road Repair Inc \$2,000.00 for repair of shoulders and alligatored areas on Bear Creek Dr. Invoice #1709 dated 5/17/2024.**

Mayor Bohm makes a motion to approve the Consent Agenda as read. Commissioner Brushwood requests to pull item F out for discussion. Mayor Bohm amends the motion to approve items #A thru #E as read. Commissioner Brushwood seconds. Mayor Bohm opens discussion on #F. Commissioner Brushwood informs Council Texas Road Repair is doing 1 load of day (\$2,000.00 per load) until the job is complete. We received an additional invoice from Texas road Repair inc on 5/20/2024 for \$2,000.00 invoice #1712. He requests Council amend #F to \$4,000.00 for payment of invoice #1709 and #1719. Mayor Bohm makes a motion to amend #F to approve payment to Texas Road Repair Inc \$4,000.00 for repair of shoulders and alligatored areas on Bear Creek Dr. Invoice #1709 dated 5/17/2024 and invoice #1719 dated 5/20/24. Commissioner Brushwood seconds. Motion is approved unanimously.

11) Old Business

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

Council agrees it was another successful trash day. Many residents mentioned the Annual Trash Day is their favorite day of the year. Niles Cove roll off was delivered an hour late, during the period all roll off traffic was re directed to Madrone Circle. Overall Madrone

Circle was the busier of the two locations. Madrone Circle roll off was filled and Niles Cove roll off was ¾ full. Commissioners disappointed TDS attendants weren't more diligent to insure prohibited items we're not collected.

B) Discussion and possible action regarding the VOBC Contract renewal and the next steps for putting a competitive bid package together.

Mayor Bohm states our legal counsel has a standard template for bid packages.

Council has a general discussion. Mayor Bohm will work on putting an RFP for Trash/Recycling Services. Including but not limited to: Trash weekly service. Recycling every 2-week service. Cost of living adjustment. Annual Trash Collection Day. City Secretary sent Mayor Bohm a list of Trash Companies that service Zip Code 78737 only two or three seemed viable. TDS appears to be the largest provider. Mayor to make note if you see a Trash vehicle in our area, please identify that vendor so he can contact them.

C) Discussion and possible action regarding an update from and our agreement with JL Powers & Associates.

Mayor Bohm had a discussion with Jim Powers. He confirmed 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). 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. Meanwhile, we're under a contract to pay JL Powers & Associates a \$1,100.00/mo consulting fee for three months, regardless of if they do any work or not. They've billed us for two months and agreed to eat one month. This month's \$3,300.00 invoice #10958 dated 5/2/2022 will go toward a retainer. When the retainer gets low, they'll invoice us for additional retainer funds. He can't recall if they require to hold a minimum \$500.00 or \$1,000.00 balance in the retainer account. At the March 2024 Commissioners meeting council agreed to a max \$7,000.00 retainer. Earlier in the meeting Commissioners approved the Consent Agenda #10.B Approve payment to JL Powers & Associates LLC \$3,300.00 for retainer for new agreement beginning May 1, 2024. Invoice #10958 dated 5/2/2024.

D) Discussion and possible action on the City Engineer’s ongoing flood and rainwater runoff study.

Mayor Bohm reports that Gilpin Engineering had a kickoff meeting with the drainage sub consultant and had some questions about the old VOBC drainage study and map. At the July Commissioners meeting we should see a draft of the plan and a request for 50% payment.

E) Discussion and possible action regarding Pedernales Electric Cooperative power line upgrade and vegetation maintenance.

Table. No action.

F) 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)

Mayor Bohm suggest we update this agenda item changing ‘Including but not limited to Broadband and Water’ to ‘Including but not limited to Drainage and Rainwater’. The CLFRF program requirements were updated last fall and added floodwater stormwater to stormwater flood water and the effects of climate change. Council is confident our study will fall within CLFRF guidelines. As soon as we receive the Engineers action plan for the flood and rainwater study, we’ll trigger the process to committing CLFRF funds.

G) 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.

Mayor recommends removing this item from future agendas. Commissioners agree.

H) Discussion and possible action regarding Village of Bear Creek roads and Right-of-Way. (Including but not limited to homeowners who dedicated their Right of Way to VOBC)

City Secretary provided pictures of Cedar Cove cul-de-sac. The edge of road on the north side of the cul-de-sac has degraded horribly due to delivery drivers driving off the road when

making the turn. Resident Beatsy Nolan told her it's a regular occurrence with all drivers from USPS mail to Amazon. She dedicated her Right-of-Way and would like the City to not only fix the edge of road, but also pave from her gate to the cul-de-sac. Commissioner Brushwood responded that Johnny with Texas Road Repair will repair the edge of road in Cedar Cove cul-de-sac. Council has general discussion about Right of Way dedication. All agree the homeowners who dedicated their Right of Way did so to reduced their tax burden and to allow the City full access to the Right of Way. But in no way is the City responsible for providing a driveway for the homeowner. The homeowner is fully responsible to adhere to VOBC Driveway Ordinance, once Driveway Permit is issued the homeowner hires a contractor and pays for installation. Mayor Bohm opens discussion to have the City Right of Way mowed. Most wildflowers have seeded out, and it's a good idea to mow before the 4th of July. Commissioner Brushwood contacted Jose to see if he was interested. Jose said last time he mowed VOBC he charged \$1,400.00; that was at least a few years ago. Today his quote is \$1,500.00, and he's available to do it in the next few weeks. Mayor Bohm makes a motion for Jose to mow the VOBC Right of Way per our specifications at a cost not to exceed \$1,500.00. Prefer for the mowing to take places mid-June. Commissioner Brackenridge seconds. Motion is approved unanimously.

I) 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 from HWY 290 to FM150 and the 1826 Neighborhood Coalition. ding but not limited to FM1826 the status of radar speed detectors FM1826 and the 1826 Neighborhood Coalition. (Commissioner Brushwood)

Commissioner Brushwood attended the stakeholders meeting. He spoke to Travis County people who stated they'd prefer the TX Dot Hays County FM1826 road project (Hays County line to FM150) be completed prior to the TX Dot Travis County FM1826 road project (Travis County line to 290). That's the opposite of what the current plan is. The FM 1826 Neighborhood Coalition has a meeting tomorrow which Commissioner Brushwood plans to attend.

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

Table.

K 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, June 18, 2024 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.

12) Adjournment

The meeting adjourned at 8:37 PM

Submitted on June 17, 2024 by Kathryn Rosenbluth

Approved on _____ 6/18/24 _____

By *Kathryn Rosenbluth*

Kathryn Rosenbluth, City Secretary