

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS June 18, 2024

1) Call to Order

The meeting was called to order at 7:03 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.

Tennyson Moreno, Candidate for State Representative, HD45 introduces himself and is in attendance. Kathryn Rosenbluth informs council she will be at her parents in Tucson July 13 2024 thru July 21 2024, to participate in the July 16, 2024 Commissioners meeting she'll need to do so virtually. The question was raised if members of council can participate virtually and how the affects a quorum. Mayor Bohm said he'll reach out to TML. Commissioner Brackenridge said the recent Right of Way mowing looks great.

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.

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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.

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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 May 21, 2024 Commissioners Meeting.

Mayor Bohm makes a motion to approve the May 21, 2024 minutes with two corrections to #5 correct the spelling of 'executive' and add the sentence 'No Action Required'. Commissioner Brushwood seconds. Motion is approved unanimously.

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

City Secretary mentions we've received additional PEC Franchise Fee funds. 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 Brackenridge seconds. Motion is approved unanimously.

11) New Business

A) Discussion and possible action regarding 7/2/2024 maturity date for 5%, 7 month \$200,000.00 CD and, 8/4/2024 maturity date for 7 month \$175,000.00 CD with Prosperity Bank.

Council has a general discussion, all in agreement to renew the \$200,000.00 CD at maturity. When the \$175,000.00 CD matures, it will likely not be renewed. Mayor Bohm makes a motion to renew the \$200,00.00 CD into another 7-month CD at a rate of 4.5% or greater. Commissioner Brackenridge seconds. Motion is approved unanimously.

12) Old Business

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

Mayor Bohm presents council with a standard template for an RFP for Solid Waste Collection and Disposal and Recycling provided by Legal Counsel. He received it today and hasn't yet had an opportunity to review it. The RFP is 33 pages with numerous fill-in-the-blank areas. He will review and take a crack at editing, then forward to City Secretary to circulate to Commissioners for review and input.

B) 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. Wednesday June 12 drainage sub consultant was in VOBC measuring culverts, etc. Anticipate in 4 to 6 weeks we should have a flood rainwater study, bid proposal and bid project to review.

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

Council has a general discussion. No one has received additional communication or witnessed any PEC work in VOBC. Table.

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

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E) 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)

Mayor Bohm mentions that Chad Gilpin (our City Engineer) is now the City Engineer for Dripping Springs and Wimberley. Gilpin suggested future VOBC road work bids could be combined either Dripping Springs and Wimberley to make us more attractive to the contractor and offer lower prices. The council has a general discussion about the edge work completed by Texas Road Repair. On the Cedar Cove cul-de-sac a large truck making a U-turn drove through

the fresh edge before the material solidified, leaving a 4- to 6-inch-deep track on north side of the cul-de-sac. At present the City Secretary has cones over to the area, to prevent drivers from turning wide. Commissioner Brushwood states we didn't have enough material to finish N Madrone Trail and we should fix the new problem on Cedar Cove. Commissioner Brushwood makes a motion to contract Texas Road Repair for one more of rock and slur not to exceed \$2000.00. Mayor Bohm seconds. Motion is approved unanimously.

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 from HWY 290 to FM150 and the 1826 Neighborhood Coalition. (Commissioner Brushwood)

June 6, 2024 Commissioner Brushwood requested City Secretary forward the FM 1826 Neighborhood Coalition survey to residents. Survey requests you identify your location and indicate how you'd like FM 1826 to be widened; they offered a choice of +/- 6 designs. Commissioner Brushwood encourages the council to attend the Tx Dot 6/25/24 RM 1826 Feasibility Study public Meeting at Real Life Church from 5 – 7 pm. City Secretary will post it, so all council members can attend and post meeting information on the BCO Facebook page.

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

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

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13) Announcements

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

14) Adjournment

The meeting adjourned at 7:53 PM

Submitted on June 19, 2024 by Kathryn Rosenbluth

Approved on _____ 7/16/24 _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary