

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS July 16, 2024

1) Call to Order

The meeting was called to order at 7:06 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.

Kathryn Rosenbluth informs the council there are four to five homes listed for sale in VOBC. Recently 9105 N Madrone Trl went on the market. The listing says you can subdivide to 1-acre tracts per deed restrictions and the property is in Austin ETJ. She spoke to the agent and explained the inaccuracies and requested the listing updated to correctly reflect VOBC subdivide requirements and not located in Austin ETJ. Property has a well and rainwater collection; she told the agent if subdivided to two acres we require the well be capped

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.

Table

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.

Table

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

Table, minutes are not complete.

7) Approval of Minutes from March 19, 2024 Commissioners Meeting.

The Council has a general discussion. Mayor Bohm requests the agenda corrected to reflect March 19, 2024, not March 18, 2024. Mayor Bohm makes a motion to approve March 19, 2024 minutes with 3 corrections 1) #7 c. correct \$4,500.00 to \$500.00. 2) #10a correct the word 'creast' to 'create'. 3) #7 correct 'Consent Agenda as red' to 'Consent Agenda as read'. Commissioner Brushwood seconds. Motion is approved 2 Yea and Trent Brackenridge abstains.

8) Approval of Minutes from June 18, 2024 Commissioners Meeting.

The Council has a general discussion. Commissioner Brushwood makes a motion to approve the June 18, 2024 minutes with one correction. 12.a correct 'RIP' to 'RFP'. Mayor Bohm seconds. Motion is approved unanimously.

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

The Council has a general discussion and agrees to add a line item: CLFRF expense so we can keep track of funds spent. Appropriate \$10,840.00 from monies paid to Gilpin Engineer for Stormwater Infrastructure Plan to CLFRF expense. Commissioner Brackenridge makes a motion to add an CLFRF expense item for the entirety of our allotment. Mayor Bohm seconds. Motion is approved unanimously.

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 7/16/2024 VOBC Commissioners meeting in the Annex.**
- b. Approve payment to Knight Law Firm \$1,359.00 for March 2024 attorney services. Invoice #5939 dated 6/28/2024.**
- c. Approve payment to JMM Landscaping LLC \$1,500.00 for Right of Way Mowing. Invoice #550 dated 6/29/2024.**
- d. Approve payment to Gilpin Engineering Co pay \$10,915.00 for services 11/1/2023 to 5/31/2024. Invoice #VBC-2024-05 dated 6/21/2024.**

City Secretary said #10.d should read \$10,915.00 and not \$19,915.00. 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 8/4/2024 maturity date for 7-month \$175,000.00 CD with Prosperity Bank and the 7/2/2024 renewed \$200,000.00 CD for 7 month at 4.5% rate with Prosperity Bank.

City Secretary confirmed the \$200,00.00 CD, plus interest accrued, totaling \$206,072.29, renewed for 7 months term at 4.5% rate. Mayor Bohm makes a motion to modify the amount to rollover from \$200,000.00 to \$206,072.29. Commissioner Brushwood seconds. Motion is approved unanimously. The Council has a general discussion on what to do with the \$175,000.00 CD renewing 8/4/2024. Mayor Bohm makes a motion to renew \$150,000.00 of the \$175,000.00 CD for a 7-month term at a rate of 4.3% or greater and transfer the remaining \$25,000.00 plus accrued interest to Money Market account.

Commissioner Brushwood seconds. Commissioner Brackenridge amends the motion for a '7-month term at a rate of 4.0 or above'. Motion is approved unanimously.

B) Discussion and possible action regarding November 5, 2024, General Election for VOBC Mayor and Commissioners. Including but not limited to: Order the General Election, Hays County Contract for Election Services, Joint Election Agreement and the November 5, 2024 Election Law Calendar.

City Secretary will post the deadline to file an Application for a Place on the Ballot and the Ballot Application on the VOBC web site and in the posting boxes. Applications for a Place on the Ballot can be accepted from 7/20/24 to 8/19/24. The last day to file for Write-In Candidacy is 8/23/24. She's reached out to Hays County Election Dept and requested their Contract for Election Services and Join Election Agreement. 8/19/24 is the deadline to Order the General Election. The August commissioners meeting is 8/20/24. The Council has a general discussion. Commissioner Brackenridge makes a motion to Order an Election for November 5, 2024. Brackenridge amends the motion to include Order a General Election for November 5, 2024 for the position of Mayor and Two City Commissioners. Commissioner Brushwood seconds. Motion is approved unanimously. City Secretary requested Hays County Elections provide early voting times and locations, and election day voting locations. Upon receipt she'll prepare the Order of General Election and Notice of General Election for execution at the August Commissioners meeting.

C) Discussion and possible action regarding holding VOBC Commissioner Meetings via video teleconference.

The Council has a general discussion. Mayor Bohm interprets the rule to say a screen for each absent person is required, so anybody in the room can see all members. The issue is the rule states a quorum of the City Council must be present at one physical location. Thus, its problematic if two members of VOBC council are physically absent; as we wouldn't have a quorum. However, it's not an issue the City Secretary and one member of City Council are physically absent and participate virtually, as long as the absent member of council is visible.

D) Discussion and possible action regarding a City Ordinance implementing draught water restrictions.

The Council has a general discussion. Residents water supply is either public water (West

Travis County Public Utility Agency (WTCPUA), well water, or rainwater. (or a combination thereof). WTCPUA posts their draught water restrictions and requests for water conservation. Not sure if they monitor volume or if violators are penalized. Could we do an interlocal agreement with the Edwards-Trinity Aquifer District and adopt their draught restrictions? Mayor Bohm suggests if we do an Ordinance, we make it more of a public announcement. He'll reach out to Legal Counsel for input on this, see what other cities have done regarding water conservation.

12) Old Business

A) Discussion and possible action regarding the VOBC RFP for Trash Collection Services.

Mayor Bohm presents the council with RFP#07162024 Solid Waste Collection and Disposal and Recycling provided by Legal Counsel. It states our population is 420, which is a rough estimate. Proposal due date is 9/6/2024. The contract start date is 3/1/2025 for a 1-year term. The document was originally drafted for League City, Mayor Bohm edited it to fit VOBC. One section references the city applying penalties to the trash vendor if the trash vendor misses pickups or fails to complete the residential block. Mayor left that in, we'll see if trash vendors reject that verbiage. RFP includes an annual trash pickup date and 5% franchise fee. Mayor deleted the section requiring every applicant to provide a security fee of \$5,000.00. Commissioner Brushwood suggest page 7 #3.7.2 change to 'the successful new applicant on the new residential'. Mayor will edit page 7 and send it out for council review. Mayor Bohm makes a motion to approve RFP#07162024 Solid Waste Collection and Disposal and Recycling as submitted with the one change on page 7 indicating the applicant will manage new residential service requires instead of the city as the document currently specifies. Commissioner Brackenridge seconds. Motion is approved unanimously.

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

Mayor Bohm has no new information other than the invoice received from Gilpin Engineering. Table.

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

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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)

The council has a general discussion. Mayor Bohm makes a motion to approve using CLFRF Program Funds to fully pay for a Stormwater Engineering Study, that's being done by Gilpin Engineering. Commissioner Brackenridge seconds. Motion is approved unanimously.

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

The Council has a general discussion about the recent Right of Way mowing; all agree work was done to their satisfaction. There were a lot of 4th of July fireworks; grateful for recent rains and having the Right of Way mowed prior to July 4th holiday weekend. Commissioner Brushwood spoke to Johnny with Texas Road Repair; he's hoping to do the asphalt work on Cedar Cove and N Madrone Trl in the next few weeks.

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 FM 1826 from HWY 290 to FM 150 and the 1826 Neighborhood Coalition. (Commissioner Brushwood)

The council has a general discussion; all council members attended the June 25,2024 Tx Dot 6/25/24 RM 1826 Feasibility Study public meeting for the expansion of FM1826 from Travis County line to FM 150. Attendees could log in virtually or attend in person. It was a similar presentation to what TX Dot presented for the Travis County portion of FM 1826 (US 290 to Travis County line). The plan is to change FM 1826 from a 2-lane undivided roadway to a multi-lane scenario (4 or 6 lanes) with a median, and walking/bike lanes. The room was filled with large exhibit boards with the various multi- lane scenarios and comment forms. All comments must be submitted by July 16, 2024. Commissioner Brushwood said the current road work construction on FM1826 near

Appaloosa Run is to add turn lanes into Appaloosa Run.

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.

City Secretary shared she uploaded the July 16, 2024 Commissioners Meeting Agenda to VOBC web site but it isn't visible. She's tried a few times, and each time unsuccessful. She reached out to Rowland Williams for assistance, hasn't had a chance to follow up with him.

13) Announcements

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

14) Adjournment

The meeting adjourned at 8:46 PM

Submitted on August 18, 2024 by Kathryn Rosenbluth

Approved on 8/20/2024

By *Kathryn Rosenbluth*

Kathryn Rosenbluth, City Secretary