

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS September 17, 2024

1) Call to Order

The meeting was called to order at 7:02 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.

Table

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 August 20, 2024 Commissioners Meeting.

Table, minutes are not complete.

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

City Secretary mentions tonight's consent agenda includes \$3,000.00 mediator arbitrator expense, she's applied it to Legal Fees. Because of that Legal Fees are over budget.

Mayor Bohm makes a motion to allocate \$1,003.00 from Contingency Fund to Legal Fees.

Commissioner Brackenridge seconds. Motion is approved unanimously.

Mayor Bohm requests to move New Business 10.A out of order and open at this time.

#10 A) Discussion and possible action regarding Cause No. 23-1625 Lipkowski v VOBC mediation scheduled for Thursday, October 24, 2024.

Mayor Bohm states in regard to Lipkowski v VOBC, the executive session didn't happen tonight; it will occur at our October commissioners meeting. Mediation is scheduled for October 24, 2024. Attorneys from both sides approved Patrick Keel as the Mediator Arbitrator. Patrick Keel's fee is \$6,000.00 prepaid and it's split by both parties. We've received an invoice to pay Patrick Keel \$3,000.00, that's why it's on the consent agenda (#9.e) The Council has a general discussion about the law suit and mediation. and the lawsuit. Mayor Bohm makes a motion to approve \$3,000.00 expenditure to officially engage the mediator, Patrick Keel, for the Village of Bear Creek. Commissioner Brackenridge seconds. Motion is approved unanimously.

Mayor Bohm resumes the meeting in the agenda order.

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 9/17/2024 VOBC Commissioners meeting in the Annex.**
- b. Reimburse Kathryn Rosenbluth \$39.99 for supplies:10 pack storage boxes and 2 reems of copy paper.**
- c. Reimburse Mark Bohm \$99.99 for 8/17/24 – 8/17/25 renewal of Otter Pro Subscription.**
- d. Approve payment to Barton Publications \$67.92 for Small Taxing Unit Posting in The News Dispatch on 8/28/24. Invoice #56992.**
- e. Approve payment to Victor Insurance Mangers \$130.00 for Commissioner Trent Brackenridge 3 year bond renewal 10/19/24-10/19/27. Invoice #38663552 dated 9/11/24.**
- f. Approve payment to Hays Central Appraisal District \$133.10 for 4th Quarter 2024. Invoice dated 9/5/2024.**
- g. Approve payment to Patrick Keel (Mediator Arbitrator) \$3,000.00 for**

Lipkowski v VOBC mediation services on 10/24/2024. Invoice #240104 dated 8/28/2024.

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

10) New Business

A) Discussion and possible action regarding Cause No. 23-1625 Lipkowski v VOBC mediation scheduled for Thursday, October 24, 2024.

Discussed earlier in the meeting.

B) Discussion regarding the proposed VOBC tax rate of \$0.0633 cents per \$100.00 valuation for tax year 2025.

The Council has a general discussion and agrees to proceed with the tax rate at \$0.0633 cents per \$100.00 valuation; per 2024 -2025 Budget.

C) Discussion and possible action to approve VOBC Tax Rate Ordinance #2409179.001.

Mayor Bohm makes a motion to approve Tax Rate Ordinance #2409179.001 setting the VOBC tax rate at \$0.0633 cents per \$100.00 valuation. Commissioner Brushwood seconds. Motion is approved unanimously.

D) Discussion and possible action regarding November 5, 2024, General Election for VOBC Mayor and Commissioners. Including but not limited to: Certification of Unopposed Candidates, Order of Cancellation, and Ordinance #240917.002 Cancelling the November 5, 2024 Election and Declaring Candidates Elected to Office.

City Secretary confirms we received no mail in applications for place on the Ballot, and certified all positions on the VOBC 11/5/2024 ballot are unopposed. Certification confirming applications received and non-opposed for: Mark Bohm - Mayor, Al Brushwood – City Commissioner, Trent Brackenridge – City Commissioner is posted in the posting boxes. Mayor Bohm makes a motion to approve Ordinance #240917.002 Cancelling the VOBC November 5, 2024, election. Commissioner Brackenridge seconds. Motion is approved unanimously. The City Secretary will post Ordinance #240917.002 in the posting boxes and web site. The Council has a general discussion

requesting Hays County ballot include verbiage that the Village of Bear Creek Candidates were declared winners due to non-opposition. City Secretary recalls our last general election she contacted Hays County, said it would cost \$1,000.00, per the agreement. The Council requests she reach out to Hays County and see if they'd do it for \$100.00 to \$150.00.

E) Discussion and possible action regarding West Travis County Public Utility Agency (WTCPUA) road bore request for services to 8210 Bear Creek Drive. Owners Barbara and Don Stinson. (Including but not limited to VOBC Street Cut Ordinance #0905183.001)

Mayor Bohm states we received a WTCPUA written request to bore a water line to service 8210 Bear Creek Dr, owners Barbara & Don Stinson. He forwarded the request to Chad Gilpin, City Engineer who requested additional information. WTCPUA responded with additional information. Chad Gilpin reviewed and is fully satisfied with the road bore request . One issue is ensuring no damage to tree roots of legacy trees. Mayor Bohm investigated and found the road bore is just outside the edge of the drip line for a small oak tree; the other side of the street are cedar trees. He feels the root system will not be impacted. Mayor Bohm makes a motion to approve the WTCPUA road bore request for 8210 Bear Creek Drive. Commissioner Brackenridge seconds. Motion is approved unanimously.

F) Discussion and possible action regarding denied driveway permit application for 8910 Bear Creek Drive; owners Dave and Barbara Perry.

Retaining the existing 6-inch culvert for new driveway was denied by Glen Ragan, Driveway/Culvert authority on August 26, 2024. The Perry's haven't officially requested a variance, so this is a 'discussion item only' Per Glen Ragan our current drainage plan calls for a 24-inch culvert at 8910 Bear Creek Dr. Mayor Bohm forwarded the driveway/culvert application and denial letter to Chad Gilpin, City Engineer. Chad agreed he wouldn't approve a 6-inch culvert. Said 6-inch size easily plugs with leaves and is an inadequate size. At minimum he recommends all culverts be not smaller than a 12-inch culvert. Mark Bohm recommends VOBC use 12-inch culverts as the minimum culvert size moving forward. And recommends we wait for the new VOBC drainage study, which we should have in a few weeks before we respond to Perry's. The council agrees if the Perry's put in a dip style driveway, this wouldn't be an issue.

G) Discussion and possible action regarding TML ‘opt-in’ and fee increase for Cyber Liability and Data Breach Response Coverage (Cyber Coverage).

The Council has a general discussion. Being that our web site and all VOBC communication doesn’t include any private and sensitive information, we have little threat of a data breach or cyber liability. Mayor Bohm makes a motion to opt-out of adding TML Cyber Liability and Data Breach Response Coverage. Commissioner Brackenridge seconds. Motion is approved unanimously.

H) Discussion and possible action regarding the Second Annual Edwards Aquifer Authority Summit at Aggie Park Event Center, San Antonio on Wednesday, October 23, 2024 from 10:30 to 1:30 PM.

Commissioner Brushwood attended this event last year and will attend the event this year.

11) Old Business

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

Deadline for RFP applications has passed. Mayor Bohm said we had 4 vendors indicated they would bid until days before our closing date 3 of the 4 backed out. We’ve received one application from Texas Disposal Systems. Mayor Bohm reviewed the RFP. Trash and Recycling fees increased a little bit. And TDS included a supplement to change Annual Trash Day over to Bulky pick up. As an FYI Kyle has a 10 year contract with TDS and they have a annual city cleanup like we do. Their trash / recycling is \$22.60/month; about \$70.00 a quarter. With TDS we’re about \$105.00 a quarter. The council has a general discussion about the RFP . Mayor Bohm with reach out to legal and Dripping Springs regarding a possible partnership with them.

b. Discussion and possible action regarding Pedernales Electric Cooperative’s power line upgrade and vegetation maintenance.

No new information. Table

c. Discussion and possible action regarding updating VOBC Flood Ordinance #180219.001 in accordance with the National Flood Insurance Program (NFIP) regulations, per FEMA’s letter dated July 17, 2024.

Mayor Bohm talked to Chad Gilpin, City Engineer about FEMA requirement to update VOBC Flood Ordinance #1801219.001; he’s currently updating Dripping Springs Ordinance in accordance with FEMA’s regulations. With Dripping Springs permission will furnish us with a copy. Hopefully we’ll have it for the October council meeting.

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

Mayor Bohm spoke to the head of WTCPUA about implementing drought water restrictions. They can monitor metered water; but unable to regulate well water usage and suggested he call the Trinity Groundwater District. He called, can't remember who he talked to, but they expressed frustration that commercial wells are the only regulated wells regulated. Residential wells are exempt from regulation, all you can do is ask people to conserve water. He's offered to come and speak at a VOBC or BCOPOA meeting.

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

Mayor Bohm confirmed with Chad Gilpin, City Engineer they are working on the report. They had questions as to how much water we get in certain areas and what locations water runs over the roads. He feels pretty encouraged we'll have a draft report at the October commissioners meeting.

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 Drainage and Rainwater)

No action. Table

g. Discussion and possible action regarding VOBC roads and Right of Way. (Including but not limited to installing no outlet signs in cul-de-sac's)

Mayor Bohm asked Chad Gilpin, City Engineer about this, he has a recommendation for an sign installer. Kathryn Rosenbluth asked if it would be feasible to add a small "No Outlet" sign, perhaps with an arrow pointing to the direction of the cul-de-sac and affix it to the stop sign.

h. Discussion and possible action regarding traffic safety along the FM 1826 corridor.

No update. Table

i. Discussion and possible action regarding VOBC records and fire recovery.

No action. Table

j. Discussion and possible action regarding Village of Bear Creek web site.
Table.

12) Announcements

- a. Next VOBC Commissioners Meeting is Tuesday, October 15, 2024 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.**

13) Adjournment

The meeting adjourned at 8:31 PM

Submitted on October 13, 2024 by Kathryn Rosenbluth

Approved on _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary