

MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS October 15, 2024

1) Call to Order

The meeting was called to order at 7:01 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.

Kathryn Rosenbluth shares Devin & Melissa Cox recently purchased 8200 N Madrone Tr, they're doing extensive renovations and putting in a pool. They started construction without BCOPOA approval, and did not respond favorably to the BCOPOA. For that reason, she notified them in writing of VOBC Driveway and Culvert Ordinance; they've confirmed no plans to alter the current driveway /culvert and no plans to put in an additional new driveway.

Mayor Bohm requests to move 12.B Old Business out of order and discussed at this time

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

Mayor Bohm states Texas Disposal Services (TDS) is the only company who responded to the VOBC RFP. TDS representatives Dan Slovac and Ja-Mar Prince are in attendance. VOBC current trash contract with TDS expires March 2025. Ja-Mar stated VOBC previous contract had lower rates and didn't adjust fully to their composite index, for that reason they notified us last year they wouldn't continue the contract. And why we issued a VOBC RFP for trash collection services. The Council and TDS representatives discuss VOBC's objectives, so they can return with a contract catered to VOBC. The Council expressed the importance of continuing the Annual Trash Collection Day. To save costs TDS discussed the possibility of having more roll offs and less manned compactors and/or reducing two locations to one location, etc. In addition to the annual trash day the Council requests 2 bulky pickups for each property and open to 5 year or 10 year contract.

Mayor Bohm resumes the meeting in agenda order

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.

Convene into executive session at 7:46 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.**

Reconvene into open session at 8:52 pm. Mayor Bohm makes a motion authorizing Mark Bohm, Mayor and Kathryn Rosenbluth, City Secretary to represent the Village of Bear Creek at mediation on Thursday October 24, 2024. Mark Bohm, Mayor is authorized to execute the Final Plat as well as discuss settlement, per the terms agreed to in executive session. Commissioner Brushwood seconds. Motion is approved unanimously.

- 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.**

Commissioner Brushwood makes a motion to approve the August 20, 2024 minutes as submitted. Mayor Bohm seconds. The motion is approved unanimously.

- 8) Approval of Minutes from September 17, 2024 Commissioners Meeting.**

Mayor Bohm makes a motion to approve the September 17, 2024 minutes with one correction. The correction is deleting the 'a' on #10A after "... Patrick Keel \$3,000.00". Commissioner Brushwood seconds. The motion is approved unanimously.

- 9) Discussion and possible action in regard to reviewing 2024- 2025 budget and actual expenditures.**

City Secretary mentions on the 2024 -2025 budget the CLFRF budgeted amount is the balance of CLFRF funds as of 10/1/2024.

- 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 10/15/24 VOBC Commissioners meeting in the Annex.**
- b. Approve payment to Postal Annes \$288.00 for annual PO Box renewal. Invoice dated 10/2/2024.**
- c. Approve payment to Montemayor Britton Bender PC \$2,050.00 final payment for 2023 fiscal review. Invoice #24-988 dated 8/31/2024.**

- d. Approve payment to Texas Municipal League \$651.00 membership renewal fee for period 11/1/2024 to 10/31/2025. Invoice dated 8/5/2024.**
- e. Approve payment to Gilpin Engineering for \$32,961.23. Combination of 1) \$15,667.48 for Drainage Study work in June 2024 – Invoice #2403VOBC-001 dated 9/22/2024; 2) \$17,068.75 for Drainage Study work in July 2024 – Invoice #2407VOBC-001; 3) \$225.00 for Professional Fees for Stormwater Infrastructure Plan from 6/1/2024 to 8/31/2024 dated 9/22/2024.**
- f. Approve reimbursement to Kathryn Rosenbluth \$188.07 for Hostgater web host renewal 9/25/2024 – 9/25/2025.**

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

11)New Business

A) Discussion and possible action to approve the 2022 -2023 VOBC draft fiscal audit prepared by Montemayor Britton Bender PC.

The Council has a general discussion regarding the 2022 -2023 VOBC draft fiscal audit. On page 3 in the Governmental Funds paragraph says “Such information may be useful in evaluating the Village’s recent financing requirements” and request further explanation of what this means and the purpose of the sentence. Outside of that question they are satisfied with the draft. Commissioner Brushwood makes a motion to approve the 2022 -2023 draft fiscal audit as presented. Mayor Bohm seconds. Motion is approved unanimously.

B) Discussion and possible action regarding 2024 Thanksgiving, Christmas and NYE holidays and VOBC Commissioner Meeting Calendar.

Council members in attendance confirm they are good the scheduled meeting dates on; November 19,2024, December 17, 2024 and January 21, 2025. City Secretary informs council she will be out of town for the January 21,2025 meeting and participate virtually. Requests assistance with her duties during her absence.

12) Old Business

- a. **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 confirms he will attend the October 23, 2024 event.

- b. **Discussion and possible action regarding the VOBC RFP for Trash Collection Services.**

Discussed earlier in the meeting.

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

Table. The Council agrees the 6" culvert is undersized; action is pending completion of the VOBC drainage study.

- d. **Discussion and possible action regarding Pedernales Electric Cooperative's power line upgrade and vegetation maintenance.**

Table. No new information.

- e. **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.**

Table. Chad Gilpin is working to complete an updated Flood Ordinance for Dripping Springs, intends to share the Dripping Springs ordinance to use as a template.

- f. **Discussion and possible action regarding a City Ordinance implementing draught water restrictions.**

City Secretary spoke to Melissa with West Travis County Public Utility Agency (WTCPUA) and requested an additional Stage II sign at North Madrone/FM 1826 entrance. Again explained the importance of informational signs at both entrances/exits to VOBC . She was told they don't have any extra signs to contact their sign maker, Bill Bailey's Signs to make one. Misty Sikes with Bill Bailey Signs provided a quote of \$74.00 + tax for one sign with verbiage on both sides. Shortly after that Melissa with WTCPUA called back and said there making are another run of Stage II drought signs, it will take a few weeks, but they will install one at the North Madrone Trl entrance. Since the September Commissioners

Meeting. The Hays Free Press reported on 9/25/2024 the Edwards Aquifer Authority (EAA) declared Stage 4 critical period management for Edwards groundwater permit holders in the San Antonio Pool of the EAA's jurisdiction including Hays County based on declining aquifer conditions effective 9/18/24. The News Dispatch reported on 10/9/2024 the Barton Springs Edwards Aquifer Conservation District (BSEACD) announced on 10/3/2024 that Stage III declaration restrictions will take effect on November 1, 2024. The BSEACD confirmed the district has been in State II restrictions since March 2024.

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

Chad Gilpin presented two add on options for the floodplain drainage study. He recommends we go with Option 1. Option 1 \$11,440.00 would assist in regulating the local 64-acre flood plain outside of the FEMA floodplain. Would include modeling at a level of detail we could share with residents. Option 2 \$ 6,850.00 This option is more of an informational exercise to see areas of 100-year flood risk outside of regulatory flood plains between 0 acres and 64-acres. It would not provide formal regulatory 64- acre floodplains or regulation. The Council has a general discussion. Mayor Bohm makes motion to approve the add on of Option #1 \$11,400.00 to the VOBC rainwater runoff – drainage study. Commissioner Brushwood seconds. Motion is approved unanimously.

h. 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)

Mayor Bohm makes a motion to assign all billing from Gilpin Engineer VOBC rainwater runoff- drainage study to include \$11,440.00 allocated for Option 1 to CLFRF funding. Commissioner Brushwood seconds. Motion is approved unanimously. In regard to the 12/31/24 CLFRF deadline to allocate funds. Mayor Bohm reports Chad Gilpin said we should expect the necessary paperwork by December 17, 2024.

i. 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)

Chad Gilpin recommended a sign installer to Mayor Bohm. The Mayor will reach out to him this week to discuss his scope of work, pricing and installing "No Outlet" signs in the cul-de-sacs.

- j. Discussion and possible action regarding traffic safety along the FM 1826 corridor.**

No update. Table

- k. Discussion and possible action regarding VOBC records and fire recovery.**

No action. Table

- l. Discussion and possible action regarding Village of Bear Creek web site.**

Table.

13) Announcements

- a. Next VOBC Commissioners Meeting is Tuesday, November 19, 2024 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.**

13) Adjournment

The meeting adjourned at 9:36 PM

Submitted on October 19, 2024 by Kathryn Rosenbluth

Approved on ___ 11/19/24 _____

By *Kathryn Rosenbluth*

Kathryn Rosenbluth, City Secretary