MINUTES OF THE MEETING OF THE VILLAGE OF BEAR CREEK COMMISSIONERS November 19, 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.

Kathryn Rosenbluth shares our oldest resident, Turken Haynes, passed away last month. She lived at the corner of Cedar Cove and N Madrone Trl.

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 7:08 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 7:39 pm Commissioner Brackenridge makes a motion to approve the matter just discussed in executive session. Commissioner Brushwood seconds. Mayor Bohm recuses himself from the vote, since he's an immediate neighbor to the property in question. Motion passes with 2 Yea and 1 recusal.

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

10) New Business

A) Action to Oath into office the Mayor and City Commissioners for two-year term:

November 2024 to November 2026.

Mark Bohm office of Mayor, Village of Bear Creek

Allen Brushwood City Commissioner, Village of Bear Creek

Trent Brackenridge City Commissioner, Village of Bear Creek

Commissioner Brushwood oaths Mark Bohm into the office of Mayor. Mayor Bohm oaths Allen Brushwood into office of City Commissioner and Trent Brackenridge into office of City Commissioner.

Mayor Bohm requests to move 11.G Old Business out of order and discussed at this time.

11) Old Business

g. Discussion and possible action on the City Engineer's ongoing flood and rainwater runoff study. Including but not limited to discussion and possible action on City Engineer's recommendations for water runoff improvements to be completed in the 2025 calendar year

Mayor Bohm has had conversations with Chad Gilpen, VOBC City Engineer with Gilpin Engineering regarding the proposed flood and rainwater runoff study. The Council discusses Options A, Options B and Option C in Gilpin Engineering proposal. To optimize the necessary portions and figure out what street culvert improvements are required to handle water runoff, it's best to use a 2-year flood event. Meeting the needs for a 2-year flood event is more feasible than a 10-year flood event. A 10-year flood event we'd have to optimize every culvert to a much greater size that has ever been proposed; a serious overhaul of all culverts in addition to affecting existing right-of-way, driveways, fences, etc. That's not feasible to implement at this time. Chads recommendation is we optimized everything for a 2-year flood event, that is still a substantial improvement for the village, and that that is entirely doable within the existing right of way. The Council discusses. Mayor Bohm makes a motion to approve Gilpin Engineering proposal for flood and rainwater runoff study Option #B estimate cost $83,000.00. Commissioner Brackenridge seconds. Motion is approved unanimously.

Mayor Bohm requests a short recess at 8:04 pm

Mayor Bohm reconvenes the meeting at 8:11 pm

Mayor Bohm resumes the meeting in order of the agenda.

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

Table, minutes are not complete.

7) Approval of Minutes from October 15, 2024 Commissioners Meeting.

Mayor Bohm points out a few minor edits/corrections. Mayor Bohm makes a motion to approve October 15, 2024 minutes as amended. Commissioner Brushwood seconds. Motion approved 2 yea and Commissioner Brackenridge abstains.

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

The Council has a general discussion. No action taken.

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 11/19/24 VOBC Commissioners meeting in the Annex.**

b. **Approve payment to Knight Law Firm $2,175.00; $990.00 for August 2024 attorney fees, Invoice #6233 dated 10/9/2024 and $1,185.00 for September 2024 attorney fees, Invoice #6287 dated 11/13/2024. .**

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

10)**New Business**

A) **Action to Oath into office the Mayor and City Commissioners for two-year term:**

November 2024 to November 2026.

Mark Bohm office of Mayor, Village of Bear Creek

Allen Brushwood City Commissioner, Village of Bear Creek

Trent Brackenridge City Commissioner, Village of Bear Creek.

Action taken earlier in the meeting.

B) **Discussion and possible action regarding West Travis County Public Utility Agency (WTCPUA) attempting road bore without VOBC permit at 13003 S Madrone Trail, owner Justin Cofield. Not limited to discussion and possible action to approve road bore request.**

Mayor Bohm placed a stop work order halting WTCPUA from work at 13003 S Madrone Trl without a permit. WTCPUA submitted a road boar request and Chad Gilpin, City

Engineer reviewed. Mayor Bohm provided Justin Cofield and WTCPUA a letter dated 11/19/2024 , saying that the road bore request from WTCPUA for the water service installation at your property has been reviewed by the VOBC Engineer, and his recommendation to council was to approve, with the following stipulation, the access hole that has been dug on the east side of South madrone trail is within the critical root zone of the nearby Live Oak Tree. Therefore, the cut roots should be properly sealed, slash treated, and the tree should be fertilized as a preventative measure. The VOBC Council voted this evening to approve this boar request, as per the Engineers' recommendations above this notification, is your approved permit. Assuming we vote to approve it at this Commissioners Meeting. The Council discusses. Mayor Bohm makes a motion we approve the road bore per the City Engineers recommendation with the stipulation that the exposed roots be treated and that the tree be given fertilizer as a preventative measure. Commissioner Brushwood seconds. Motion is approved unanimously.

11) 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 (Commissioner Brushwood)

Commissioner Brushwood attended this event. It was a public event to educate the public on planting and rain-water capture. Including how to prepare the soil if you want to capture as much rain collection possible.

b. Discussion and possible action regarding the VOBC RFP for Trash Collection Services and Texas Disposal Service contract renewal.

Mayor Bohm got an update from Dan Slovak with TDS, they seem to have misunderstood our view of not really wanting about bulky pickups and want to stick with the annual cleanup day. And so, they did not include any pricing for the cleanup day into the normal monthly amounts, they only included pricing for bulky pickups. They'll rework the quote, we should have something for the December meeting. Also Frankie Bates is no longer with TDS our new representative is Dan Slovak.

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

Table.

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.

Mayor Bohm said table to December, that's when we should have an updated VOBC Flood Ordinance to approve and submit to FEMA for their review and approval.

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

Table.

g. Discussion and possible action on the City Engineer's ongoing flood and rainwater runoff study. Including but not limited to discussion and possible action on City Engineer's recommendations for water runoff improvements to be completed in the 2025 calendar year.

Discussed earlier in the meeting.

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 said action taken earlier in the meeting 11.g Approving Gilpin Engineering to proceed with Option B Flood and Rainwater runoff study is the next step in allocating the CLFRF funds. Mayor Bohm makes a motion to formally commit CLFRF funds go toward Funding the $83,000.00 Gilpin Engineering Flood and Rainwater runoff study. Commissioner Brushwood seconds. Motion is approved unanimously.

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)

Mayor Bohm spoke to AJ (referred by Chad Gilpin) regarding installing no outlet signs in the Cul-de-sac's, he hasn't had an opportunity to drive through the neighborhood and get us a quote but he should have something for us at the December meeting.

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

Commissioner Brushwood mentions that TX DOT has completed their feasibility study on FM1826 and it includes installing radar speed detectors. All members of the council have received it and commented it's a large document; over 100 pages. Now that the study is completed, we'll see what they actually do.

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.

12) Announcements

a. Next VOBC Commissioners Meeting is Tuesday, December 17, 2024 7:00 PM at Friendship Creekside Fellowship, 14455 FM 1826, Austin, TX 78737.

13) Adjournment

The meeting adjourned at 8:57 PM

Submitted on June 8, 2025 by Kathryn Rosenbluth

Approved on __6/17/2025_____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary