

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
May 19, 2014**

1) Call to Order

The meeting was called to order 7:02 pm.

2) Roll Call

Mayor Upham and Commissioner Brushwood are present. Commissioner Bohm 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.

Commissioner Brushwood recently noticed the water release valve on Madrone circle is discharging daily. He brought this to the water authority's attention, and asked this item be put on June's meeting agenda.

4) Approval of Minutes from April 21, 2014 Commissioners Meeting.

Commissioner Brushwood makes motion to approve the April 21, 2014 minutes with the street number in item 8. F verified and corrected if necessary. Mayor Upham seconds. Motion passes unanimously.

5) Discussion and possible action in regards to reviewing 2013 – 2014 budget and actual expenditures.

Discussion takes place regarding payroll expenses and payroll budgeted. Council will continue the conversation next month with a copy of the 9/2013 - 10/2014 budget in hand.

6) 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 Hays county Tax Assessor-Collector #28.05 for assessing & collecting 2013 tax rolls. Invoice dated 4/30/2014.

Mayor Upham makes motion to approve the consent agenda as submitted. Commissioner Brushwood seconds. Motion passes unanimously.

7) New Business

A. Discussion and possible action regarding recent gunfire activity in the Village.

Resident Heidi Turpin shares with council her concerns of gunfire in the neighborhood. She resides at 9304 N Madrone Tr. and has kept a record January 2014 to current of when she's heard gunfire activity, which she believes is coming from 12801 S Madrone Trail. She has great concern for her families safety and the safety of others in the neighborhood. When gunfire activity is happening she is fearful to go outside. She's never alerted Hays County Sherriff of the gunfire. Council encourages her call as Hays County Sherriff's office every time she hears gunfire; they will investigate all reports. A lengthy discussion takes place regards to gunfire activity. Council reviews the gunfire mailer they issued to residents earlier in the year.

B. Discussion and possible action regarding additional FEMA funds under Halloween flood 2013 HMGP(404) for improvements to the low water crossing.

Kathryn Rosenbluth reports it is "wishful thinking" for VOBC to be eligible for funding to upgrade the low water crossing from Halloween flood 2013 HMGP 404. The State of Texas will receive 15% of direct Federal spending spent in Halloween Flood 2013. The 15% is HMGP (404); they originally anticipated receiving \$10 million, in actuality it will be closer to \$1.3 million. These funds will first go to projects that have deemed eligible and documented loss of use: how long was it out of service; what is the cost of personnel to control the situation: time and distance of any required detour; usage traffic counts, etc.

C. Discussion and possible action regarding water line extension to 8905 Bear Creek Drive, owner John Kirchner. (Upham)

Mayor Upham shared with council he's been contacted by John Kirchner, who is exploring the possibility of extending the water line on Bear Creek Dr from # 8803 to #8905.

D. Discussion and possible action regarding April 26, 2014 VOBC/TDS Annual Trash Day.

All reports indicate the trash collection day was a success. Both pick up locations started and ended on time, roll off containers and compactors were filled. TDS forgot

to pick up the roll off containers; once reminded a week later they were picked up the same day.

8) Old Business

A. Discussion and possible action to amend Driveway/Culvert Ordinance per recommendations from Glen Ragan, Chairman of the Driveway Authority.

Glen Ragan has been administering the Driveway/Culvert Standards for Construction, in doing so he's realized some changes should be made in the Ordinance with the motivation to 1) Reduce the complexity of the requirements and 2) Relaxing unnecessary or misguided constraints. Changes proposed will not affect the Ordinance; changes only affect only the Minimum Standards for Driveway/Culvert Construction. Glen presented changing pages 1 & 2 of the standards. Removing Requirement "2 b) the culvert uphill from the new or replacement culvert & c) the culvert requirement listed in Table 3 applying to the nearest lot uphill from, and on the same side of the road as, the new or replacement culvert, if the requirement is greater than 18 inches or if the relevant row of Table 3 has numbers in any of the columns ... " and removing the paragraph "If neither of the adjacent lots on the same side of the road is uphill from the driveway under construction, or if the roadway and right-of-way ditches, if any, go downhill on both sides from the driveway under consideration, then requirement b) and c) do not apply." Glen explained that removing these items does not affect the intention of the Ordinance. All sizing in the drainage plan was done for a 100 yr flood. He questions if in implementation this is realistic, should we have a new drainage plan done based on a 20 yr flood event? In Glen's opinion 60% of actual capacity in the VOBC drainage plan would be sufficient for a 20 yr flood. Commissioner Brushwood makes a motion to adopt the changes to Minimum standards for Driveway/Culvert Construction recommended by Glen Ragan. Mayor Upham seconds. Motion approved unanimously. .

B. Discussion and possible action regarding non permitted culvert at 9002 Bear Creek Dr, Sec.1, Lot 19; and recommendations from Glen Ragan, VOBC Driveway Permit Authority.

Homeowner installed a non permitted culvert in his 2nd driveway. Mayor Upham and Glen Ragan, have been in communication with him. Homeowner is aware the culvert is inadequate and in violation. He's agreed to remedy the situation. Glen stated one way to bring it into compliance is to remove the culvert installed and return it to the

original condition. The other solution is to upgrade the culvert. Due to cost and that he's doing the work himself, there's been no activity. Glen will continue to put pressure on him to bring the culvert in compliance.

C. Discussion and possible action regarding the safety of the VOBC intersections on Camp Ben McCulloch Rd. (FM1826) (Bohm)
Item Tabled.

D. Discussion and possible action regarding Village of Bear Creek Right-of-Way, including but not limited to ditch work.

Council discusses right of way mowing. Commissioner Brushwood makes motion to contract Right of Way mowing for a fee not to exceed \$1,200.00. (\$1,200.00 includes law enforcement fee). Mayor Upham seconds. Motion passes unanimously.

Kathryn Rosenbluth reports the rock placed in the Right of Way at 13000 S Madrone has been relocated out of Right of Way. And mentioned there is a red Pontiac Grand Prix often parked on the road in front of 8011 Niles Cove. She feels this is a potential safety hazard and asked Council to advise if further action should be taken. Council wasn't aware of this.

E. Discussion and possible action regarding additional signage requirements at 3 way intersection of N Madrone / Niles Cove / N Madrone.

Mayor Upham has contracted out the additional signage installation. Signage and hardware have been ordered. Upon receipt contractor said to allow 2 weeks for installation.

F. Discussion and update on the well we are monitoring.

No new information.

9) Announcements

**A. Next VOBC Commissioners Meeting is scheduled for Monday,
June 16, 2014 7:00 PM**

10) Adjournment

The meeting adjourned at 9:05 PM

Submitted on June 14, 2014 by Kathryn Rosenbluth.

Approved on 6/16/14

By Kathryn Rosenbluth, City Secretary Kathryn Rosenbluth