

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
March 21, 2016**

**1) Call to Order**

The meeting was called to order 7:05 pm.

**2) Roll Call**

Mayor Upham and Commissioner Brushwood are present. Commissioner Burns is running late.

**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.**

None.

**4) Approval of Minutes from February 1, 2016 Commissioner Meeting.**

Commissioner Brushwood makes motion to approve the February 1, 2016 minutes as submitted. Mayor Upham seconds. Motion approved is approved unanimously.

**5) Discussion and possible action in regards to reviewing 2015 – 2016 budget and actual expenditures.**

All expenditures are in line with the budget.

**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. Approval to pay Hays Central Appraisal District \$95.51 for 2<sup>nd</sup> Quarter 2016.**

Invoice dated 3/1/16.

**B. Approval to pay Knight & Partners \$105.00 for January 2016 attorney expense.**

**C. Approval to pay Hays County \$500.00 for annual Animal Control Services.**

Invoice dated 1/29/16.

**D. Approval to pay News Dispatch \$25.00 for public notice posting of preliminary plat. Invoice dated 1/21/16.**

Commissioner Brushwood makes motion to approve the consent agenda as submitted.

Mayor Upham seconds. Motion approved is approved unanimously.

## **7) New Business**

### **Mayor Upham requests to open item 7.E**

#### **E. Discussion and possible action to consider installation of signage on or near sharp turn at 13134 S Madrone Trl. (Upham)**

Mayor Upham spoke to the owner of 13134 S Madrone Trl, who has rocks lining the curve on south side of Madrone toward Bear Creek Dr. Mayor requested the owner move the rocks to the edge of the ROW. Owner explained he's had numerous incidents of drivers going too fast into the curve, and as a result, going off the road onto his property. He agreed to move the rocks to edge of the ROW. Mayor discussed additional signage, which the property owner is in favor of. Council discussed the possibility of a putting up a sign indicating 'curve ahead'. Mayor asked council to look at the area so they could discuss in greater detail next month.

Commissioner Douglas Burns arrived 7:10 pm, during discussion of item 7.E

### **Mayor Upham requests to open item 7.F**

#### **F. Discussion and possible action regarding a proposal from Tracie Upham to replat their lots. (Currently one 5 acre tract and one 3 acre tract. Propose replat would change to one 6 acre tract and one 2 acre tract.)**

Mayor Upham removed himself from council. Mayor ProTem Alan Brushwood opens the item. Tracie Upham explains they own a combined 8 acres on 2 lots. (one 5 acre lot and one 3 acre lot). The house is on 13012 S Madrone Trl, the 5 acre lot which encroaches onto 3 acre lot. They want to reconfigure it; moving the lot line between the lots, so they have one 6 acre and one 2 acre lot. Then all that remains on the 2 acre lot is a portion of their driveway. Upham said they would add verbiage to the 2 acre lot stating ". "No structure in this subdivision shall be occupied until connected to an individual rainwater or surface water supply or a state approved community water system. Due to declining water supplies lots in this subdivision of less than 3.0 acres are not permitted to use or drill a water well. If a water well is present it must have pump and casing pulled and plugged (per plugging requirements of the Texas Water Code and local groundwater conservation district). Rain water collection is encouraged and in some areas may offer the best renewable water resource." She asks council how to proceed. Commissioner Brushwood explained they

can't take something off existing plat but can add verbiage to make into compliant with Subdivision Ordinance. Brushwood spoke to legal counsel, Jeff Ulman, who stated replatting guidelines are stipulated in Texas Gov't Code Section 212.016. Ulman stated a replat doesn't require any public notice, unlike a subdivide. Basically the Upham's present council with a 'replat survey' it can be reviewed and approved in one meeting.

**Mayor Upham returns to council and requests to open item 7.G**

**G. Discussion and possible action regarding the 'DRAFT' VOBC Financial Statement for 10/1/2014 thru 9/20/2015.**

Council has reviewed the "Draft" VOBC Financial Statement. Commissioner Brushwood asks what the amortization period is for the roads, and if the road value is reported accurately. Also notes a couple spelling errors in the report. City Secretary will request corrections and clarification.

**Mayor Upham requests to open item 7.D**

**D. Discussion and possible action to change the Minimum Driveway Standards diagram for dip-style driveways to the Hays County dip-style driveway diagram.**

Glen Ragan, Driveway/Culvert Administrator is in attendance. In reviewing the driveway/culvert application for Lot 41, Section 1, he realized that Hays County now has a 'Dip Style driveway requirement'. Hays County didn't have one when the VOBC ordinance was written, the VOBC ordinance uses a Dip Style model from City of Austin (COA). COA base to dip is 6.1 to 10 feet of flat road per 6.1 on the other side, thus requiring more sculpting to make the dip to flat. Hays County's dip style seems more apt to follow the terrain. However it is a concern if the ditch is shallower than the required drainage. Ragan is requesting both diagrams, with the one Hays County Dip Style be incorporated into Driveway/Culvert Ordinance. Council is in favor with his recommendation. Commissioner Burns will work on this with Ragan. Burns will ask legal counsel if we update the appendix do we have the change the entire Ordinance.

**Mayor Upham requests to return to New Business:**

**A. Discussion and possible action on Final Plat to combine and subdivide to (4.019 acre and 1.561 acre) tracts of Section 1, Lot 41, Bear Creek Oaks into two 2.64 acre tracts.**

LSH Properties LLC owned by Katie Hallberg submitted to council an incomplete final plat. Plat is not executed or notarized by property owner. City Secretary has not

received the final plat application fee. Neither the property owner nor Thomas Hallberg are in attendance. Mayor Upham makes motion to reject the final plat due to lack of payment and execution. Commissioner Burns seconds. Motion approved is approved unanimously. City Secretary will communicate to the property owner.

**B. Discussion and possible action regarding approving variance request for Driveway/Culvert on Lot 41(soon to be Lot 41A) Section1, BCO.**

Glen Ragan presented the variance request to council. Ragan supports the variance request and recommends council approve it. Commissioner Brushwood makes a motion council approve the Variance request for Driveway/Culvert on Lot 41, soon to be Lot 41A, Section 1, BCO. Commissioner Burns seconds. Motion is approved unanimously.

**C. Discussion and possible action to pay LSH Properties, LLC (Katy and Tom Hallberg) for approximately 200 feet of ditch excavation parallel to Bear Creek Drive (near southern end of Lot 41, Section 1, BCO.**

Katy and Tom Hallberg are not in attendance to discuss this item. Open discussion takes place with the neighbors who will be impacted by water run off from this lot.

**D. Discussion and possible action to change the Minimum Driveway Standards diagram for dip-style driveways to the Hays County dip-style driveway diagram.**

Discussed earlier in the meeting.

**E. Discussion and possible action to consider installation of signage on or near sharp turn at 13134 S Madrone Trl. (Upham)**

Discussed earlier in the meeting.

**F. Discussion and possible action regarding a proposal from Tracie Upham to replat their lots. (Currently one 5 acre tract and one 3 acre tract. Propose replat would change to one 6 acre tract and one 2 acre tract.)**

Discussed earlier in the meeting.

**G. Discussion and possible action regarding the 'DRAFT' VOBC Financial Statement for 10/1/2014 thru 9/20/2015.**

Discussed earlier in the meeting.

**8) Old Business**

**A. Discussion and possible action on road system including the low water crossing. (Upham)**

Mayor Upham is seeking engineers to provide a bid for road study. In doing so he was informed our "official City Engineer is no longer". Item tabled.

**B. Discussion and possible action regarding an automated digital speed limit detection and warning sign. (Brushwood)**

Commissioner Brushwood reports he downloaded new data today. Highest speed recorded was 44 mph. He would consider relocating the sign. He has not yet spoken to Hays County Sherriff, Officer Cunningham in regards to how the data should be formatted for them.

**C. Discussion and possible action regarding Village of Bear Creek Right-of-Way; including but not limited to ditch work. (Upham)**

Council discusses the need for Right of Way trimming around signage throughout the Village. Commissioner Brushwood makes a motion to be authorized to contact Jeff Raffaele, see if he is interested in ROW trimming (and removal of debris) around signage for an amount not to exceed \$300.00. Commissioner Burns seconds. Motion is approved unanimously.

**9) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday,  
April 18, 2016 7:00 PM**

**B. VOBC/TDS Annual Trash Clean Up Day is Saturday, May 14, 2016  
9:00 AM to 1:00 PM**

**10) Adjournment**

The meeting adjourned at 8:50 PM

Submitted on May 8, 2016 by Kathryn Rosenbluth.

Approved on May 16, 2016

By Kathryn Rosenbluth, City Secretary Kathryn Rosenbluth