

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
May 15, 2017**

**1) Call to Order**

The meeting was called to order 7:01 pm.

**2) Roll Call**

Mayor Upham, Commissioner Brushwood and Commissioner Burns 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.**

City Secretary, Kathryn Rosenbluth mentions she will attend the FEMA meeting on June 7, 2017 at the Hays County Government Center in San Marcos. Meeting to discuss the Flood Insurance Study and accompanying Flood Insurance Rate Map for the Hays County area.

**4) Approval of Minutes from April 10, 2017 Commissioner Meeting.**

Commissioner Brushwood makes motion to approve April 10, 2017 minutes as submitted. Commissioner Burns seconds. Motion is approved unanimously.

**5) Discussion and possible action in regards to reviewing 2016 – 2017 budget and actual expenditures.**

Reviewed no changes needed

**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 News-Dispatch \$25.00 for public notice Preliminary Plat Subdivide BCO, Sec 1, Lot 44. Invoice dated 4/20/17.**

**B. Approve payment to Knight Law Firm \$855.00 for legal services in March 2017.**

**C. Approve payment to Montemayor Britton Bender PC \$1,575.00 final payment for 10/2015 – 9/2016 fiscal audit. Invoice dated 4/13/17.**

**D. Approve payment to Volkert Inc \$800.00 for Bid Evaluation Services. Invoice dated 4/1/17.**

Commissioner Brushwood makes a motion to approve the consent agenda as submitted.  
Commissioner Burns seconds. Motion is approved unanimously.

## **7) New Business**

### **A. PUBLIC HEARING Discussion and possible action Preliminary Plat to Subdivide BCO, Section 1, Lot 44 a 5.05 acre tract into two lots, each greater than 2.0 acres. Request submitted by Armando Armengol and Sherri Long.**

Armando Armengol is in attendance. Mayor Upham read email received from Denise McGlone. Denise McGlone is in attendance and voiced concerns of water run off/drainage from this tract on to her property. Concerned new construction on the lot the property owners intend to sell once subdivided will change the flow of water and negatively impact her property. Also concerned about septic system and drainage. Mayor explained all septic systems and approvals are issued by Hays County and acknowledged a lot of water runs off this tract. Armengol explained there is no active or inactive well on the tract (Lot 44). He said they are not in the flood zone, therefore no flood certification on Preliminary Plat. Their house is on what would be Lot 44B. They have a gravity fed aerobic septic system and use community water. Preliminary plat mandates no lot will have a well. Future water source can only be from rain water collection or community water. General discussion takes place between citizens and council. Mayor Upham makes motion to approve Preliminary Plat to subdivide BCO, Section 1, Lot 44 into two lots each greater than 2.0 acres. Commissioner Burns seconds. Discussion of motion and Mayor Upham amends his motion to approve Preliminary Plat to subdivide BCO, Section 1, Lot 44 into two lots each greater than 2.0 acres with the condition that the subject property be centered on the map and all lots on the plat be fully identified. Commissioner Burns seconds. Motion is approved unanimously.

### **B. Discussion and possible action regarding the VOBC/TDS Annual Trash Pick Up Day held on Saturday, April 29, 2017.**

Council has general discussion and in agreement it was a successful event. Kathryn Rosenbluth mentioned the roll off container arrived late (11 AM) at Niles Cove, the TDS attendant said it just meant more material was put in the trash compactor. A couple large items were dropped off at the Niles Cove location prior to 9 AM start. Madrone Circle location was the busier of the two. In the end two of four VOBC plywood boards set on road to protect the road from damage disappeared. Lola Price lemonade stand on Madrone Circle sold out.

**C. Discussion and possible action regarding renewal of existing franchise agreement with Pedernales Electric Cooperative, Inc. (Upham)**

Mayor Upham forwarded a draft of the new Pedernales Electric Cooperative (PEC) franchise agreement provided by PEC to legal counsel. Jeff Ullman, our legal counsel, recommends we don't execute as is, but rather increase our franchise fee from 2% to 4%. Stated many cities collect a 4% franchise fee. Council has a general discussion about keeping franchise fee at 2% or increasing it. PEC franchise fee is a pass through to users. The fee an itemized to "Bear Creek" on user's invoice. Knowing the franchise agreement locks in franchise fee percentage for years to come Kathryn Rosenbluth recommends increasing it at little from 2% to 2.25% or 2.50% for roads. Julia Barnett Tracey commented she doesn't mind increasing it .50% to 2.50% if it helps the city fund roads. Denise McGlone said she doesn't see how raising .50% to 2.50% would make any difference; now if it was raised 5% to 6% then that makes more sense. Council discusses and all agree they don't want a sizable PEC franchise fee increase passed through to users, and a small increase won't make that much of a difference. Council collectively decides to make no change to our existing 2% PEC franchise fee. Mayor Upham will communicate that to information to legal counsel.

**8) Old Business**

**A. Discussion and possible action on road system including pending contract with Lone Star Paving. (Upham)**

Mayor Upham delivered notices to property owners who have mail box's not flush with the road or the driveway requesting they make the mail box flush; reports that 60% of the property owners have taken action to mitigate. Mayor Upham informs those in attendance council's plan with Lone Star Paving to resurfaced all roads and add concrete edge of road improvements to three locations. Legal counsel is reviewing / approving the contract with Lone Star Paving and VOBC. Pre Construction meeting will soon take place between all parties: Volkert Engineering, Lone Star Paving and Village of Bear Creek. Meeting will be posted.

**B. Discussion and possible action regarding Hays County Hazard Mitigation Plan.**

Commissioner Brushwood reports no action since March 2017.

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

Commissioner Brushwood informs council the free computer donated to VOBC containing digital speed limit software is acting like it's 'free'. He's solicited the help of resident Randall Ryan to download the program's software on Ryan's computer and assist with formatting that data. Hays County Sherriff recommends residents videotaping road incidents when possible. Activity such as: speeding, reckless driving, suspicious vehicles, etc.

**D. Discussion and possible action regarding Village of Bear Creek Right-of-Way. (Upham)**

Mayor Upham states that Jeff Raffaele isn't available to mow the right of way from late June through the end of August. Council discusses and agrees it's beneficial to have the right of way mowed prior to the July firework's season. Mayor Upham makes a motion to approve mowing the ROW on or before June 15, 2017 (give or take a week) not to exceed a cost of \$1,000.00. Commissioner Burns seconds. Motion is approved unanimously.

**E. Discussion and possible action to change the Minimum Driveway Standards. (Burns)**

Commissioner Burns reports no further action.

**9) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday,  
June 19, 2017 7:00 PM**

**10) Adjournment**

The meeting adjourned at 8:25 PM

Submitted on June 18, 2017 by Kathryn Rosenbluth.

Approved on 6/19/2017

By Kathryn Rosenbluth  
Kathryn Rosenbluth, City Secretary