

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
June 19, 2017**

**1) Call to Order**

The meeting was called to order 7:02 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.**

Kathryn Rosenbluth shares that there's a possibility they may have Oak Wilt on their property. Texas Forest Service is coming out to evaluate next week. If the determination is Oak Wilt she assured council they plan to be proactive with treatment. And will inform their immediate neighbors. Mayor Upham shared he is pleased with the quick and positive response from neighbors he sighted having mail boxes too far from pavement. The majority went into quick action to remedy the situation.

**4) Approval of Minutes from May 15, 2017 Commissioner Meeting.**

Commissioner Burns makes motion to approve May 15, 2017 minutes as submitted.

Commissioner Brushwood 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 45. Invoice dated 6/1/17.**
- B. Approve payment to Knight Law Firm \$90.00 for legal services in April 2017.**
- C. Approve payment to Hays Central Appraisal District \$83.78 for 2017 3<sup>rd</sup>**

**Quarter. Invoice dated 6/1/17.**

**D. Approve payment to Hays County Tax Assessor-Collector \$28.50 for assessing & collecting fees for 2016 tax roll. Invoice dated 5/9/17.**

**E. Approve payment to Volkert Inc \$2,500.00 for Pre Construction Services. Invoice dated 6/1/17.**

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

## **7) New Business**

### **A. PUBLIC HEARING Discussion and possible action Preliminary Plat to Subdivide BCO, Section 1, Lot 45 a 5.05 acre tract into two lots, each greater than 2.0 acres. Request submitted by Tom and Ellen Zimmerman.**

Tom and Ellen Zimmerman are in attendance. In anticipation of this agenda item and last month's review of the preliminary plat to subdivide BCO, Section 1, Lot 44, Mayor Upham discussed Subdivision Ordinance drainage, flooding verbiage with legal counsel. At last month's meeting neighbors of the adjoining lots voiced concern that additional development could increase water run off and cause problems. Mayor stated he too has concerns as drainage from Madrone Circle and other areas (cumulative +/- 50 acres) flows through Lot 45 then goes through Lot 44. Subdivision Ordinance requires that the drainage easement be identified on the preliminary and final plat. Council discusses the VOBC drainage study and possibility of 25 year flood event. Prior to council meeting City Secretary sent the Zimmerman's an electronic version of the VOBC drainage study; at this time, they reviewed in great detail the VOBC drainage study and its findings with council. Zimmerman's live on what would be lot 45B, all utilities are located on 45B including aerobic septic system. Their water source is a combination of the public WTCPUA line and rain water collection. However, they also have an inactive well. Council informs them that a condition of Final Plat approval will be that they cap the well. Wells are not permitted on lots smaller than 3 acres. Preliminary Plat contains verbiage stipulating water source for lot 45A must be either/or rain water collection or community water. Discussion takes place regarding total acreage and dedication of 25' Right of Way to the VOBC. Plat shows the 25' ROW dedication and the Zimmerman's say that's not accurate, that they'd dedicated 25' ROW when they purchased the lot. Mayor Upham makes motion to approve Preliminary Plat to subdivide BCO, Section 1, Lot 45 into two lots each greater than 2.0 acres with the following conditions:

1. 25 Year Flood Plan is to be indicated on the Plat
2. Confirm 25' Right of Way has been or is to be dedicated to VOBC and Plat corrected to match
3. On Plat list of all property within 200' of Lot 45. Include owners name and description

Commissioner Burns seconds the motion. Open discussion Mayor Upham states the Final Plat should also include the surveyor's Flood Certification and a condition of Final Plat approval will be providing evidence the existing well is plugged. Motion is approved unanimously.

**B. Discussion and possible action regarding New Flood Insurance Rate Map and VOBC participation in the National Flood Insurance Program.**

City Secretary, Kathryn Rosenbluth, shared with council that there are Flood Risk Open Houses for Hays County residents to find out more information on proposed FEMA map changes and Flood Insurance. Open Houses closest to VOBC are on Tuesday, August 22, 2017 at the Wimberley Community Center and Thursday, August 24, 2017 at the San Marcos Activity Center. Kathryn is working on defining which, if any, lots in VOBC are affected by the proposed FEMA Maps. Initial review it appears the only lots that might affected are lots at FM 1826 & Bear Creek Drive; BCO Section 1, Lots 35,36 & 37. She has reached out to FEMA representatives who worked on mapping to assist in reviewing the maps and making that assessment. She's also provided Shawn Snyder, FEMA Field Coordinator, with the VOBC Flood Prevention Ordinance for review and acceptability. disappeared. Lola Price lemonade stand on Madrone Circle sold out.

**C. Discussion and possible action regarding reports of missing and stolen US mail from delivery boxes.**

VOBC resident sent an email expressing concern that mail being stolen from mail boxes. Mayor Upham spoke to Kyle police after he read an article that they caught thieves with stolen mail. Kyle police said they've not yet determined what neighborhoods the mail was stolen from. Once their investigation is finalized the mail will be sent to recipient or returned to sender. But suggested if we think we have a problem to contact USPS. The Mayor then contacted Michael Sullivan, USPS Postal Inspector w) 512.342.1563

who suggested mailing a “Neighborhood Watch Protect Your Mail” post card to all VOBC residents, to do that we must request from our local station: Oak Hill Postal Station. We are to request they mail it out on our behalf. Postage is paid via permit No G-10. Mayor asked City Secretary to follow up with Oak Hill Postal Station and request the postcard be sent to all residents.

## **8) Old Business**

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

Mayor Upham spoke to legal counsel and requested he talk to PEC about the possibility of a 5 year agreement rather than a 10 year agreement. Counsel said utility companies typically have 10 to 20 year agreements, but he will request they consider either a 5 year agreement with auto renewal or a 10 year or 20 year agreement with a provision we could change the franchise fee prior to end of 10 year or 20 year term.

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

Mayor Upham reports the contract & addendum with Lone Star Paving is fully executed. He and Commissioner Brushwood attended the pre-construction meeting with Lone Star Paving and Volkert Engineering. At that time they were told Lone Star Paving will deliver the road material on huge trucks, road material is dumped then loaded onto small trucks. Lone Star Paving wants a location in VOBC where large trucks can have easy access, dump road material and then load onto smaller trucks. Mayor Upham contacted Robert and Laura Mullen who own vacant lot at North Madrone Trl entrance. They have graciously agreed to give Lone Star Paving short term access (30 days) for the road construction project; allowing them to stage road material and store equipment. Mullen’s request the land be left in a similar state that it’s in now and want to be notified of a start date and finished date so he can inspect the property. Action steps for road project is 1) All concrete work 2) Full depth work 3) Chip seal. Lone Star Paving expressed concern over the rubber marks on road (South Madrone curve to North Madrone) said that would tear up fresh tar and the street. If that kind of wear and tear is occurring, their warranty won’t cover it. Mayor Upham thought it wise to put the Hudson’s on notice. Mayor spoke to John Hudson on telephone and mailed a letter stating that VOBC is in the process of repaving the roads and that they will be held accountable for any damage caused by their vehicles.

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

Commissioner Brushwood reports no action since March 2017.

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

Commissioner Brushwood states that Randall Ryan has downloaded recent data and has played around with it some. Hope to have full report next month. In addition, the speed limit detection sign is repositioned on the same pole but facing the opposite direction.

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

Mayor Upham reports that Jeff Raffaele should be completing the Right of Way mowing soon.

**F. 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,  
July 17, 2017 7:00 PM**

**10) Adjournment**

The meeting adjourned at 9:25 PM

Submitted on July 16, 2017 by Kathryn Rosenbluth.

Approved on July 17, 2017

By *Kathryn Rosenbluth*  
Kathryn Rosenbluth, City Secretary