

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
August 21, 2017**

1) Call to Order

The meeting was called to order 7:00 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.

None.

4) Approval of Minutes from July 17, 2017 Commissioner Meeting.

Commissioner Burns makes motion to approve July 17, 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 reissuing a \$800.00 check to Volkert Inc for invoice #00204020.

Stop payment processed for initial VOBC check #2101 \$800.00 issued on 5/15/17.

B. Approve payment to Knight Law Firm \$150.00 for legal services in June 2017.

C. Approve payment to The News Dispatch \$50.00 for public notice for Budget Hearing and PEC Franchise Agreement.

D. Approve reimbursement to Kathryn Rosenbluth \$114.49 for annual webhosting fee to HostGator, Invoice #59118259.

Commissioner Burns makes a motion to approve the consent agenda as submitted.

Commissioner Brushwood seconds. Motion is approved unanimously.

7) New Business

A. PUBLIC BUDGET HEARING: VOBC BUDGET 10/1/2017 – 9/30/2018

Mayor Upham reviewed in detail proposed VOBC Budget for 10/1/2017 – 9/30/2018.

No adjustments were made. Commissioner Brushwood makes motion to approve the 10/1/2017 – 9/30/2018 Budget as submitted. Commissioner Burns seconds. Motion is approved unanimously.

B. Discussion and possible action to approve VOBC Budget 10/1/2017 – 9/30/2018, Ordinance #170821.001

Mayor Upham makes motion to approve VOBC Budget 10/1/2017 – 9/30/2018, Ordinance #170821.001. Commissioner Burns seconds. Motion is approved unanimously.

C. Discussion regarding the proposed VOBC tax rate for the 2017 -2018 fiscal year.

Mayor Upham opens discussion on the proposed tax rate. Next month council will approve the VOBC tax rate, Mayor would like commissioners to consider the following. VOBC Budget for next fiscal year 10/1/2017 – 9/30/2018 is based on \$0.0920 per \$100.00 valuation tax rate. The \$0.092 is same rate as last year, but because property values have increased it will increase revenue to VOBC. Revenue neutral is a tax rate of \$0.0885 per \$100.00 valuation. Roll back tax rate is \$0.0955% per \$100.00 valuation. Council has a general discussion. Consensus not to increase the tax rate. Mayor Upham asks commissioners to consider decreasing tax rate to \$0.090 per \$100.00 valuation. Discussion and action to approve tax rate will be at next council meeting, Sept. 18, 2017.

D. Discussion and possible action to approve Pedernales Electric Cooperative Franchise Agreement, Ordinance # 170821.002

Mayor Upham explains the Franchise Agreement for all those in attendance. Council was ready to approve this agreement/ordinance last month but had to wait until it was posted in the city newspaper. Commissioner Brushwood makes motion to approve PEC Franchise Agreement, Ordinance #170821.002. Commissioner Burns seconds. Motion is approved unanimously.

E. Discussion and possible action regarding the 8/8/17 Community Meeting on the expansion and operation of Easy Mix Concrete Services, 10656 Signal Hill Rd, Austin, TX 78737. (Burns)

Commissioner Burns provided a recap of the 8/8/17 Community Meeting at Trudy's on 290 West in regards to Easy Mix Concrete Operations on Signal Hill Road. Signal Hill Road back's up to South Madrone Trl in VOBC. Easy Mix Concrete is running an on site concrete business providing concrete for swimming pools in Hays County (Belterra, Wimberely, Kyle, Buda, etc). Their business is expanding and as a result they have requested permitting from TCEQ, septic approval from Hays County, water line from West Travis County Public Utility Agency and permit to draw well water from Hays Trinity Groundwater.

F. Discussion and possible action in response to the Hays Trinity Groundwater Conservation District receiving a permit request from Easy Mix Concrete Services to draw 975 gallons from well 6 days a week. (Upham)

Mayor Upham explained; as a result of the 8/8/17 Community Meeting; much concern if Easy Mix Concrete gets approved to draw 975 gallons from their well 6 days a week households on well water in VOBC could go dry. Property owners within .25 miles from Easy Mix Concrete Services have a standing with Hays Trinity Groundwater Conservation District. Closest VOBC property owner is .50 miles from Easy Mix Concrete. Mayor Upham sent a letter dated 8/10/17 on behalf of VOBC to Hays Trinity Groundwater Conservation District with general standing VOBC opposition of commercial use of groundwater. Suggested they use public or rain water to source their water needs. The response was that once the application is administratively complete a public notice will be posted on HTGCD website with deadline to submit formal contested case letter to HTGCD. Mayor requests permission from Commissioners to communicate on their behalf. Mayor Upham makes a motion in form of a Resolution: The Village of Bear Creek is opposed to subsurface water for commercial uses. Commissioner Burns seconds. Motion is approved unanimously.

G. Discussion and possible action regarding Lee Otten's email to council dated 7/28/17 RE: neighbor's placement of mailbox restricting his ability to pull travel trailer in/out driveway. (Upham)

Mayor Upham explained Lee Otten's issue with neighbors Dola Price & Jeffery Raffaele installing a mail box on Madrone Circle, new mail box location prohibits him from pulling his trailer in/out of his driveway. Otten requested VOBC intervene. Mayor has had numerous telephone conversations with Otten requesting the issue be resolved neighborly between all parties. Time has lapsed, tensions between all parties have worsened. Legal counsel reviewed Otten's complaint and advised the Mayor that per Ordinance #090503.01 VOBC is

not required issue a permit or bond for mail box installation. VOBC council cannot provide resolution. US Postal Service has specific requirements. Outside of that the issue must be resolved between all parties in a neighborly fashion. To facilitate a peaceful meeting VOBC hired an off duty Hays County Sherriff to be a peace officer in attendance. All parties are in attendance: Lee Otten, Dola Price, Lola Price and Jeff Raffaele. Discussion continues between council and all parties. Resolution is sought; there is a lot of history between the both parties. Both Commissioner Burns and Commissioner Brushwood offer their personal mediation services outside the meeting. The Peace Officer too offers mediation, suggesting all parties go outside and could begin the process now. Discussion continues, resolution appears to be a long way off when Dola Price agrees to remove the mail box causing the problem. Lee Otten acknowledged Dola Price for her willingness to remove the mail box but wouldn't thank her. Council thanked Dola Price for being open to and creating the resolution. The Peace Officer, Lee Otten & Jeff Raffaele then went outside to continue the their conversation.

8) Old Business

A. Discussion and possible action regarding the road improvements to FM 1826. (Upham)

TX Dot is not 100% complete with FM1826 improvements. VOBC and TX Dot met a few weeks ago to discuss items of concern to VOBC. These include: increase in pavement height on FM1826, signage (including no left turn onto N Madrone Trl), creating a safe right turn on to N Madrone Trl and the new culverts at N Madrone Trl/FM 1826 entrance and speed limits. TX Dot was attentive and understood VOBC's safety concerns. Asked that we give them time to research and see what they can do to hopefully resolve our issues.

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

Mayor Upham reports the concrete work is done. The full depth repair on N Madrone Trail (near the curve to S Madrone Trl) should begin in a week to 10 days. Unfortunately, the N Madrone Trl repair is more extensive than presumed and will take all 100% of repair budget. Chip seal will begin after the repairs, weather permitting. Council discusses what road markings after chip seal. Such as: blue reflectors (fire hydrant indicators) yellow reflectors for drainage pipe and repainting strips at stop signs.

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

Commissioner Brushwood reports no new information. Item tabled.

Mayor Upham re opens

7. G. Discussion and possible action regarding Lee Otten's email to council dated 7/28/17 RE: neighbor's placement of mailbox restricting his ability to pull travel trailer in/out driveway. (Upham)

The Peace Officer and Jeff Raffaele reenter. Jeff Raffaele thanks council and states, he and Lee Otten have reached an agreeable solution.

Mayor Upham resumes the meeting

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

Kathryn Rosenbluth reports she has reviewed the FEMA proposed flood maps and compared to Hays County Maps to conclude there are properties on Bear Creek Drive near FM1826 that will be affected by FEMA's changes. However, none of the properties have improvements. They are all raw land. Therefore, it's not imperative the properties be notified of FEMA's changes and obtain flood insurance. Kathryn also communicated to Legal Counsel the need for a new Flood Prevention Ordinance. Provided the information from Shawn Snyder, FEMA Field Coordinator, including the base level ordinance Shawn provided. Expressed urgency VOBC have an acceptable Flood Prevention Ordinance in place by year end. She will follow up with Legal Counsel.

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

Mayor Upham went to Oak Hill USPS office and too hit a dead end. He will contact Michael Sullivan with the hopes he can assist.

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

Commissioner Brushwood states that Randall Ryan will download new data. He will forward to City Secretary so she can provide to commissioners.

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

Seabo Rountree requests Council go out to bid for mowing/edging ROW. Council is not opposed to entertaining other mowing services; explained we are not required by law to go out for bid on contracts less than \$25,000.00. Mayor Upham added Hays County Commissioner Wisent said they would do ROW clearing; county paid. Kathryn Rosenbluth mentions the dying Red Oak on N Madrone Trl; on Cole's property but if falls, is dangerously close to the road. Commissioner Brushwood notes the builder sign at 13020 S Madrone Trl is an obstruction in the ROW. Requests City Secretary send them a letter to remove ROW obstruction.

H. 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, September 18, 2017 7:00 PM

10) Adjournment

The meeting adjourned at 9:10 PM

Submitted on September 18, 2017 by Kathryn Rosenbluth.

Approved on 9/18/2017

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary