

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
April 16, 2018**

**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.**

None.

**3) Approval of Minutes from February 19, 2018 Commissioners Meeting.**

Commissioner Burns makes motion to approve February 19, 2018 minutes as submitted. Commissioner Brushwood seconds. Motion is approved unanimously.

**4) Approval of Minutes from March 19, 2018 Commissioners Meeting.**

Commissioner Brushwood makes motion to approve March 19, 2018 minutes as submitted. Commissioner Burns seconds. Motion is approved unanimously.

**5) Discussion and possible action in regards to reviewing 2017 – 2018 budget and actual expenditures.**

Fiscal YTD budget & expenses reviewed; no action required.

**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 Knight Law Firm \$14.00 legal Services February 2018.**

**B. Approve payment to PathMark Traffic Products \$70.20 for Niles Cove stop sign pole and hardware. Invoice dated 3/12/18.**

**C. Approve payment to Jeff Raffaele \$1,400.00 for road sweeping. Invoice dated 4/9/18.**

**D. Approve reimbursement to Kathryn Rosenbluth \$107.32 (printing \$41.76, stamps \$50.00, mailing seals \$7.78 and report cover's \$7.78)**

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

## **7) New Business**

### **A. Julia Tracy, 9004 N Madrone Trl (Sec 3, Lot 3, 6.27 acres) to discuss with council possibility of subdividing their land.**

Julia Tracy in attendance. Council has open discussion regarding their 6.27 lot and possible request to subdivide. Tracey provided copy of survey with map of estimated lines to subdivide into two lots. Their home is located at the back of the lot; which would be carved out to 3.26 acres; leaving front lot 3 acres. They would create a shared driveway/easement for road access from N Madrone Trl to both houses. Council has open discussion about shared driveway/easement. Council isn't opposed to shared driveway/easement. Not many lots have that arrangement and want Tracy to think about the issues it could create. Such as: maintenance agreement between property owners, gate access at N Madrone and the individual properties, EMS service access, package delivery, etc. Mayor Upham suggests prior to proceeding with preliminary plat to subdivide she obtain her lenders approval to reduce collateral and create a shared driveway/easement.

### **B. Discussion and possible action regarding 4/7/18 VOBC/TDS Trash Clean Up day.**

All reports indicate another successful Trash Collection Day. The Madrone Cr site was ready to go at 9AM with roll off container and compactor. Some trash was dumped on site prior to 9AM. At 9AM Niles Cove site had a compactor but no roll off container. The roll off didn't arrive until after 10 AM. Both sites were manned by TDS. Of the two sites Madrone Cr was busier. VOBC plywood was put down at Madrone Circle and missing after the clean up.

### **C. Discussion and possible action regarding recent organized run through the creek and if the creek is private or public property.**

Kathryn Rosenbluth reports to council a situation last month; a neighbor organized an adult adventure run through the creek to Appaloosa Run. Runners accessed the creek off Bear Creek drive, followed creek markings which navigated them to the finish. Even though part of the creek has "No Trespassing" signs, the Organizer was of the opinion the creek is public property. Therefore, the Organizer didn't get owner's permission to use the creek for this event or permission to place directional markings in the creek. Thus, creating major upset the day of the event. Neighbors began investigating whether the creek is

private or public. Research supports as a non-navigable creek, it is not public property. Council agrees and suggests property owners mark creek with purple paint. Texas landowners are allowed to mark the perimeter of their territory with bright purple spray paint; it's understood that purple paint means no trespassing. Organizer now knows, for any future event they must get permission from every owner to access their property.

**D. Discussion and possible action regarding changes to to approve Montemayor Britton Bender PC's accountant review report and financial statements for VOBC fiscal year 10/1/16 – 9/30/17.**

As a follow up to Mayor Upham's request at last month's meeting. Montemayor Britton Bender corrected page 16 of the report to accurately reflect total all franchise fee budgeted and received and the interest income. Revised report provided to council. No action needed.

**8) Old Business**

**A. Discussion and possible action regarding the Oak Wilt outbreak on and around the 13000 block of South Madrone Trl.**

Mayor Upham reports he attended the BCOPOA meeting 4/9/18. Reports the BCOPOA board has approved using contributions to the Oak Wilt Fund to pay for their portion of the Oak Wilt Suppression contract. They're working on finalizing their contract with Jon Long Enterprises DBA We Love Trees. No news when the project will take place, hopefully soon.

**B. Discussion and possible action Village of Bear Creek roads and Right of Way.**

Mayor Upham pleased with road sweep project. He added that in regard to corrections to FM1826 project TX DOT should be going out for bid soon. Work should begin +/- 2 to 3 months from that point. Waiting for wildflowers to go to seed before considering mowing ROW.

**C. Discussion and possible action regarding VOBC participation in the National Flood Insurance Program.**

City Secretary reports FEMA confirmed the VOBC Flood Prevention Ordinance is in compliance. VOBC Flood Prevention Ordinance is uploaded to VOBC web site. This item can be removed from future agenda's.

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

Commissioner Brushwood is working with Randall Ryan on downloading data. Ready to relocate the digital speed sign. Council discuss options for the next location and decided to keep it on the same pole (between 8500 – 8600 N Madrone Trl) but flip the direction from facing outbound to inbound.

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

Commissioner Burns reports no new action. Table to next month.

**10) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday, May 21  
2018 7:00 PM**

**11) Adjournment**

The meeting adjourned at 8:00 PM

Submitted on May 13, 2018 by Kathryn Rosenbluth.

Approved on \_\_\_\_\_  
May 21, 2018

*Kathryn Rosenbluth*  
By \_\_\_\_\_  
Kathryn Rosenbluth, City Secretary