

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
September 17, 2018**

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 August 20, 2018 Commissioners Meeting.

Commissioner Burns makes motion to approve August 20,2018 minutes as submitted.

Commissioner Brushwood seconds. Motion is approved unanimously.

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

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 The News Dispatch \$30.64 for public notices: Proposed VOBC 2018 Tax Rate. Invoice dated 8/30/2018.

B. Approve payment to Knight Law Firm \$330.00 for July 2018. Invoice dated 8/31/18.

C. Approve payment to Hays Central Appraisal District \$93.83 for 2018 4th Quarter. Invoice dated 9/1/18.

Commissioner Burns makes motion to pay bills as presented in the consent agenda.

Commissioner Brushwood seconds. Motion is approved unanimously.

7) New Business

A. Discussion and possible action to approve VOBC Tax Rate Ordinance

#180917.001

Mayor Upham opens discussion by saying the approved 2018-2019 budget was prepared with tax rate \$0.090 per \$100.00 valuation. Which is no change from the 2017 -2018 tax rate. However due to increase in property values; \$0.090 per \$100.00 valuation should yield a 2.16% increase in revenue. General discussion takes place. Commissioner Burnes makes a motion to approve Tax Rate Ordinance #180917.001; tax rate \$0.090 per \$100.00 valuation. Commissioner Brushwood seconds. Motion is approved unanimously.

B. Discussion and possible action to approve VOBC Order of Cancellation.

Cancelling the November 6, 2018 Election due to uncontested offices.

City Secretary states the seats of Mayor and 2 City Commissioner's are filled with no opposition. This allows the city to cancel the November 6, 2018 general election due to uncontested seats. Commissioner Brushwood makes motion to pass the VOBC Order of Cancellation of the November 6, 2018 Election. Commissioner Burns seconds. Motion is approved unanimously.

C. Discussion and possible action to modify both entrance roads at FM1826 to modify the drop-off.

Mayor Upham explains TX Dot designed the lip (or drop off) at both entrances to aid in with water run off; however, they've admitted in the future they won't use the same design. TX Dot won't remove the lip; and has no objection if we do. Mayor Upham said Jim Covington with Ramming Paving hopes to be out this week to take a look. Johnny with Texas Road Repair, looked and proposes to scrape out the lip and use a spray application of grey gravel. Then spray black chip seal over it. His bid is \$1,800.00 for a full load of material; any extra he will apply to the edge road where needed. Commissioner Brushwood makes motion to authorize Mayor Upham to contract with Johnny, Texas Road Repair for road work at entrances not to exceed \$2000.00. Commissioner Burns seconds. Motion is approved unanimously.

D. Discussion and possible action to improve Right of Way ditch flow on permitted concrete driveway at 8501 Bear Creek Dr.

Mayor Upham explains 8501 Bear Creek Dr is the new construction next to Sally Schilstra's property and on the other side of it is an empty lot. Owners put in a concrete dip style driveway in accordance with our standards. However, due to lot clearing and an abundance

of rain, the ditch in the right of way, has filled and is prohibiting water flow. Mayor Upham spoke to the property owner and builder on what they should do for immediate and long-term solutions. (such as spread dirt out on front of their lot and seed it; put hay down to create a run off barrier. Feels the VOBC role is to assist with clearing out Right of Way ditch up to their culvert. He reviewed the proposed work with Jeff Raffaele who bid \$350.00 to work by hand clearing the Right of Way ditch from the Oak Tree (just inside new lot) to the culvert. Jeff Raffaele will coordinate work with the builder. Waterflow should be two thirds from fence to road and closer to the fence. Mayor Upham makes motion to approve and amount not to exceed \$350.00 for ditch clear out downstream of concrete driveway at 8501 Bear Creek Dr. Commissioner Burns seconds. Motion is approved unanimously.

E. Discussion and possible action to make Texas Disposal Service the sole provider of roll-off construction trash removal.

Mayor Upham said TDS contacted him and would like the Village to consider more of their services; specifically broaden our TDS contract and make them the sole provider of roll-off's. If yes, TDS they would offer the same percentage franchise fee and not marking up rates for 5 day rental. Mayor feels there's an advantage of having one provider of all trash services in the community. Council agrees their as an advantage to city guidance and direction with one sole provider. City Secretary informed council TDS also provides Port-O-Cans, and would they consider making TDS the sole provider for Port-O-Cans? Council agreed to explore the idea further. If VOBC and TDS contract is broadened to include these other services; we'd need to send letter to competitors notifying them of the arrangement.

F. Discussion and possible action regarding Village road work done a year ago, possible warranty work on a few areas where tar appeared not to be spread across causing a lack of stone on the roadway in stripes across one side of the road.

Mayor Upham said it looks like on some places on roads the tar wasn't spread evenly across; causing a lack of stone on roadway. Seems worse at intersections and cul-de-sacs. He spoke to Jim with Ramming Paving who suggested we have Volkert Engineering investigate. We have a 1 Yr warranty and coming up on the 1 year anniversary, he'd like to have this looked at as soon as possible. Mayor Upham left a voice message for Volkert Engineering and thinks they'd charge \$250.00 to investigate the issue and determine if it's a warranty issue or not. If not a warranty issue, recommend a plan of action. Commissioner Burns makes motion authorizing the Mayor to contact Volkert

Engineering and request they inspect for possible warranty claim at an amount not to exceed \$250.00. Commissioner Brushwood seconds. Motion is approved unanimously.

8) Old Business

A. Discussion and possible action regarding Village of Bear Creek roads and Right of Way. Including but not limited to TX DOT work on FM1826.

Mayor Upham is happy to report that TX DOT has completed the FM1826 right turn lane onto N Madrone Trl. At their leisure TX DOT will remove the white road safety poles at both entrances. Council discusses Right of Way mowing and Right of Way trimming and clearing. Consensus is to have Right of Way mowed soon and Right of Way trimming and clearing, get bids in by December so work is done in January. Commissioner Burns makes a motion authorizing Jeff Raffaele up to \$1,000.00 for mowing the Right of Way within the next 60 days. Mayor Upham seconds. Motion is approved unanimously.

B. Discussion and possible action regarding VOBC policy for construction of security parcel delivery boxes in Right of Way. (Brushwood)

Commissioner Brushwood has reviewed VOBC Right of Way Ordinance #0905183.00, and found it doesn't address mail boxes. Council agrees don't want mailbox or security box to impede water flow. Brushwood wants to ask legal counsel who's liable if someone is injured crashing into security box or mail box? VOBC or property owner? Mayor Upham said it probably depends on who owns the Right of Way; majority of Right of Way's haven't been deeded to the Village. Commissioner Brushwood spoke to Glascock who's wants to install a security box for deliveries, wants to be sure it's in accordance to VOBC standards. He realizes at this time VOBC doesn't have standards; but is working on it. Glascock is willing to comply to VOBC requests, after discussion will put it 4' from fence and it will be on concrete pad. Commissioner Brushwood to contact legal counsel for advice and report back to council next month.

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

Commissioner Brushwood wants to relocate the digital speed limit sign from N Madrone Trl to on top of hill on S Madrone Trl. Council agrees and suggests the sign be facing heading out on S Madrone Trl.

D. Discussion and possible action to change the Minimum Driveway Standards. Including but not limited to procedures for temporary driveway requests. (Burns)

Commissioner Burns reports this is very much a work in progress. Tables to next month.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, September 17, 2018 7:00 PM.

City Secretary needs to reserve 4th quarter meeting dates with Driftwood Volunteer Fire Dept and asks council to confirm October / November / December dates. Council agrees on the following Holiday Schedule:

October, Monday 10/15/2018

November, Monday 11/12/2018

December, Monday 12/17/2018

City Secretary will make the request with Driftwood Volunteer Fire Dept and advise.

10) Adjournment

The meeting adjourned at 8:34 PM

Submitted on November 11, 2018 by Kathryn Rosenbluth.

Approved on November 12, 2018

Kathryn Rosenbluth

By _____
Kathryn Rosenbluth, City Secretary