

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
November 12, 2018**

1) Call to Order

The meeting was called to order 7:03 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 September 17, 2018 Commissioners Meeting.

Commissioner Brushwood makes motion to approve the September 17, 2018 meeting minutes as submitted. Commissioner Burns seconds. Motion is approved unanimously.

5) Approval of Minutes from October 15, 2018 Commissioners Meeting.

Commissioner Brushwood makes motion to approve the October 15, 2018 meeting minutes as submitted. Commissioner Burns seconds. Motion is approved unanimously.

6) Discussion and possible action in regards to reviewing 2018 – 2019 budget and actual expenditures.

No action taken.

7) 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 Montemayor Britton Bender PC \$1894.50 for VOBC fiscal audit (\$1736.50 ½ payment 2018 audit +\$158.00 underbilled 2017 audit) Invoice dated 10/24/18.

B. Approve payment to Kathryn Rosenbluth \$12.95 for annual renewal of Hostgator web site services.

C. Approve payment to Jeff Raffaele \$350.00 for ROW work at 8501 Bear Creek Dr. Invoice dated 10/29/18.

D. Approve reimbursement to News Dispatch \$35.76 for Public Notice of Preliminary Subdivide Plat Lot 3, Section 3, BCO. Invoice dated 10/25/18.

E. Approve payment to Victor O Schinnerer \$130.00 for 3 year bond 12/18/18 – 12/18/21 for Kathryn Rosenbluth. Invoice dated 10/29/18.

City Secretary requests item 7.A be pulled for discussion. Commissioner Brushwood makes motion to approve Consent Agenda items 7.B thru 7.E. Commissioner Burns seconds. Motion is approved unanimously.

Mayor open item 7.A for discussion. City Secretary brings to council 's attention the existing VOBC 3-year contract with Montemayor Britton Bender PC is an annual flat rate of \$3,150.00 through 2018. We are paid current through 2017. Therefore, we shouldn't have been assessed a \$158.00 charge for underbilling for 2017 audit and \$1,575.00 is the ½ upfront payment due for 2018. In regard to Consent Agenda item 7.A, Mayor Upham makes motion in to approve payment \$1,575.00 for ½ upfront fee for 2018. Commissioner Burns seconds. Motion is approved unanimously. City Secretary will communicate with Montemayor Britton Bender PC.

8) New Business

A. Action to oath into office the Mayor and City Commissioners for a new two year term; November 2018 to November 2020.

Bruce Upham office of Mayor, Village of Bear Creek

Allen Brushwood City Commissioner, Village of Bear Creek

Douglas Burns City Commissioner, Village of Bear Creek

Mayor Pro-Tem Allen Brushwood oaths in Mayor Upham. Mayor Upham oaths in Commissioner Allen Brushwood. Mayor Upham oaths in Commissioner Douglas Burns.

B. PUBLIC HEARING Discussion and possible action regarding Preliminary Plat to Subdivide Lot 3, Section 3, Bear Creek Oaks a 6.26 acre track into two lots, each greater than 3.0 acres. Request submitted by Julia Barnett Tracy and Van Boyd Tracy.

Julia Barnett Tracy and Van Boyd Tracy are in attendance. Mayor Upham reads into record letter opposing subdivide request from Jesse Reeves, who lives next door.

Reeves has expressed his opinion with the Tracy's and acknowledges the subdivide is both legal and permissible according to Subdivision Ordinance. However, "It's an issue

of one property owner being able to diminish the value of another property owner against their will. If you look at the survey that was sent to me, literally the only place someone could build a house on the subdivided property is directly next door to me. This will no doubt, diminish my property value! I have driven around our neighborhood, and the only place this has happened is on the inside of the southwest corner of the Madrone loop. There are three houses next door to each other. I'm sure that someone opposed this too back in the day and lost, but even the case, the difference is that there is a row of trees for privacy between those houses. This barrier does not exist between us and the Tracy's property."

Another immediate neighbor, Jim Bellevue, is in attendance and is opposed to the subdivide.

Open discussion takes place. Mayor Upham states there is no public water line in this part of VOBC. The proposed subdivide would split the 6.26 acre into a 3.003-acre tract and a 3.129 -acre tract; each lot size would allow for well water. And .0128 acre dedicated to VOBC Right of Way. Van Tracy stats the driveway drawn is the existing driveway. Both lots share the existing driveway; owners would have a shared driveway agreement.

Preliminary Plat meets all requirements of VOBC Subdivision Ordinance. Although two neighbors oppose there's no legal grounds for commissioners to deny the request. Mayor Upham makes a motion to approve the Preliminary Plat to subdivide Lot 3, Section 3, into two parcels 3.003- acre and 3.129-acre pending modification of note #1 to clarify the source of water for each lot. Commissioner Burns seconds. Motion is approved unanimously.

C. Discussion and possible action to execute 3-year service contract (2019 thru 2021) with Montemayor Britton Bender PC for annual audit of financial statements.

City Secretary presents council with proposed 3 Year service contract 2019 to 2021 from Montemayor Britton Bender PC. Service fee \$4,000.00 first year with 5% increases for each subsequent 2 yrs. Council discusses and feels \$4,000.00 is exorbitant considering the current 3-year contract is a flat rate of \$3,150.00. If our current contract was \$3,150.00 first year and 5% increase each year we would be at \$3,646.49, which nowhere close to \$4,000.00 with an additional 5% increase for the following year. We're a small and simply managed city; with little variance from year to year. Only have one operating account

and one money market account. Doesn't make sense to enter into an agreement at \$4,000.00 a year with 5% annual increase. Council agrees City Secretary to go back to Montemayor Britton Bender PC request they present proposal for 3-year fixed rate contract.

9) 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. (Upham)

Mayor Upham said Johnny's work at entrances didn't use the full load of road material. Johnny pointed out a lot of alligator cracking on VOBC roadway and wants to apply the remainder road material as a test section of his road repair method. Using hot tar, rock mixture and spraying on by hand. Mayor Upham identified the roadway on S Madrone Trl (near Broadsky and Spears). Council agrees and will give Johnny the go ahead. Johnny is aware he won't be paid for any road work until the full load is used in VOBC.

Commissioner Brushwood states he recently spoke to Lawrence Ragan about Ragan ranch road becoming an official alternative emergency exit for VOBC. Ragan is not opposed, and they will continue discussion to that end.

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

Mayor Upham said as a follow up from last month's discussion he's talked to the owner's contractor and requested the following: 1) Dig out dirt under pipe and on other side of street as it's dirt belonging to 8501 Bear Creek Dr. 2) dig so water will flow from concrete drive to the ditch that's been dug, see how they want water to run and improve the flow. Owner to work on preventing soil erosion on lot and continue maintenance of culvert and driveway.

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

Mayor Upham said TDS doesn't have a contract ready for VOBC review. Appears TDS wants to re write the existing VOBC/TDS contract to include portable toilets and roll-off construction containers.

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

Commissioner Brushwood has not heard back from Legal Counsel on this issue. Dola Price shared BCOPO board's general opinion is that they're supportive of security boxes out of the ROW and within 75 feet of building set back, though have

some concerns. General discussion takes place regarding placement of security boxes, access to delivery drivers, USPS, etc as well as problems that could result in placing boxes on top of buried utilities, including water line.

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

Commissioner Brushwood states the digital speed limit detection sign is functioning. He has yet to attach the hardware to effectively turn the sign around to catch outgoing traffic.

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

Commissioner Burns states no action on Minimum Driveway Standards. Mayor Upham comments the temporary gravel driveway on Bear Creek Dr now has a culvert under it.

10) Announcements

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

11) Adjournment

The meeting adjourned at 8:32 PM

Submitted on January 5, 2019 by Kathryn Rosenbluth.

Approved on 1/14/2019
Kathryn Rosenbluth
By _____
Kathryn Rosenbluth, City Secretary