

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
December 17, 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.

Kathryn Rosenbluth mentions that the village is looking quite festive this holiday season.

4) Approval of Minutes from November 12, 2018 Commissioners Meeting.

November meeting minutes aren't complete. Item tabled.

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

Mayor Upham suggests re naming the budget & actual expenditure item "Audit" to "Financial Review". Or change it to match how it's worded on VOBC budget which is "Annual Audit".

No action taken.

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 Hays Central Appraisal District \$96.32 for 2019 1st Quarter. Invoice dated 12/13/18.

B. Approve payment to Knight Law Firm \$105.00 for October 2019 attorney services. Invoice dated 11/26/18.

C. Approve payment to Texas Road Repair & Patches \$1,800.00 for leveling the road at both entrances, adding to road surface and edge patches near 13113 S. Madrone Trl. Invoice dated 11/2/18.

D. Approve reimbursement to Texas Municipal League Intergovernmental Risk Pool \$1,089.76 for annual liability insurance. Invoice dated 12/1/18.

Commissioner Brushwood makes a motion to approve Consent Agenda items A, B and D. Pull item C for discussion. Commissioner Burns seconds. Motion is approved unanimously. Item 6. C payment to Texas Road Repair & Patches is opened for discussion. Commissioner Brushwood observed quite a bit of alligator-ing on roadways. Mayor Upham said the chip seal just mirrors what's beneath it. The areas he's most concerned about is where there is no crown and water's getting under chip seal. Especially with the immense amount of rain we've had in the past year. Mayor requested Texas Road Repair & Patches use ½ load of material they have left over from the entrances; apply the 13113 S Madrone Trl area. That area has alligator-ing plus a hole in the asphalt. Believes they will blow out the hole with compressed air. Put down oil, then put down rock. It might not look pretty. But we want to how their method and product wears before we consider using it in other areas. They charge \$1,800.00 per load. Commissioner Brushwood commented the entrance on N Madrone & FM 1826 may need another layer of material to smooth it out. Commissioner Brushwood makes motion to approve Consent Agenda item 6.C. Commissioner Burns seconds. Motion is approved unanimously.

7) New Business

A. Discussion and possible action to approve and extend 5-year contract with Texas Disposal Service as sole provider for these services: trash and recycling collection, roll off collection and portable restrooms.

Jar Mar Prince, TDS Representative is in attendance. He said TDS has a good relationship with Village of Bear Creek. TDS would like to provide us with an inclusive contract adding portable restrooms and roll off collection to the existing trash and recycling contract. The proposed contract would extend our current contract for 5 years. Mayor Upham shared that he's heard from Thomas Hallberg, who's unable to attend tonight's meeting but voiced opposition to VOBC having an exclusive contract with TDS for roll off collection and portable restrooms. Council reviews the proposed TDS contract in great length. Mayor requests TDS provide pricing schedule for different size roll off collection containers: 20 feet, 30 feet & 40 feet. And requests the contract stipulate what can and what can't be put in roll off collection containers. For example: hazardous material, tires, construction materials, etc. City Secretary said all contract verbiage to reflect billing, collection and customer relations is between the TDS and the resident. VOBC will not handle billing, collection or customer relations. Council is in alignment with the spirit of the contract and extending services to

include roll off collection and portable restrooms. Jar Mar will go back to TDS and provide revised service contract for VOBC to consider at the next council meeting.

B. Discussion and possible action regarding Real Estate listing for 2 acres out of 5.001 Section 2, Lot 33, 8011 Niles Cove, owners John and Sheryl Young. (Upham)

City Secretary reports receiving notification of an active sales listing for a 2- acre tract out of 5.001 acres, Section 2, Lot 33. Property owner is John and Sheryl Young (AKA Mike Young) and they live out of state. There's a house on the 5.001-acre tract,8011 Niles Cove, It's investment property; and rented. Youngs recently surveyed 2-acre tract of vacant land out of the 5.001 tract and put it on the market. However, VOBC, Hays CAD and Hays Co Tax Office have no record of 5.001-acre tract being legally subdivided.

Mayor and City Secretary spoke to the realtor, Carmen Peterson 512-496-0665 and Mike Young. Mr Young purchased the 5.001 acres in two parcels a 3- acre tract and a 2- acre tract. He said when he got FHA loan on the house, FHA wouldn't allow more than 3- acre's, he assumed at loan closing the lot was legally subdivided with Hays County. He recalls having two tax ID at initial purchase. When he lived in the property, he requested Hays County combine two tax ID's into one; so 5.001 tract would have homestead exemption. He's contacting Hays County to confirm and provide evidence lots were legally subdivided prior to city incorporation. Young agreed to take the property off the market until it's deemed the 5.001-acre lot, Section 2, Lot 33 was legally subdivided by Hays County prior to VOBC incorporation. If not, he must legally subdivide with VOBC prior to selling the 2-acres tract. Mayor asks council to allow him to represent VOBC council when he communicates to the realtor or property owner. Commissioners give him permission to represent council

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. (Upham)

Commissioner Brushwood would like for TX DOT to remove the white pylons; that are still up at both entrances. Once removed they will increase width at entrance. TX DOT's representative said they'd remove them, but seems it's fallen off the radar or they've determined they shouldn't be removed. It's not only our entrances, TX DOT installed white pylons at every entrance in Hays Co along FM1826. Mayor said we'd need TX DOT's permission to remove them; and if we ask them to remove, they'd probably mandate they stay in place. Mayor Upham said TX DOT work at our entrances and FM 1826 is complete; remove that portion of agenda item from future agendas.

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

Table to next month. Waiting on revised 3-year service contract.

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

Table to next month.

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

Table to next month.

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

Commissioner Burns in has legal counsel reviewing proposed changes to Driveway Culvert Ordinance #060821.002 including adding verbiage for temporary driveways.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, January 21, 2019 7:00 PM.

Mayor mentions he has a scheduling conflict with January 21,2019 meeting date and commissioners if they would consider moving January 21st meeting to January 14, or January 15 or January 21. All council members agree to move January meeting a week earlier to January 14, 2019. Pending confirmation, the meeting space is available January 14. City Secretary will contact Hays Co Vol Fire Dept to schedule commissioner meetings for 1st Quarter 2019 and advise council.

10) Adjournment

The meeting adjourned at 8:41 PM

Submitted on February 3, 2019 by Kathryn Rosenbluth.

2/18/2019

Approved on _____

Kathryn Rosenbluth

By _____

Kathryn Rosenbluth, City Secretary