

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
February 18, 2019**

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.

A. BCOPOA investigates placement of modular home at 8007 Niles Cove.

BCOPOA President, Michelle Martinez, said they are investigating a new modular home at 8007 Niles Cove. Property owner of record is Barbara Worden; occupant is daughter Wendy Warden. Wendy said their intention is to move the unit to Rockport, but they're delayed due to construction at the RV Park. She doesn't have a timeline on when it will be moved. BCOPOA is hiring a new attorney and intends to follow through with written notification of deed restriction violation.

4) Approval of Minutes from December 17, 2018 Commissioners Meeting.

Commissioner Brushwood makes motion to approve December 17, 2018 minutes with one correction. Correction on Page 3 #7.B add the word 'him' to "Mayor asks council to allow 'him' to represent VOBC council..." Commissioner Burns seconds. Motion is approved unanimously.

5) Approval of Minutes from January 14, 2019 Commissioners Meeting.

Commissioner Brushwood makes motion to approve January 14, 2019 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.

Commissioner Brushwood pointed out budgeted amount of Property Tax income doubled. City Secretary will investigate.

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 Knight Law Firm \$375.00 for legal services billed December 2018. Invoice dated 1/31/19.
- B. Approve payment to Hays County Auditor \$500.00 for annual renewal of animal control services. Invoice dated 12/28/18.
- C. Approve reimbursement to Kathryn Rosenbluth \$50.00 for roll of US postage stamps.
- D. Approve reimbursement to Bruce Upham \$32.85 for (\$24.85 road repair asphalt mix & \$8.00 mileage).
- E. Approve payment to Montemayor Britton Bender \$1,575.00 final payment for 10/1/2017 thru 9/30/2018 fiscal review. Invoice dated 1/31/19.
- F. Approve payment to News Dispatch \$35.28 for public posting Driveway/Culvert Ordinance. Invoice dated 1/31/19.

Mayor Upham pulls item 7.E for consideration at this time; council agrees final payment should be made when council's approved the Final Audit. Commissioner Brushwood makes motion to approve all Consent Agenda items, except for 7.E. Commissioner Burns seconds. Motion is approved 2 in favor. 1 -abstain (Mayor Upham) unanimously.

8) New Business

A. PUBLIC HEARING: Discussion and possible action to approve VOBC Driveway/Culvert Ordinance #190218.001 amending Driveway/Culvert Ordinance #060821.002 to include temporary driveway construction and simplify procedure for permanent driveway applications.

Commissioner Burns explained the reasons for amending the Driveway/Culvert Ordinance are 1) Adding language and fee schedule to allow for a temporary driveway permit. (typically for new build construction) 2) Reduce fee structure from \$60.00 to \$20.00 for permeant driveway/culvert permit. 3) Streamline driveway requirements and procedure. Mayor Upham added if your changing the driveway surface a permit is required. For example, changing driveway from kalachi to asphalt permit. Culvert maintenance is the duty of the owner & occupant. Culverts should be open and free of obstruction. Commissioner Brushwood makes motion to approve Driveway/Culvert

Ordinance #190218.001. Commissioner Burns seconds. Motion is approved unanimously. Commissioner Burns to provide City Secretary updated application forms electronically, so she can post on web site with Driveway/Culvert Ordinance #190218.001.

B. Discussion and possible action to consider making a \$350.00 contribution to Capital Area Metropolitan Planning Organization (CAMPO. Invoice dated 1/17/2019.

Council discusses and determines CAMPO contribution provides no value to VOBC. Item dies due to lack of interest.

C. Discussion and possible action to approve Montemayor Britton Bender's "Draft" VOBC Fiscal Audit report for 10/1/2017 thru 9/30/2018.

Council has general discussion and agree the 'draft' VOBC Fiscal Audit report looks good. Commissioner Brushwood is interested in seeing a spread sheet comparing year to year income and expenses. Mayor said if we asked for that, keep in mind Montemayor Britton Bender only has information for the 3 - 4 years they've been preparing the reports. Mayor Upham makes motion to approve the draft audit report 10/1/2017 to 9/30/2018 and request Montemayor Britton Bender finalize and provide bound copies.

Mayor Upham reopened Consent Agenda #7.E

E. Approve payment to Montemayor Britton Bender \$1,575.00 final payment for 10/1/2017 thru 9/30/2018 fiscal review. Invoice dated 1/31/19.

Mayor Upham concludes we won't pay this invoice until we've received the final VOBC Fiscal Audit for 10/1/2017 to 9/30/2018.

Mayor Upham resumed to #8 New Business

D. Discussion and possible action regarding VOBC/TDS Trash Collection Day April 6, 2019 and sending mailer to property owners.

City Secretary shares a flyer TDS prepared for April 6, 2019 Annual Trash Day. The flyer is posted in posting boxes, and when it's closer to the date she will post the information on BCO Facebook page. She asks council if they want it to mail the flyer to property owners. Council has open discussion and the consensus is to put up the signs at entrance one week prior to (as we always do) but add a posting box to the

sign that contains the flyer. Flyer could be printed in black & white or color. Mayor Upham asked this item be tabled and decided upon at the March council meeting.

E. Discussion and possible action regarding VOBC plaque or another symbol to memorialize our first mayor, Erin Foster.

City Secretary shared with council the loss of Erin Foster, January 9, 2019. Foster was fearless advocate Hays County environmental issues, instrumental in the incorporation of the Village of Bear Creek and our first Mayor. Hays County recognized January 26, 2019 as Erin Foster Day. Foster's family and City Secretary thought it would be fitting for the Village to honor her contribution with a plaque or something. Maybe add a plaque to the Monument at the north entrance? It's possible Foster's family would contribute to the cost Dola Price is interested in working on this with the City Secretary. Council discusses and is not opposed to the idea. Asked that this item be tabled for now and on future agendas as it's a work in progress.

9) Old 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.

TDS representative Ja-Mar Prince is in attendance and submitted modified TDS Contract per December 2018 council's meeting. Contract has a March 1,2019 effective date. Ja-Mar reviews the contract with Council. Ja-Mar said TDS can guarantee VOBC 100% availability for portable restrooms and roll off collection. Contract rates don't include VOBC franchise fee. VOBC franchise fee is added as a separate line item on billing. With this contract City Secretary is to notify TDS's competitors of VOBC's exclusivity to use TDS for roll off collection and portable restrooms. The mailing address for properties in VOBC is "Austin" and not "Village of Bear Creek", because of this she fears competitors and TDS will have difficulty identifying the request for services are within the Village of Bear Creek. She doesn't see an easy solution. Ja-Mar and council share that concern. Mayor Upham noted two corrections should be made to the contract; 1) Page 5 #5.6 City Sponsored Cleanups change "rear-load trucks to be utilized at the same location" to "rear-load trucks to be utilized at the two locations." 2) Page 11 #9 correct the sub points for #5.1 to #5.6 to #9.1 to #9.6. Ja-Mar said these corrections can be done now, in ink. Mayor Upham makes motion to approve TDS contract for municipal solid waste collection and disposal services

effective March 1, 2019. A 5 year contract for trash, recycling, roll off collection and portable restrooms. Commissioner Burns seconds. Motion is approved unanimously.

B. Discussion and possible action regarding Village of Bear Creek roads and Right of Way. (Upham)

City Secretary shares with council some neighbors are talking about having a neighborhood garage sale and possibly having it in cul-de-sacs. They wanting to get VOBC's thoughts on that. Council has open discussion. In summary council not opposed to it if all property owners in cul-de-sac are aware and agree to it; shoppers can park without blocking owners or emergency services access in and out of properties. Council feels rather than having neighborhood garage sale in cul-de-sac it might be easier to advertise a neighborhood garage; owners interested in participating set up their sale in the right of way at their driveway; or on their property. City Secretary will communicate this information to them. Mayor Upham mentions there is a disturbance to the road on Bear Creek Drive, near Seabo's old house. This is an area we've had issues with in the past. Appears as though something is pushing up from underneath. Mayor will investigate and see if he can dig it up and patch. Earlier in the meeting was discussion of the non-permitted modular home at 8007 Niles Cove. There's also a non-permitted driveway going to the structure. Council asks City Secretary to send the owner, Barbara Worden a letter to notify them that if they want to improve access to the property they'll need to apply for a driveway/culvert permit.

C. 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.

No action. Item tabled.

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

Commissioner Brushwood attended a recent BCOPOA meeting to get their input on the issue. Said he's also working with legal counsel on adding language to VOBC Right of Way Ordinance to address the issue.

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

Commissioner Brushwood said the sign wasn't ideally positioned to get enough sun light to keep the battery charged. He's fixed the issue and sign is now fully functional.

10) Announcements

A. VOBC/TDS Annual Trash Day Saturday, April 6, 2019 9AM – 1PM at Niles Cove and Madrone Circle.

B. Next VOBC Commissioners Meeting is scheduled for Monday, March 18, 2019 7:00 PM.

11) Adjournment

The meeting adjourned at 8:55 PM

Submitted on March 10, 2018 by Kathryn Rosenbluth.

3/18/2019

Approved on _____
Kathryn Rosenbluth

By _____
Kathryn Rosenbluth, City Secretary