

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

1) Call to Order

The meeting was called to order 7:03 pm.

2) Roll Call

Mayor Pro-Tem Brushwood and Commissioner Burns are present. Mayor Upham is absent.

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 reports a possible Oak Wilt Outbreak at 13003B S Madrone Trl.

No BCOPOA Board representatives in attendance. Kathryn Rosenbluth reports owner of 13303B S Madrone Trl notified BCOPOA Board they suspect Oak Wilt. The owner requested a TX Forest Service site visit. They were to report back to BCOPOA before the Board Thursday 3/14/19. Kathryn texted Denise McGlone asking what the tree diagnosis is; and if it's Oak Wilt. Denise's response "We are trying to get the addresses on either side of the one who reported it to contact."

4) Approval of Minutes from February 18,2019 Commissioners Meeting.

Commissioner Burns makes motion to approve February 18, 2018 minutes. Mayor Pro Tem Brushwood seconds. Motion is approved unanimously.

5) Discussion and possible action in regards to reviewing 2018 – 2019 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 Hays County Appraisal District \$96.32 for 2nd Quarter 2019. Invoice dated 3/31/2019.

B. Approve reimbursement to Kathryn Rosenbluth \$29.29 for 2 posting boxes.

C. Approve reimbursement to Bruce Upham \$198.38 for \$179.38 road repair asphalt mix & \$19.00 mileage.

D. 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.

Commissioner Burns makes motion to approve Consent Agenda items A & B. Mayor Pro-Tem Brushwood seconds. Motion is approved unanimously. Mayor Pro-Tem Brushwood opens for discussion Consent Agenda items C & D. Mayor Pro-Tem Brushwood comments on the large amount of material needed for asphalt repair on Bear Creek Drive and commends Mayor Upham's work. Mayor Pro-Tem Brushwood makes motion to approve Consent Agenda item C. Commissioner Burns seconds. Motion passes unanimously. Mayor Pro-Tem Brushwood opens discussion on Consent Agenda D. Council received the Final Fiscal Review report at tonight's meeting. Acknowledging they haven't opportunity to review the final report. However, the draft report was approved by council with no changes, they're confident the final report mirrors the draft report. Mayor Pro-Tem Brushwood makes motion to approve all Consent Agenda item D. Commissioner Burns seconds. Motion is approved unanimously.

7) New Business

A. Discussion and possible action regarding Jim Riggs, 8105 Bear Creek Dr request to replat lot Section 1: Lots 35B and 36.

Jim Riggs is in attendance. Lot 36 is a 10-acre tract and Lot 35B is a 5-acre tract both owned by Riggs. He had an email/verbal discussion with Mayor Upham proposing a replat changing the acreage to Lot 36 to aprox 13-acres and Lot 35B minimum 2-acres. He has a buyer interested in Lot 35B. However, the replat presented identifies existing lots 35B and 36 as lots 36A and 36B. Riggs doesn't know why the surveyor changed the lot identification to 36A and 36B. Council feels this change renders the request invalid and could be considered a subdivide not a replat. Other concerns are 1) why the 30' Access Easement from Bear Creek Dr to Lot 36B doesn't identify the 20 BL. It states 30' BL. 2) 20' access easement in a corner of Lot 36B isn't fully identified: only the center line of the easement is identified. Commissioner Burns makes motion reject this replat. And for Council to discuss replat with legal counsel to determine changing lot numbers from 36 & 35B to lot 36A & 36B constitutes as a replat or subdivide. Communication will be relayed to Riggs as soon as possible. In addition, 20'BL to be identified within 30' Access Easement and the 20' Access easement in lot 36B be fully identified. Mayor Pro-

Tem Brushwood seconds. Motion is approved unanimously.

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

Mayor Pro-Tem Brushwood makes motion to approve Montemayor Britton Bender's Final Fiscal Audit report for 10/1/2017 – 9/30/2018. Commissioner Burns seconds. Motion passes unanimously.

C. Discussion and possible action regarding driveway for modular home at 8007 Niles Cove.

Per council's request City Secretary mailed a letter to homeowner along with copy of Driveway/Culvert Ordinance requesting that if they're going to make improvements to their driveway, they follow procedures set forth in the Ordinance. No response.

D. Discussion and possible action regarding WTCPUA request to bore under Bear Creek Drive to install water tap to 8201 Bear Creek Dr, Section 1, Lot 35A for Thomas Hallberg.

Mayor Pro-Tem Brushwood makes motion to approve WTCPUA road bore request at 8201 Bear Creek Dr, Sec 1 Lot 35A with the caveat no damage to road and road condition is left same as pre bore condition. Commissioner Burns seconds. Motion passes unanimously.

8) Old Business

A. Discussion and possible action regarding VOBC/TDS Trash Collection Day April 6, 2019 and notifying property owners.

Council agrees City Secretary should add posting box to the notification signs installed at entrances one week prior Trash Collection Day. Put black/white copies of TDS Trash Collection flyer in the posting boxes and post the event on BCO Facebook page. Mayor Pro-Tem makes motion to authorize the purchase of 4x8 wood or a wood product for use on road protecting road from Roll Off Container. At cost not to exceed \$125.00 Commissioner Burns seconds. Motion passes unanimously. Brushwood will purchase the wood product and place on Niles Cove. Council believes Mayor Upham has wood product from last year and requests he place it on Madrone Cr.

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

City Secretary shares with council residents Dola Price and Jeff Raffaele' home sold and

are moving in April. Jeff Raffaele sold his mowing/lawn care business. Not sure who purchased but told they are interested in continuing Right of Way maintenance for VOBC. She was contacted by Justin Cofield, 13003 S Madrone, who's couldn't attend tonight's meeting but interested in an opportunity to help teach his 13 yr old son how to work hard and about earning money. Sees Jeff Raffaele's departure as an opportunity to start a small lawn business and service VOBC. Acknowledges it could be more than they could handle; but would like to know the details. He'll try to attend April Commissioners meeting. Commissioner Burns will call TML and investigate child wage laws.

City Secretary read email from Mayor Upham thanking Ralph, the new owner 8200 Bear Creek Dr, who upon the Mayor's request moved his mail box 6 to 8 inches from the edge of the road. This mailbox has been on of the furthest from the street and caused the mailman to drive off the road and back onto the road to deliver mail there.

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)

Mayor Pro-Tem Brushwood is waiting on legal counsel's feedback. Hoping to have amended Right of Way Ordinance to discuss at the April Commissioners meeting.

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

Mayor Pro-Tem Brushwood reports the digital speed limit detection sign is fully functional. He's looking to relocate it; probably to N Madrone Trl.

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

City Secretary hasn't had opportunity to work on this. Dola Price researched "official" State of Texas markers. They're pricy and approved on an application basis. Didn't look as though this route is the best fit.

9) 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,
April 15, 2019 7:00 PM.**

10) Adjournment

The meeting adjourned at 8:50 PM

Submitted on April 6, 2019 by Kathryn Rosenbluth.

Approved on 4/15/2019

Kathryn Rosenbluth

By _____

Kathryn Rosenbluth, City Secretary