

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
May 20, 2019**

1) Call to Order

The meeting was called to order 7:05 pm.

2) Roll Call

Mayor Upham, Commissioner Brushwood and Commissioner Burns are in attendance.

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.

With the recent heavy rains Mayor Upham got a call from the Keith Layton, 8101 N Madrone Trl, reporting the clogged culvert & drainage pipe across the street is diverting a large amount of water over the roadway and directly toward their house. Across the street is 8100 N Madrone Trl, recently purchased by Calvin Ho. Mayor contacted Mr Ho, who explained he's an out of state owner and would forward this information to his management company to handle. City Secretary reports lightening in May 16, 2109 storm knocked out power on the Cedar Cove/Madrone Trl utility pole. PEC was quickly on the scene; replaced the pole and restored power. Some residences on Cedar Cover and N Madrone Trl reported loss of power.

4) Approval of Minutes from April 15, 2019 Commissioners Meeting.

Commissioner Burns makes a motion to approve the April 15, 2019 minutes with the following corrections: 1) #3 add "reported" to ..reports a property owner on Bear Creek Drive's cat was "reported" poisoned by antifreeze. 2) #6A add "approve" to Commissioner Burns makes motion to 'approve' the consent agenda. And delete "Commissioner Burns" seconds. 3) 8B correct two large hot "tubes" to two large hot "tubs". Commissioner 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 reimbursement to Al Brushwood \$108.20 for wood product needed for VOBC/TDS Trash Collection Day.
- B. Approve payment to Texas Disposal Systems \$78.00 for disposal of unallowed materials in roll off container (2 tires -\$14.00 ea and 4 mattress-\$12.50 ea) at Trash Collection Day. Invoice dated 5/1/19.
- C. Approve reimbursement to Bruce Upham \$11.43 for spray paint.
- D. Approve payment to Victor O Schinnerer \$130.00 for Commissioner Brushwood 3 yr bond 5/20/19 to 5/20/2022.
- E. Approve payment to Knight Law Firm \$435.00 for March 2019 attorney services. Invoice dated 4/30/2019.
- F. Approve payment to The News Dispatch \$41.52 for posting Right of Way Ordinance. Invoice dated 4/25/19.
- G. Approve payment to Jaxon Cofield \$100.00 for cleaning all road signs in VOBC. Invoiced dated 5/7/19.

Mayor Upham pulls item B for discussion. Commissioner Brushwood makes a motion to approve all consent agenda items except for "B". Commissioner Burns seconds. Motion is approved unanimously.

Mayor Upham opens item B for discussion. City Secretary asked TDS Rep, Ja-Mar Prince, to investigate accuracy of the invoice. VOBC was not aware of any tires and mattresses were not included on the prohibited item list. Ja-Mar said he'd try to take care of the invoice internally, as he thinks the invoice was auto-generated and will be sure to include mattress's as a prohibited hazardous item next year. Mayor asks that we take no action until we hear back from TDS. We can leave it as a consent agenda item until we have further information.

7) New Business

- A. PUBLIC HEARING: Discussion and possible action to approve Right of Way Ordinance #190520.001 amending Right of Way Ordinance #0905183.001 to include provisions for mailboxes and package delivery receptacles.
(Brushwood)**

Public Posting requirements now met Commissioner Brushwood requests council approve the ROW Ordinance #190520.001 amending the previous ROW Ordinance #0905183.001

to allow for mailboxes and security parcel receptacles; referenced in Section 3 # E. Commissioner Brushwood makes motion to approve ROW Ordinance #190520.001. Commissioner Burns seconds. Motion is approved unanimously. City Secretary will upload Ordinance to VOBC web site, include information web site information page as well as post in BCO Facebook group.

A) Discussion and possible action to approve Replat of Lot 26 and Lot 27, Section 1, BCO owned by Larry and Kathleen Vaughan.

Larry Vaughan is in attendance. Mr Vaughan explained they intend to sell Lot 26 and wanted to move the property line of existing subdivide just a little. Both lots remain greater than 3 acres. Lot 26 has no improvements, no well or septic. Vaughan's reside on Lot 27, 13112 S Madrone Trl. Commissioner Brushwood makes motion to replat of Lot 26 & Lot 27, Section 1, BCO. Mayor Upham seconds. Motion is approved unanimously. City Secretary will record the replat with Hays County and invoice Vaughan's for reimbursement.

B. Discussion and possible action regarding Signal Hill Area Alliance meeting held on 4/25/19.

City Secretary attended the Signal Hill Area Alliance meeting along with Al & Viki Brushwood. City Secretary reports that Signal Hill doesn't have an HOA. Wants this alliance group to be a network of adjacent communities and assist them with on going health/safety issues they have with Easy Mix Concrete. <https://signalhillalliance.org> email: info@signalhillalliance.org. Bottom line is they want Easy Mix Concrete to adhere to the laws within Hays County, Austin ETJ, and State of Texas. Their complaints include:

- 1) Concrete trucks not abiding speed limits.
- 2) Weighted trucks ruining roads
- 3) Sound issues 6 AM – 8PM trucks coming/going, loading and clean out.
- 4) Concerns of concrete ash air pollution, safety and air quality.
- 5) Pollution, water quality, and safety concerns with runoff from washing out concrete trucks with molecular cement dissolver. Water runoff is not contained.

Commissioner Brushwood said he'd stay close to the issue and potentially get involved.

C. Discussion and possible action regarding digging out low water crossing on upstream side due to recent storms. (Upham)

Mayor Upham would like to get a bid from Johnny with Texas Road Repair and Patches to removed debris in upside of the low water crossing. Majority of debris is rock, caliche, and

dirt. And it's been years since it's been cleaned out. But important the debris doesn't increase and clog the drain tubes. Mayor Upham makes a motion to have Commissioner Brushwood facilitate cleanout of the upper low water crossing at an expense not to exceed \$5,000.00. Commissioner Burns seconds. Motion is approved unanimously.

C. Discussion regarding VOBC annexing 40 acres land in Hays County attached to 5 acres, Section 3, Lot 5, BCO owned by Lang Family Ranches aka Carl Lang. (Brushwood)

Commissioner Brushwood got a call from Carl Lang, owner of Lot 5, Section 3. Mr Lang also owns 40 acres behind Lot 5, Section 3, in Hays Co and in the Austin ETJ. He wants to know if VOBC would consider annexing in his 40 acres. He would prefer to be annexed by VOBC rather than City of Austin. As far as we know City of Austin has no immediate interest in annexing his 40 acres in Hays County. Council has open discussion and expressed the following concerns with annexation.

- 1) If VOBC annexed the 40 acres; BCOPOA would not be associated to the 40 acres. Thus no HOA, Deed Restrictions, nor Architecture Review Committee.
- 2) The what if scenario of future development of the 40 acres. IE: Davy Crocket road pushing thru to VOBC.
- 3) Re -Mapping VOBC. (Maps, FEMA, Hays County Services, etc)
- 4) Legal expenses
- 5) VOBC wouldn't have control of what is build or how the 40 acres is developed.

Overall council doesn't see how the citizens and VOBC benefits from this request. Commissioner Brushwood will respond to Mr Lang.

8) Old Business

A. Discussion and possible action regarding Village of Bear Creek roads and Right of Way.

Mayor Upham said Justin Cofield isn't interested in mowing the Right of Way. Kathryn Rosenbluth reached out to Nicolas Grimaldo, purchaser of Jeff Raffaele's lawncare business, he's expressed interest mowing and requesting a scope of work. Mayor Upham will send him a scope of work. Mayor Upham checked in with Johnny, Texas Road Repair and Patches about the Bear Creek Dr job. Johnny he'll get to it as soon as he can; can't say how far 2 loads will go; but will do the best he can.

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

Commissioner Brushwood has no update.

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

City Secretary has no update. Mayor Upham floated the idea of naming the low water crossing after Erin Foster.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, June 17, 2019 7:00 PM.

10) Adjournment

The meeting adjourned at 8:36 PM

Submitted on June 16, 2019 by Kathryn Rosenbluth.

Approved on 6/17/2019
Kathryn Rosenbluth

By _____
Kathryn Rosenbluth, City Secretary