

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
December 16, 2019**

**1) Call to Order**

The meeting was called to order 7:06 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.**

Bruce Upham suggests BCOPOA and VOBC make a joint effort to put together a VOBC/BCOPOA welcome letter for new property owners. Recommend including information such as who to contact for services such as electric, trash/recycling, etc. BCOPOA President, Michelle Martinez and Treasure, Denise McGlone are in attendance and agree its good idea and would be helpful.

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

Mayor Upham makes a motion to approve the November 18, 2019 minutes as submitted. Commissioner Burns seconds. Motion is approved unanimously.

**5) Discussion and possible action in regard to reviewing 2019- 2020 budget and actual expenditures.**

City Secretary informs council the Budget vs Actual expenditures doesn't include two recent income deposits: 1) PEC \$7,149.78 franchise fee deposited 12/16/19 and 2) \$2,827.00 Property Tax deposited 12/10/19. 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 Central Appraisal District \$110.00 for 1<sup>st</sup> Quarter 2020. Invoice dated 12/1/19.**

Commissioner Burns makes motion to approve the Consent Agenda as submitted. Commissioner Brushwood seconds. Motion is approved unanimously.

## 7) New Business

### **A. Discussion and possible action regarding VOBC participation with Bear Creek Oaks Property Owners Association to trench the area at Bear Creek Dr and S Madrone Trail to combat the Oak Wilt breach. Representatives from BCOPOA and We Love Trees presenting to council.**

Representatives from We Love Trees and BCOPOA are in attendance. BCOPOA Treasure, Denise McGlone, explains to council the TX Forest Service identified an Oak Wilt breach from the last trench work in 2018 and has recommended a new trench to contain the affected area. BCOPOA contacted all affected property owners. Presently all but 2 of the affected property owners agree to participate in the new trench. Without all property owners participating the trench will be longer and go along Bear Creek Drive. BCOPOA hopes the 2 property owners change their minds; but said it's not likely. BCOPOA is prepared to foot the bill. They're grateful for VOBC's willingness to assist and pay for the road cut. This trench will require one road cut at Bear Creek Dr and S Madrone Trl. We Love Trees representative said they were the same contractor that installed the last trench in 2018. They're flabbergasted to hear of the breach. Not typical for that to happen so quickly. Hard to tell why; maybe a problem with mapping, trench wasn't deep enough, roots weren't severed completely or there was re grafting. In 2018 the trench was 3.5 to 4 inches width. Now they trench 7 inches in width; greater separation will hopefully avoid that happening again. The best time to trench is November to February when trees are dormant. Council is pleased with the 2018 road cut job and how they've performed. We Love Trees would use the same method apply a concrete bridge with 5 inches of concrete and 3 inches of asphalt for \$5,500.00. Mayor Upham makes motion to authorize We Love Trees to make one road cut at Bear Creek Drive and S Madrone Trl, in conjunction with the Oak Wilt trench at a cost not to exceed \$5,500.00. Commissioner Burns seconds. Motion is approved unanimously.

### **B. PUBLIC HEARING: Discussion and possible action to approve Preliminary Plat to subdivide 9000 N Madrone Trl – Lot 2, Section 3, Bear Creek Oaks; 5.76 acre tract into 2 lots: 2A – 2.09 acres and 2B – 3.56 acres. Jim Bellevue representing owner Elena Lipkowski.**

Jim Bellevue is in attendance and provides council with written authorization to represent Elena Lipkowski in this matter. Mr Bellevue points out the following on the Preliminary Plat

- Dedication 25' Right of Way

- Existing house has a well and will be on Lot 2B - 3.56 acres
- Lot 2A will be 2.08 acres and require public water or rainwater collection. No well exists on what will be lot 2A.
- Driveway: on west side of plat they will have an access easement from the street to the existing house.
- No immediate plans to change the existing driveway.
- Elena Lipkowski doesn't intend to sell lot 2A until 2040. Do anticipate once sold a house will be built on 2A.

Council opens discussion. Mayor Upham wants the 'new' Driveway access easement noted on the preliminary and final plat. Mr Bellevue said that's not required but will comply. Open discussion regarding previous instances of flooding on lot 2. Years passed Mr Bellevue sighted the city for the entry way culvert under road is crushed thus creating flood issues. And yes, in wet weather water does flow on to the property. Mayor Upham remarked that the culvert in question was fixed years ago and is fully functional. Mayor has issue with the Preliminary Plat doesn't identify water courses or flood plan. Subdivision requirement #14 is for the preliminary plat to include 100 yr and 25 yr flood plan and floodway boundaries and all waterways draining over 90 acres upstream of the subject property. Mark Bohm is in attendance; his property is within 200 feet of the subject. He sees no reason to block Lipkowski's right to subdivide but likes the discussion regarding flooding. He does want the property amount of effort to try and mark the 25 year flood plan. He's concerned that if a structure or any imperious cover on lot 2A may change the water flow onto his property.

Open discussion regarding VOBC Drainage Study map and requirements. Page 3 and 15 speak to the 100 year flow and peek 25 year flow. Drainage report requires a 54" culvert for Lot 2, Section 3. Report dated 6/8/2004 by Jay Engineering 512.259.3882

Mayor Upham makes motion to reject the Preliminary Plat for deficiencies in Subdivision Ordinance #180820.002

- #12 Existing and topographic and planimetric features within the subdivision, including watercourses and ravines, high banks, width of existing or proposed easement, if in the flood plan, contour lines at two (2) foot intervals and any other features pertinent to the subdivision.
- #14 The one-hundred (100) year and twenty-five (25) year flood plan and floodway boundaries. Drainage easement to cover the limits of the 25 year Flood Plan and all waterways draining 50 (50) acres or more.

- #17 All right of way and easement to be dedicated to the City and size and dimensions of each.

Recommends Mr Bellevue or client make modifications to the Preliminary Plat for review, discussion and possible action at the January 27, 2020 Commissioners Meeting.

Commissioner Burns seconds. Discussion Commissioner Brushwood agrees with this course of action. Motion is approved unanimously.

Mr Bellevue is in attendance and took part discussing Preliminary Plat deficiencies. He's requested City Secretary send letter on letterhead containing the Preliminary Plat deficiencies. She agreed to have letter out by end of the week.

**C. Discussion and possible action regarding the PEC light at the intersection of Bear Creek Dr and S Madrone Trl.**

Resident Michelle Martinez's property at 8400 Bear Creek Drive is a two-story house and says the PEC light illuminating the Bear Creek Dr and S Madrone Trl intersection shines into their bedroom. She understands the light is required for safety purposes. But can they replace the bulb for 'night sky's' or alter the trajectory of the bulb? Council has a brief discussion. Mayor Upham makes motion for City Secretary to contact PEC and request the add a shield to the light to assist with it not shining into house at 8400 Bear Creek Dr. Commissioner Burns seconds. Motion is approved unanimously.

**D. Discussion and possible action to waive Charter Spectrum 1% PEG Capital Fee.**

Mayor Upham explained Charter Spectrum is required to collect a 1% PEG Capital Fee unless directed by the VOBC Council not to. The 1% PEG Capital Fee is a pass through to consumers. Charter Spectrum then directs all PEG funds the Public Access Channel. Commissioner Brushwood makes a motion authorizing Mayor Upham to communicate to Charter Spectrum that we don't want to participate int the PEG Capital Fee. Commissioner Burns seconds. Motion is approved unanimously. Mayor Upham said PEC Capital Fee has nothing to do with our Franchise Fee. In regards to our Franchise Fee Spectrum is still identifying VOBC customers and determining the amount of fee owed to VOBC.

**8) Old Business**

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

Mayor Upham reports that Johnny with Tx Road Repair and Patches has agreed to do the road work (areas identified with white spray paint) but hasn't gotten to it yet. The N

Madrone Trl/FM 1826 street signs attached to the stop sign at the North FM1826 entrance fell off. Commissioner Brushwood reports he retrieved the street signs and took them to TX DOT requesting TX DOT replace them. TX DOT said he need to take them Hay County; and that Hays County would replace them. Council agrees that street signage on FM 1826 is the responsibility of TX DOT. TX DOT installed the signs when the N Madrone/FM 1826 intersection was being re-constructed by TX DOT. Commissioner Brushwood will follow up with TX DOT. Mayor Upham informs council that for a few weeks now a large pile of pallets are in the Right of Way at 8305 Bear Creek Dr. Property owners Bethany and Josh Brevard posted on BCO Facebook page the pallets are free for the taking. At this point they remaining pallets are a hazard and should be removed. Mayor Upham will contact them and request they removed them from the Right of Way. Commissioner Brushwood identified a few areas in VOBC Right of Way that could use some trimming. He will explore that further and report back to council.

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

Table. Commissioner Brushwood has nothing new to report.

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

Table. City Secretary has not heard back from Steve Foster; she will follow up with him.

**D. Discussion and possible action regarding Village of Bear Creek web site maintenance.**

Table. City Secretary will follow up with Roland Williams for status.

**E. Discussion and possible action regarding VOBC Franchise fee from Spectrum Gulf Coastal LLC (Charter Spectrum).**

Discussed Charter Spectrum in agenda item #7.D. No update regarding VOBC Franchise Fee. Table.

**9) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday, January 27, 2020 7:00 PM.**

**B. Next VOBC/TDS Annual Trash Clean Up Day is Saturday, April 18, 2020.**

**10) Adjournment**

The meeting adjourned at 8:56 PM

Submitted on January 27, 2020 by Kathryn Rosenbluth.

Approved on   1/27/2020  \_\_\_\_\_

*Kathryn Rosenbluth*

By \_\_\_\_\_  
Kathryn Rosenbluth, City Secretary