

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
March 16, 2020**

1) Call to Order

The meeting was called to order 7:03 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.

Mayor Upham shared that Hays County Volunteer Dept reserves meetings by the Quarter. 2020 2nd Quarter; May and June Commissioner Meetings are reserved for the 3rd Monday of the month at the Driftwood Volunteer Fire Dept. Due Covid 19 they are not allowing any meetings in April. He reached out to the Pastor at Oak Hill Primitive Baptist Church and asked if we could use the facility to have our April Commissioners Meeting. The Pastor is to get back with him. If not, perhaps we can meet virtually or in the Mayor's Barn.

4) Approval of Minutes from February 17, 2020 Commissioners Meeting.

Mayor Upham makes motion to approve the February 17, 2020 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.

No changes 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 News Dispatch \$88.32 for two preliminary plat public notice postings. Invoice dated 2/27/2020.
- B.** Approve payment to Hays Central Appraisal District \$112.34 for 2nd Quarter 2020. Invoice dated 3/31/2020.
- C.** Approve payment to Montemayor Britton Bender PC \$1575.00 for ½ upfront fee VOBC fiscal review 10/1/2018 -9/30/2019. Invoice dated 2/20/2020.

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

7) New Business

A. PUBLIC HEARING: Discussion and possible action to approve Preliminary Plat to subdivide 8105 Bear Creek Dr – Lot 36, Section 1 Bear Creek Oaks; 12.88 - acre track into 2 lots: 36A -10.86 acres and 36B -2.02 acres. James B Riggs owner.

Jim Riggs is in attendance. City Secretary confirms all property owners within 200' were sent Preliminary Plat notices and tonight's Public Hearing was posted in the newspaper as required. Mr Riggs confirms proposed Lot 36B has no septic or well. Commissioners discuss the preliminary plat. The long access easement from Bear Creek Dr thru lot 35B (owned by Tiffany Fuh) to lot 36B would include water line and other utilities. Mayor Upham states the creek drains more than 60 to 90 acres; need final plat to reference where the 25' and or 100' flood plain is located. Final plat must state no structures to be in 100 yr flood plain or drainage easement. Also want confirmation the referenced FEMA Map Panel #48209C 0137F dated 9.2.2005 is current. Preliminary Plat does contain the verbiage no well is permitted on Lot 36B. City Secretary mentions In addition, prior to recording a Final Plat we must have documentation Hays County Appraisal District and Hay County Tax Office correctly reflect: Tiffany Fuh owner 2.005 acre Lot 35B, Section 1, BCO Hays County #R20871 and Jim Riggs owner 12.88 ac Lot 36, Section 1 BCO, Hays County R20872

3/16/2020 records show:

Hays County Appraisal District:

#R20871 - 2.005 acre Lot 35B, Section 1, BCO	Owned by Tiffany Fuh
#R20872 - 12.88 acre Lot 36, Section 1 BCO	Owned by Tiffany Fuh

Hays Tax Assessor:

#R20871 - 5.00 acre Lot 35B, Section 1, BCO	Owned by Tiffany Fuh
#R20872 - 10.08 acre Lot 36, Section 1 BCO	Owned by Jim Riggs

Mayor Upham makes motion to approve the Preliminary Plat to subdivide Lot 36, Section 1, BCO ; 12.88 -acre track into 2 lots: 36A -10.86 acres and 36B -2.02 acres. with the following conditions. Final Plat must include:

VOBC Ordinance #1800820.002
Section 3.b

#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 elevations and flood plain and floodway boundaries. Drainage easement to cover the limits of the 25 year Flood Plain and all waterways draining fifty (acres) or more.

- Surveyor confirm FEMA Map Panel #48209C 0137F and 0141F Dated 9/2/2005 is the current FEMA map in effect
- 100 Yr and 25 Yr Flood Plain be defined on the Final Plat.
- Note on Final Plat: No structures (temporary or permanent) to be built in the Drainage Easement, 100 Yr or 25 Yr Flood Plain.

Commissioner Burns seconds. Motion is approved unanimously.

B. PUBLIC HEARING: Discussion and possible action to approve Preliminary Plat to subdivide 9004 N Madrone Trl – Lot 3, Section 3, Bear Creek Oaks; 6.26-acre tract into 2 lots: 3A – 3.003 acres and 3B – 3.129 acres. Julia Barnett and Van Boyd Tracy owners.

Julia Barnett and Van Tracy are in attendance. City Secretary confirms all property owners within 200' were sent Preliminary Plat notices and tonight's Public Hearing was posted in the newspaper as required. Mayor Upham notes the owners previously had submitted and Council approved a similar Preliminary Plat to subdivide this tract. VOBC approval for that Preliminary Plat has long expired. This is a new application to subdivide Lot 3, Section 3 BCO. They've made some minor changes but nothing that is concerning. Mayor Upham makes a motion to approve the Preliminary Plat to subdivide Lot 3, Section 3, BCO ; 6.26- acre tract into 2 lots: 3A – 3.003 acres and 3B – 3.129 acres. Commissioner Brushwood seconds. . Motion is approved unanimously.

C. Discussion and possible action regarding review and approval of the "Draft" VOBC fiscal review 10/1/2018 – 9/30/2019 report prepared by Montemayor Britton Bender PC. And if approved; discussion and possible action to authorize the final payment due to Montemayor Britton Bender PC of \$1,575.00 invoice dated 2/29/2020.

Commissioners review the "Draft" VOBC fiscal review and have no concerns or issues. Payment will be authorized upon receipt and review of the Final report. Mayor Upham makes motion to approve the Draft report and authorize City Secretary to have Montemayor Britton and Bender move forward with the Final VOBC fiscal review report for 10/1/2018 – 9/30/2019. Commissioner Brushwood seconds. Motion is approved unanimously.

D. Discussion and possible action to contribute to CAMPO (Capital Area Metropolitan Planning Organization) \$350.00. Request dated 1/31/2020.

VOBC Commissioners agree there is no value in giving CAMPO a \$350.00 donation.

E. Discussion and possible action regarding VOBC/TDS Annual Trash Collection day scheduled for Saturday, April 18, 2020.

TDS Covid-19 policy is to use care and caution in personal health issues and interpersonal situations. They have not cancelled any Clean Up events at this time.

Out of an abundance of caution due to Covid-19 VOBC Commissioners agree to postpone 4/18/2020 Annual TDS Trash Collection Date. City Secretary to contact TDS and reschedule for September 2020. VOBC requested dates are in September: 9/12/2020, 9/19/202 or 9/26/2020. Mayor Upham makes a motion to postpone TDS Annual Trash Collection Day due to Covid-19. Commissioner Burns seconds. Motion is approved unanimously.

8) Old Business

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

Table. Mayor Upham notes that Johnny, Texas Road Repair and Patches has not gotten to the approved road work. Mayor Upham he's waiting to contact the concrete guy, Steve Wenzel, once we have more details on the low water crossing plaque.

Commissioner Brushwood hasn't yet taken action to review clearing/trimming the right of way.

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

Commissioner Brushwood is working on downloading data other than that nothing new to report.

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

City Secretary reports on Feb 18, 2020, John Hudson replied to her request and said the plaque on the North Madrone monument was made by Innovative Signs, Inc, 130 Bomar Ct #206, Longwood, FL 32750 ph 800-451-7446/fax 800-477-6773 URL:

<http://www.innovativesigns.com> They paid \$212.00. Price includes person that does the layout- it's cast aluminum, ground freight and hardware for mounting. Production was 4 to 6 weeks. Their plaque was 10" x 10" cast aluminum, national satin finish raised

text and graphics with a black leatherette textured background. City Secretary informs council she'd like to take Dola Price up on her offer to assist with this project as she doesn't have the capacity. Council agreed and suggest we proceed with size and design of plaque similar to the Hudsons specs for the plaque on the North Madrone monument.

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

Table.

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

Mayor Upham reports good news! In an email received 3/2/2020, Ed Serna with Charter Spectrum, confirmed they will begin implementing the franchise fee on customer bills beginning April 2020., which coincides with the start of the 2nd quarter. A customer message related to the new franchise fee (5%) charge will be included in this month's billing cycle. VOBC will receive its first quarterly franchise fee payment in August 2020 for the 2nd quarter. The 2nd quarter payment will also include a true-up payment for the franchise fee amounts owed since December 19, 2017.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, April 20, 2020 7:00 PM.

Meeting location to be determined. Commissioner Brushwood to contact Texas Municipal League legal dept for advice due to Covid-19.

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

Out of an abundance of caution VOBC Commissioners postpone 4/18/2020 Annual TDS Trash Clean Up Day.

10) Adjournment

The meeting adjourned at 8:26 PM

Submitted on April 19, 2020 by Kathryn Rosenbluth.

Approved on 4/20/2020

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary