

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
April 20,2020**

1) Call to Order

The meeting was called to order 7:00 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.

Kathryn Rosenbluth shares that over the past week residents on N Madrone Trl hearing gun fire nightly 7pm till dark. Sounds like target shooting: you can hear when they hit a metal target. Pretty sure it's coming from the house with driveway on FM 1826 south of N Madrone Trl entrance. Some neighbors have called the Sherriff; was told due to Covid they're short staffed and would get out there as soon as they could. Don't know the outcome of that. Because of more and more subdivides our density is increasing. Don't know the legal aspect; but maybe the city can pass an Ordinance prohibiting sport shooting.

4) Approval of Minutes from March 16, 2020 Commissioners Meeting.

Commissioner Brushwood makes motion to approve March 16, 2020 minutes as submitted. Mayor Upham 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 Montemayor Britton Bender PC \$1575.00 for final payment VOBC fiscal review 10/1/2018 -9/30/2019. Invoice dated 2/29/2020.

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

7) New Business

A. Discussion and possible action to approve Final 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. Riggs confirms Holt Carson, Surveyor confirmed the FEMA Map Panel #48209C 0137F and 0141F Dated 9/2/2005 number is the current map and effective date. Riggs confirms none of the improvements or his house on Lot 36A are in the 25 - 100 Yr Flood Plain. He's in the high side of the creek; steep grade down to the drainage easement. Verbiage on Plat states no houses or structures can be built in the drainage easement. And the drainage easement is clearly identified. Mayor Upham feels the Final Plat addresses all issues Council requested. City Secretary adds she now has confirmation Hays County Appraisal District correctly reflects the replat filed. Riggs spoke to Hays County Tax Office and was told they won't update their system showing acreage correct acreage from the replat recorded 4/23/2019 Instrument No #19013005 until they receive 2020 assessment data from Hays County Appraisal District.

Hays County Appraisal District – reporting accurately

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

Hays Tax Assessor – reporting inaccurately

#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**

City Secretary said this maybe an issue when she goes to record the Final Plat. Because of Covid-19 Hays County Government Building is closed to the public. City Secretary will contact Hays County Tax Office and find out how to obtain Tax Certificates and Account Summary. Will also contact Hays County Records Division and find out how we record Final Plats. Mayor Upham recommends calling the Judge's office additional assistance is needed. And consider sending the Final Plats via Fed-X.

Commissioner Brushwood makes motion to approve Final Plat to subdivide 8105 Bear Creek Dr, Lot 36, Section 1, Bear Creek Oaks; a 12.88 tract into 2 lots: 36A - 10.86 acres and 36B -2.02 acres. Commissioner Burns seconds. Motion is approved unanimously.

B. Discussion and possible action to approve Final 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. Julia and Van confirm Final Plat submitted mirrors the Preliminary Plat. No changes made. Both lots are in excess of 3 acres and therefore can have a well. Their house, septic and well are all on Lot 3B. Right of Way is dedicated to VOBC. Commissioner Brushwood makes motion to approve Final Plat to subdivide 9004 N Madrone Trl, Lot 3, Section 3, Bear Creek Oaks; a 6.26 tract into 2 lots: 3A – 3.003 acres and 3B -3.129 acres. Mayor Upham seconds. Motion is approved unanimously

C. Discussion and possible action regarding review and of Final VOBC fiscal review 10/1/2018 – 9/30/2019 report prepared by Montemayor Britton Bender PC.

Commissioners approved the “Draft” VOBC fiscal review and had no concerns or issues. Final report is identical to the “Draft” report. Just a matter of formality to approve the final report. Mayor Upham makes a motion to approve the Final VOBC Fiscal Review 10/1/2018 to 9/20/2019. Prepared by Montemayor Britton Bender PC. Commissioner Burns seconds. Motion is approved unanimously.

D. Discussion and possible action regarding the Covid-19 Hays County Disaster Order and possible logistic action with regards to VOBC services.

City Secretary and members of council have gotten inquiries as to if we have our own Covid-19 Disaster Order or if we are following Hays County’s Covid-19 Disaster Order. Council has open discussion. Presently Hays County is reporting no active Covid-19 cases in VOBC. All agree social distancing guidelines are important. State of Texas and Hays County have declared Emergency Disaster Orders. Hays County’s is the 3rd order related to Covid-19 and Section 5 status “All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public shall continue. Further, nothing in this order shall prohibit any individual from accessing “Essential Government Functions.” Each government body shall determine it’s Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions, including but not limited to support services such as Chambers of Commerce,

non-profit support services, and the like. To the extent feasible, all Essential Government Functions shall be performed in compliance with the Requirements in Exhibit A. This order does not apply to the Federal or State Government.” Exhibit A highlights #1) Vulnerable Populations: Limit or Eliminate Time Outside the Home. #2) Workplace and Businesses: Minimize Exposure. #3) Public Settings: Clean, Sanitize and Prevent Contact. Mayor Upham is in favor of passing something that’s valid to the next council meeting. At next meeting consider if we want to extend or terminate. As a point of order the US Government, State of Texas and Hays County have Covid-19 Emergency Orders. Mayor Upham states we have not and we’re not trying to get any resources of funding. If we were to become a hot bed in Hays County, we might want some resources. Mayor Upham makes a motion that the Village of Bear Creek support the stay at home work initiative and support Hays County Emergency Management Coordinator with their recommendations for the next 30 days, to May 20,2020. 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.

Mayor Upham looked at the previous work Johnny with Texas Road Repair and Patches did on Bear Creek Drive and is wondering if his repair approach is the best approach. He can see alligator cracks thru the repair and wondering if crack fill might be a better or more successful solution. 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 shares that Dola Price has agreed to assist. She will reach out to Innovative Signs for a quote. City Secretary provided Dola with the information John Hudson provided, Council’s instructions to mirror the size and materials of the North monument plaque, and written copy for Erin Foster’s plaque

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

Table.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, May 18, 2020 7:00 PM. Possible Zoom Meeting or Location To Be Determined.

B. Next VOBC/TDS Annual Trash Clean Up Day is Saturday, September 19, 2020.

10) Adjournment

The meeting adjourned at 8:10 PM

Submitted on May 16, 2020 by Kathryn Rosenbluth.

Approved on 5/18/2020 _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary