

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

**1) Call to Order**

The meeting was called to order 7:02 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.**

None.

**4) Approval of Minutes from May 18, 2020 Commissioners Meeting.**

Commissioner Burns makes motion to approve the May 18, 2020 minutes as submitted.  
Commissioner Brushwood seconds. Motion is approved unanimously.

**5) Approval of Minutes from June 15, 2020 Commissioners Meeting**

Minutes are not available. Item tabled.

**6) Approval of Minutes from June 22, 2020 Commissioners Executive Session.**

Mayor Upham makes a motion to approve the June 22, 2020 minutes as submitted.  
Commissioner Burns seconds. Motion is approved unanimously.

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

Mayor Upham asks about the expense line item for mailbox rental. City Bookkeeper says that line item is redundant as the Budget footnote #1 expense item "General Operating Fund" includes office related materials and mailbox rental.

**8) 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. New Business**

- A. Approve payment to The News Dispatch \$58.00 for Public Posting Preliminary Plat to subdivide Lot 21A, Section III. Invoice dated 7/1/2020.**
- B. Approve payment to Jeff Raffaele \$1,200.00 for mowing ROW. Invoice dated 6/18/2020.**

- C. Approve reimbursement to Kathryn Rosenbluth \$128.84 for printing ROW letter \$18.84 and stamps \$110.00.**
- D. Approve payment to Knight Law Firm \$645.00 for Attonrey services May 2020. Invoice dated 7/14/2020.**
- E. Approve payment to Catheys Tree Service \$4,500.000 for ROW clearing. Invoice dated 7/16/2020.**

Commissioner Brushwood makes a motion to approve the Consent Agenda as submitted. Commissioner Burns seconds. Discussion: Mayor Upham asks for a report on Catheys Tree Service work. Commissioner Brushwood said Catheys completed a full 3 days of work and he's satisfied with the quality of work, professionalism and care. Focus of work was Bear Creek Dr (an area that wasn't worked the last go around). All cuttings chipped and left in ROW. They didn't get to Madrone Circle or Cedar Cove. Motion is approved unanimously.

**9) New Business**

- A. PUBLIC HEARING: Discussion and possible action to approve Preliminary Plat to subdivide 13012 S Madrone Trl, Lot 21A of the Resubdivision of Lot 21, Section 1, BCO and a portion of Lot 17, Section 3, BCO. Subdividing a 5.54-acre tract into a 3.09 acre tract and a 2.26 acre tract. Owners Bruce and Tracie Upham.**

Mayor Upham steps down from dais. Mayor Pro-Tem Brushwood opens New Business A. City Secretary confirms all property owners within 200' notified in writing and Public Hearing posted in News Dispatch. Mayor Pro-Tem Brushwood states he was contacted by one owner within 200', Gabriella Villareal who wasn't opposed to this subdivide; however shared concerned for the increase in subdividing and would like to see the 2 acre minimum lot size increased. Brushwood stated the proposed 3.09 acre tract has an existing well and the 2.26 acre tract has access to West Travis County Water District pipeline. Preliminary Plat is not in a flood zone and has no drainage or flooding issues. One observation is that surveyor didn't note the lot size on adjacent Lot 17B. Bruce Upham said Lot 17B is 2.468 acres and agrees that's the surveyor's oversight that can be remedied on the Final Plat. Mayor Pro-Tem Brushwood makes a motion to approve the Preliminary Plat to subdivide Lot 21A of the Resubdivision of Lot 21, Section 1 and portion of Lot 17, Section 3, BCO as submitted. Commissioner Burns seconds. Mayor Pro-Tem Brushwood amends the motion adding the Final Plat to include the acreage for

the adjacent Lot17B. Commissioner Burns Sections. Motion approved unanimously. 2 Yea and 1 abstention (Mayor Upham). Mayor Upham returns to the dais.

**B. Discussion and possible action regarding Hays County Open Records request regarding Gun Fire activity 2015 to present.**

City Secretary informs council she used the Public Information Act Request Form found on Hays County Web site and on 6/28/20 filed six Open Record requests (1 for each period 2015, 2016, 2017, 2018, 2019 & 2020 YTD) requesting incident reports for gunfire related calls in the VOBC and included VOBC map. Specifically requesting documentation of calls reporting gunfire activity, and the results of Hays County Sherriff's investigation. 7/9/20 she received 6 form letters stating "At this time, Hays County District Attorney's Office has no responsive material pertaining to your open records request. Should you have any questions, please contact our office. Please Consider this request closed by our office." Civil Division Hays County Criminal District Attorney's office. She called to inquiry further and told all questions must be in writing. She emailed 7/20/20 asking why no responsive material? Was the request not the correct method and/or department? 7/20/20 response "The no responsive material is pertaining to the request for incident reports, there are no incident reports for the requested times and dates. This is the correct inbox for open records requests for the Hays County Sheriff's Office. The referenced Open Records Request is closed with our office". Mayor Upham suggests that instead of attaching VOBC map; you should include address range/street names. Maybe the problem is requesting an "Incident Report" and they don't have "Incident Reports"? Suggested contacting our District Attorney for advise. Resident Michelle H recommends contacting Ron Hood, our constable to assist with Open Request verbiage. She has reached out to him in the past and found him willing to help. She will forward his contact information to Doug Burns and City Secretary.

**C. Discussion and Possible action regarding November 3, 2020 Election of VOBC Mayor and Commissioners. Deadline to File Applications for Place on the Ballot is August 17, 2020.**

City Secretary reports the filing period for applications for a place on the ballot began 7/18/20 and ends 6pm 8/17/20. Information is posted on VOBC web site and in the posting boxes. For convenience she included the Application for Place on the Ballot in council packets. All applications must be received by City Secretary 8/17/20 6pm or be

post marked by 8/17/20. The next Commissioners meeting is 8/17/20; at that meeting the agenda will include approving the Notice of General Election Order of Election.

**D. Discussion and Possible action regarding having an independent surveyor and/or engineer on retainer to review subdivide requests. (Prelim and/or Final Plats) ( Brushwood)**

Commissioner Brushwood contacted PaveTex Engineering on 290 and they referred him to Chad Gilpin City Engineer for Dripping Springs and Wimberley. Brushwood has left him a voice message and will reach out via email as well. Mayor Upham suggests having an engineer on retainer for road and drainage and subdivision issues.

**E. Discussion and Possible action on how to address non-permitted driveways. (Upham)**

Skipping this item as it's a duplication of Old Business (10.H).

**10) Old Business**

**F. Discussion and possible action regarding updating the Subdivision Ordinance #180820.002. Include but not limited to modifying Section 10 General Requirements g.5 changing Driveway Ordinance #060821.002 to Driveway Ordinance #190218.001.**

City Secretary hasn't had opportunity to follow up with legal counsel since the VOBC Commissioners Executive Session. Commissioner Brushwood has communicated with two residents, Tom Ardis and Gabriella Villareal, expressing interest in increasing the 2-acre minimum lot size. Curious what kind of community support there is for this idea. Also, curious if legal counsel can give us guidance of what the largest minimum lot size can be. Mayor Upham asked if Commissioner Brushwood would take the lead on this and for the City Secretary to send legal counsel our current Subdivision Ordinance and request move forward with getting it updated with the Current Driveway Ordinance and bring it up to state standards.

**G. Discussion and possible action regarding Covid-19 Hays County Disaster Order and VOBC.**

Mayor Upham asked City Secretary is she got the email from Hays County about providing thermometers. She said yes and explained to council that Hays County Emergency Management has thermometers being distributed from the Texas Division of Emergency Management asking if we want some. City Secretary responded if they are

distributing infrared touchless digital thermometer's then we'd like 1. At this time, she's received no response.

**H. Discussion and possible action on how to address non-permitted driveways. (Upham)**

City Secretary acknowledges forgetting to send letters to two property owners who in the last 6 to 9 months resurfaced their driveways without a permit. It's on her to do list.

**I. Discussion and Possible action regarding gunfire rules, regulations and recent gunfire activity in the Village. (Burns)**

Council has general discussion noting no recent complaints of gunfire activity. Albeit firework went off in and around July 4<sup>th</sup> holiday. City Secretary recalls hearing isolated gunfire mixed in with sound of fireworks. Commissioner Brushwood heard the same; sounded like a 22. Since the last meeting Commissioner Burns sent a personal letter to the offending property 12710 FM 1826, reaching out on a friendly basis and has had no response. Possible not one is home as trash cans haven't moved and gate is ajar in the same position for the past month. Michelle H said she spoke to Constable Ron Hood who confirmed no acreage restrictions for gunfire in Hays County; however shooting must remain on your lot. Recommend homeowners practice being a good neighbor, shooting into a berm and not exceed 30 minutes during daylight hours. Shooting activity should be done responsibly and safely. Commissioner Burns said oftentimes people may not realize their shooting is a problem for their neighbors. He's happy to reach out to the offending party and communicate to them.

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

Commissioner Brushwood said Catheys trees probably has enough work for 1 more day. Would like to remove the bush next to culvert at 9000 N Madrone Trl. That in itself isn't enough work for Catheys to return for 1 day. Mayor Upham stated that bush has been cut back before; probably need to apply stump killer. Mayor Upham hasn't contacted Johnny with Texas Road Repair regarding \$2700.00 Council approved for crack fill. He will follow up and ask they to start at one of our two entrances off FM1826 and see how much they get done with 900 pounds of material.

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

Commissioner Brushwood relocated the sign to inbound on South Madrone Trl at top of a hill. Mayor Upham commented that's it's in a good location.

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

City Secretary spoke to Lisa Garvin with Innovative Signs and explained the plaque will be located in seasonal creek thus, in or submerged in water. Asked of which of the proposed materials is best suited for this situation. Lisa

recommended stainless steel (a material never given as an option). Said we could get a 10" x 13" with cursive script with the following thickness and cost:

1/16" thick \$491.32

1/8" thick \$562.82

1/4" thick \$688.00

Said 1/8" is the most popular. Recommended concealed studs as they are less tamper proof. All options are within the \$700.00 amount council approved.

Council discusses and agrees on the stainless steel 1/8" thick in cursive script with concealed studs for \$562.82.

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

City Secretary hasn't heard from Rolland Williams. Knows his 90+ yr old mother has moved in with them; sure they're busy with that; but will reach and check status.

**11) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday, August 17, 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.**

**12) Adjournment**

The meeting adjourned at 8:16 PM

Submitted on August 2, 2020 by Kathryn Rosenbluth.

Approved on 8/17/2020

By *Kathryn Rosenbluth*  
Kathryn Rosenbluth, City Secretary