

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
August 17, 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.**

Bruce Upham shares that he has decided not to run for re-election as Mayor of Village of Bear Creek.

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

Table. The minutes from June 15, 2020 are not completed.

**5) Approval of Minutes from July 20, 2020 Commissioners Meeting.**

Commissioner Brushwood finds a correction. 9.B a third of the way down correct address rage/street names to address range/street names. Commissioner Brushwood makes a motion to approve June 15, 2020 minutes with the aforementioned spelling correcting changing rage to range. Commissioner Burns seconds. Motion is approved unanimously.

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

No changes required.

**7) 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 Kathryn Rosenbluth \$584.04 (\$21.22 for printing TDS Trash Pick Up Day flyer for posting boxes and \$562.82 to Innovative Signs for Erin Fosters Plaque).**

**B. Approve payment to Knight Law Firm \$1,289.00. Attorney services June 2020. Invoice dated 8/11/2020.**

**C. Approve payment to The News Dispatch \$35.00 for public posting of VOBC Budget Hearing. Invoice dated 8/5/2020.**

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

## **8) New Business**

### **A. PUBLIC BUDGET HEARING: VOBC BUDGET 10/1/2020 – 9/30/2021**

Mayor Upham opens the budget hearing stating council had a budget workshop to prepare for the hearing. Since then Mayor Upham update tax income by modifying the proposed tax rate from \$0.090 cents per \$100.00 valuation to \$0.08940 cents per \$100.00 valuation based on Hays County Tax Office Effective Tax Rate Worksheet prepared for 2020. \$0.08940 cents per \$100.00 is the most our future tax rate can be to avoid a Roll Back challenge. Budget amended with that amount. Council moves on to open discussion regarding the proposed budget income/expenses. Council agrees no changes are necessary.

### **B. Discussion and possible action to approve VOBC Budget 10/1/2020 – 9/30/2021 Ordinance #200817.001**

Commissioner Brushwood makes a motion to approve VOBC Budget Ordinance #200817.001 for fiscal year 10/1/2020 to 9/30/2021. Commissioner Burns seconds. Motion is approved unanimously

### **C. Discussion regarding the proposed VOBC tax rate for 2020 – 2021 fiscal year.**

Mayor Upham explains the Budget just approved with \$0.0840 cents per \$100.00 valuation tax rate. This agenda item gives us the opportunity to discuss the proposed tax rate before public posting and being voted on next month. City Secretary interjects she spoke to Hays County Tax Office today and told the Texas Legislature changed the procedure. They now require cities to vote on the “Proposed Tax Rate” and provide the county tax office the approved Proposed Tax Rate, Time, Date, Place of Meeting it was approved and how each council member voted. This agenda item is discussion only; so Council can’t take action to approve a proposed tax rate. This year the term Roll Back rate changed to Voter Approved Rate. So, cities must approve the Proposed Tax Rate. If your Proposed Tax Rate exceeds Voter Approved Rate you must post on city web site and paper by 8/24/20. If the Proposed Tax Rate doesn’t exceed the Voter Approved Rate, public posting is prepared by the tax office and it’s posted in city publication at city expense. Recommend Council hold a special meeting next Monday, 8/24/20 to discuss and take action on Proposed Tax Rate. Then we’ll meet

public posting deadline and Council will vote on the Tax Rate at the September Commissioners meeting. Commissioners agree.

**D. Discussion and possible action to approve Final 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 Pro Tem Brushwood opens this item for discussion. City Secretary notes that we've received the Final Plat application fee and all is in order. Mayor Pro Tem Brushwood said all lots on the plat are identified and Final Plat is in good order. Mayor Pro Tem Brushwood makes a motion to approve the Final 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 as submitted. Commissioner Burns seconds. 2 Vote in favor 1 abstention (Mayor Upham). Motion approved.

**E. Discussion and Possible action regarding November 3, 2020 Election of VOBC Mayor and Commissioners. Notice to Call Election and Deadline to File Applications for the Place on the Ballot is post marked August 17,2020 or had delivered by 6pm.**

City Secretary shares with Council at this time she's received two Applications for Place on the Ballot. Allen Brushwood for City Commissioner and Mark Bohm for Mayor. This accounts for all Applications received in person; but not those postmarked by 8/17/20. She will check the city PO Box Thursday 8/20/20 to give sufficient time for mail in applications. Commissioner Burns has not turned in an Application for Place on the Ballot. Stating he's willing to serve another term; but will yield if someone wants the seat. Deadline for write in candidates is 5:00 PM August 21, 2020. Mayor Upham makes motion to Call the Election, November 3, 2020 for Village of Bear Creek Mayor and two City Commissioners. Commissioner Burns seconds. Motion is approved unanimously.

**9) Old Business**

**A. 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 confirms she's had no response from Legal Counsel. Commissioner Brushwood emailed Legal Counsel last week and left voice message on at his office and on cell today. Waiting for a response. Item is tabled.

**B. 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 spoke to Chad Gilpin with Gilpin Engineering Company and feels his qualifications, experience and pricing meets our needs. He provides engineering consulting services for Dripping Springs and Wimberley. Gilpin provided a copy of his Dripping Springs contract which has been forwarded to Legal Counsel for review. Per contract he doesn't charge an annual retainer fee. Contract has one-year automatic renewal unless cancelled by either party. Either party can cancel with 30 days' notice. Mayor Upham suggests Commissioner Brushwood ask Gilpin to present us with a Village of Bear Creek contract and be available for discussion at next Commissioners meeting. Commissioner Brushwood agrees.

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

Council has a general open discussion regarding Covid-19. Hays County reports one case in VOBC that's now recovered. City Secretary has gotten no response from our request for Hays County to provide us with 1 thermometer.

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

City Secretary spoke to Glen Ragan who advised the letter should bring to their attention they resurfaced their driveway without obtaining a permit. Therefore, it's an unpermitted driveway. Explain one of the purposes of the Ordinance is to evaluate whether there is adequate drainage and improve culverts. Reference our web site and links to Driveway-Culvert Ordinance, Standards and Application. Today City Secretary sent a letters to this effect to: The Cockers at 12700 S Madrone Trl and Elena Lipkowksi at 9000 N Madrone Trl. Mayor Upham points out the driveway at 9000 N Madrone Trl did increase the elevation of their road and is in an area where water goes over it; unfortunately worsening the drainage issue.

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

City Secretary spoke to Ron Hood who too is very surprised Hays County Open Records request came back with no records found. Thinks it was due to how the Open Records Request was worded. He asked for a specific date and address of a VOBC gun fire complaint; and put in an Open Record request and see what the response is. His was successful and recommended I file new Open Requests stating "Discharge of Firearms within Hays County 78737 zip code. Requesting all calls for service, and all incidents related to discharge of firearms. Provide date of call, location, and synopsis of the outcome." New Hays County Open Requests filed 8/11/2020.

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

Commissioner Burns received text communication from the wife of the FM1826 property owner, confirming they received Doug Burns letter and stating she turned it over to her husband. Husband will be handling it and responding. At this point contact has been made, they acknowledge the issue but no progress with property owner.

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

Commissioner Brushwood requests authority to have Cathey Trees do one more day of work. Still more Right of Way clearing needed on N Madrone Trail and Madrone Circle. Mayor Upham makes a motion to approve Right of Way clearing at the direction of Commissioner Brushwood not to exceed \$1,500.00. Commissioner Burns seconds. Motion is approved unanimously.

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

Table. Nothing new to report.

**I. Discussion and possible action regarding VOBC plaque memorialize first mayor, Erin Foster.**

City Secretary ordered the plaque and notified Erin Foster's family. They are very appreciative and asked if they could contribute. To date VOBC's received \$150.00 in contributions from two of her sisters. We should have the plaque in 4 to 6 weeks.

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

City Secretary shares she and Roland Williams were to communicate. Their schedules not aligning. He had laryngitis, unable to talk, he sent a texted. It sounds as like he

doesn't recall what he agreed to do for \$100.00 or what we were wanting in regard to updating the web site. Asked if you had sites you liked? Mayor Upham said wants the web site founds easily when using key words such as VOBC, Bear Creek Oaks, Village of Bear Creek, Texas, update photos.

**10) Announcements**

- A. Next VOBC Commissioners Meeting is scheduled for Monday, August 24, 2020 7:00 PM. Possible Zoom Meeting or Location To Be Determined.**
- B. Next VOBC Commissioners Meeting is scheduled for Monday, September 21, 2020 7:00 PM. Possible Zoom Meeting or Location To Be Determined.**
- C. Next VOBC/TDS Annual Trash Clean Up Day is Saturday, September 19, 2020. 9:00 AM to 1:00 PM at Niles Cove and Madrone Circle.**

**11) Adjournment**

The meeting adjourned at 8:35 PM

Submitted on October 18, 2020 by Kathryn Rosenbluth.

Approved on 10/19/2020

By *Kathryn Rosenbluth*  
Kathryn Rosenbluth, City Secretary