

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
September 21, 2020**

**1) Call to Order**

The meeting was called to order 7:01 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 June 15, 2020 Commissioners Meeting.**

Commissioner Burns makes motion to approve June 15, 2020 minutes with one correction. The correction is 7.A on page 3; correct the word "concern" to "concert". Commissioner Brushwood seconds. Motion is approved unanimously.

**5) Approval of Minutes from August 17, 2020 Commissioners Meeting.**

August 17, 2020 minutes not available. Table to next month.

**6) Approval of Minutes from August 24, 2020 Commissioners Meeting.**

August 24, 2020 minutes not available. Table to next month.

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

All good. No corrections needed.

**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.**

- A. Approve reimbursement to Kathryn Rosenbluth \$8.10 for Open Records Request to Hays County District Attorney, and \$62.07 for office supplies.**
- B. Approve payment to Catheys Tree Service \$1,500.00 for Right of Way clearing. Invoice dated 9/15/2020.**

**C. Approve payment to The News Dispatch \$95.00 for public posting of VOBC Tax Rate Notice \$37.00, Invoice 9/2/2020 and Preliminary Plat to Subdivide 8105 Bear Creek Dr \$58.00, Invoice dated 8/12/20.**

Commissioner Brushwood makes motion to approve the Consent Agenda as written.

Commissioner Burns seconds. Motion approved unanimously.

**9) New Business**

**A. Discussion regarding the proposed VOBC tax rate of 0.08940 cents per \$100.00 valuation for tax year 2020.**

Council has general discussion of the proposed tax rate of 0.08940 per \$100.00 valuation. Proposed rate is a reduction from previous years rate of 0.090 per \$100.00 valuation. However, with increase in properties and property valuation should yield similar amount tax revenue.

**B. Discussion and possible action to approve VOBC Tax Rate Ordinance #200921.001.**

Commissioner Brushwood makes motion to approve the Tax Rate Ordinance #200921.001 tax rate 0.08940 cents per \$100.00 valuation. Commissioner Burns seconds. Motion approved unanimously.

**C. Discussion and possible action to amend VOBC 10/2/2020 – 9/30/2021 Budget.**

No changes required.

**D. Discussion and possible action to approve the Final Plat to subdivide 8105 Bear Creek Drive, Lot 36A of the Resubdivision of Lot 36 of the Replat of Lot 36 and Lot 35B, Section 1, BCO. Request to subdivide Lot 36A a 10.86 acre tract into 36A – 3.44 acre tract and 36C -7.42 acre tract. Owner James Riggs.**

James Riggs is in attendance. Mayor Upham opens the item asked asks Mr Riggs if there's been any change to the driveway easement noted on the Final Plat. Mr Riggs confirmed no changes. Confirmed all parties, including the potential buyer, agree he will continue to use the existing driveway to access his home. In the future when he sales his home; then the legal easement per Final Plat will be the required access and they'll have to put a road in on the easement to their property. At that time the owner of Lot 36C will be able to subdivide, if they so choose. Everything is in order on the Final Plat. Commissioner Brushwood makes a motion to approval Final Plat to subdivide 8105 Bear Creek Dr; Lot 36A of the Resubdivision of Lot 36 of the replat of Lot 36 and Lot

35B, Section 1 as presented and signed by the surveyor and Mr Riggs on September 10,2020. Commissioner Burns seconds. Motion approved unanimously.

**E. Discussion and possible action regarding proposed Subdivide of Lot 37, Section 2, BCO. Owner Pat Chew.**

Pat Chew is in attendance. Pat Chew is interested in subdividing Lot 37, Section 2 a 6.08 acre tract located in the cul-de-sac of Niles Cove. Chew provided council with a proposed subdivide drawing by surveyor, Holt Carson. Proposal is to divide the 6.08 acre tract into Lot 37A 2.01 acres, Lot 37B 2.02 acres and Lot 37C 2.01 acres. Chew lives out of state and owned the lot for 35 years. There are not improvements on the lot. They haven't decided if they'll subdivide and sell all lots or build a house and live one on of the lots. Chew believes they can service Lot 37 with WTCPUA public water; pulling it from water line on FM1826. She will contact WTCPUA and confirm. Mayor Upham explained the ROW dedication; Chew thinks Holt Carson took that in account when he prepared the proposed subdivide, but she will double check that. Mayor Upham asks if all the three lots will have access from Niles Cove or FM 1826. Proposed subdivide has all three driveways off of Niles Cove. Chew thought they could access the property off FM1826 if they chose. Mayor Upham explained that due to public safety reasons (curvature of FM1826, visibility, speed limit) accessing the lots off of FM1826 isn't a viable option. VOBC Council supports all access from Niles Cove; including construction access. Recommended that all lots not contain ingress or egress access to FM1826. Each driveway is typically 20 feet in width; due to the size of combined lot frontage at Niles Cove: they may want to consider a shared driveway easement. Mayor Upham asks Chew about the topography of Lot 37. When walking it; it goes down into a ravine then up to FM1826; how does water flow? Chew states the lot isn't in a flood plain. She's never seen a lot of water on the property; albeit hasn't observed the property year-round since she doesn't live here. Mayor Upham reiterated any lot size less than 3 acres cannot have a well; all water would need to be rainwater or public water.

**F. Discussion and Possible action regarding VOBC/TDS Annual Trash Clean Up Day held Saturday, September 19, 2020.**

Commissioners agreed it was another successful Annual Trash Clean Up day. Mayor Upham shared at 1:30pm; after TDS trucks left a neighbor dropped off a washer, dryer, and couple bookshelves. New to the neighborhood; he was highly embarrassed and picked it back up; he'll take to the dump or wait until next year.

## **10) 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 asks if the Subdivision Ordinance could reference the Driveway Ordinance without specifying the Driveway Ordinance number. Then we wouldn't have to update the Subdivision Ordinance every time Driveway Ordinance updated. Commissioners agree that would simplify things and worth looking into.

### **B. Discussion and Possible action regarding executing a contract with Chad Gilpin of Gilpin Engineering Company as an independent engineer on retainer to review subdivide requests. (prelim and/or final plats) (Brushwood)**

Chad Gilpin was in attendance but had to leave to pick up his kids. Gilpin confirmed via email to City Secretary that the contract he's presented is the same one discussed at an earlier meeting. Not changes other than replacing "Dripping Springs" with the "Village of Bear Creek". If council has any question's, they can call him tomorrow. Commissioner Brushwood read the contract, and all looks good. No retainer fee required. All services are a la cart. We pay for the specific service we need. IE: subdivide plat review, street drainage, road issues, etc. Commissioner Brushwood makes motion to authorize Mayor Upon execute the contract with Chad Gilpin of Gilpin Engineering Company to serve as the City Engineer. Commissioner Burns seconds. Mark Bohm asked if the intent with regard to subdivision specifically is to have the engineer do a quick review of all subdivide requests or only review those with large drainage issues. Mayor Upham suggests council determine what services they want him to do. Gilpin charges an hourly rate; if council wants him to review all prelim and/or all final plats they should consider adding that fee to the Subdivide Ordinance. Perhaps build in fee for 1 hr to 1.5 hrs for Engineer Review. Motion is on the floor and approved unanimously.

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

City Secretary has followed up numerous times requesting Hays County thermometers. No response: at this point she's not going to pursue it anymore.

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

Mayor Upham requested City Secretary sent letters to two homeowners who recently re did their driveway without a city permit. Both letters went out. We've received a certified letter from Mr Jim Bellevue representing his client (one of the homeowners a driveway letter was sent to Elena Lipkowski) that said he and his client are confused to our statement, which they feel is in error and request a detailed explanation of the alleged resurfacing and when the event allegedly occurred. Mayor Upham requested the date the driveway was resurfaced from the contractor who likely did the work. One of those contractors that drives thru the neighborhood with materials on hand. Or gives a bid and returns within a week with materials to complete the job. Mayor Upham said we'll have to address this as we can. Table this for now

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

Hays County Court responded with documents supporting all Discharged Firearm calls in the Village from 2015 to 2020. Council has a general discussion and in agreement they were expecting to see more incidents of gunfire reports filed with the Sheriff than what we have. Odd there are no or few incident calls 2015 to 2018. The documents we have detail the information on initial call and incident report. Little supporting action taken after that; or it's computer gibberish. The reports with action taken we can't determine what occurred before the incident closed. Nowhere did we see the complainant was contacted after the call was cleared. Commissioner Brushwood says they've provided the information we asked for. There is no reason to pursue the Open Records Request further.

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

Commissioner Burns reports no active gunfire nor complaints in months; nothing new to report. Agrees we can take this item of the agenda as well.

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

Commissioner Brushwood reports he's pleased with the Right of Way work performed by Cathey's Tree Services. They took great care, painted every cut they made and chipped at each site. Said there is still additional Right of Way work to be done. Probably not more than a half day of work. Council has general discussion regarding where additional work is warranted and Oak Wilt. Mayor Upham makes motion to approve not more than \$1,000.00 for additional Right of Way trimming to Cathey's Tree Service. Work to be done in the next 30 days. Commissioner Burns seconds. Mayor Upham requests Commissioner Brushwood make sure if they're going to cut an Oak tree that they sanitize their equipment before they cut it, they must paint after the cut. Motion carries; and approved unanimously. Kathryn Rosenbluth mentions waling the neighborhood it appears we're losing some of the side of our roads due to grass and weeds encroaching on to it. Looks like grass and weeds are thru the road and on top of it. Mayor Upham said it's something to keep an eye on. Maybe we can find someone like Jeff Raffaele to spray Round Up on the road edge. Mayor Upham spoke to Johnny w/ TX Road Repair & Patches recently he plans to do the crack fill work in a few weeks; he's waiting for cooler temperatures.

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

Table nothing to report.

**I. Discussion and Possible action regarding VOBC plaque memorializing first Mayor, Erin Foster.**

City Secretary reports the plaque is here! It looks very nice. When she comes by to have you sign checks; she'll bring it so you can see. We've received \$150.00 in donations from Erin's relatives; copies of their Thank You letters are included in your Commissioner Meeting packets. Mayor Upham states no that we have the plaque we can proceed with getting concrete bids for Erin's monument, culvert work, and the low water crossing.

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

City Secretary reports Rowland Williams 98 year old mother recently moved in with them. It will be a bit before things settle down and he can work on our web site.

**11) Announcements**

- A. Next VOBC Commissioners Meeting is Monday, October 19, 2020 at 7:00 PM. Possible Zoom Meeting or Location To Be Determined.**

**12) Adjournment**

The meeting adjourned at 9:00 PM

Submitted on March 13, 2021 by Kathryn Rosenbluth.

Approved on March 15,2021

By *Kathryn Rosenbluth*  
Kathryn Rosenbluth, City Secretary