

**MINUTES OF THE MEETING OF THE  
VILLAGE OF BEAR CREEK COMMISSIONERS  
October 19, 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 August 17, 2020 Commissioners Meeting.**

Commissioner Brushwood makes motion to approve August 17, 2020 minutes.

Commissioner Burns seconds. Motion is approved unanimously.

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

Commissioner Brushwood makes motion to approve August 24, 2020 minutes.

Commissioner Burns seconds. Motion is approved unanimously.<sup>25</sup>

**6) Approval of Minutes from September 21, 2020 Commissioners Meeting**

September 21, 2020 minutes are not available. Table.

**7) Discussion and possible action in regard to reviewing 2020- 2021 budget and actual expenditures.**

Commissioner Brushwood asks for clarification: Does Subdivision Plat Review income have an associated expense. Answer is Yes, the Recording Fee expense. Asks if we should add a separate line item for Capital Improvement expense under Roads. Answer is Yes, when the time comes that road improvement funds spend are considered "Capital Improvement". Regular road maintenance isn't a "Capital Improvement".

**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 reimbursement to Kathryn Rosenbluth \$145.98 VOBC Web Site annual renewal with Hostgator.com paid on 9/14/20.**

- B. Approve reimbursement to Kathryn Rosenbluth \$292.18 (\$153.13 recording fees for Bruce Upham Final Plat and \$139.05 recording fees for James Riggs Final Plat).**
- C. Approve payment to Texas Municipal League \$591.00 for annual membership fees. Invoice dated 10/1/20.**
- D. Approve payment to Postal Annex \$252.00 for annual VOBC mailbox renewal. Invoice dated 10.10/20.**
- E. Approve payment to Texas Disposal Systems \$40.00 for Freon Disposal Fee associated with 9/19/20 VOBC Trash Collection Day. Invoice dated 10/1/20.**
- F. Approve payment to Catheys Tree Service \$850.00 for Right of Way clearing. Invoice dated 9/29/20.**
- G. Approve payment to Texas Road Repair Inc \$2,385.00 for crack seal on portions of Niles Cove, Madrone Circle and N Madrone Trl roadways. Invoice dated 9/28/20.**

Commissioner Brushwood makes a motion to approve the Consent Agenda as submitted. Commissioner Burns seconds. Discussion regarding Consent Agenda # E TDS invoiced \$40.00 freon disposal fee. Council in agreement TDS manned the event; we should question the invoice as it's TDS responsibility to insure prohibited items are not collected. City Secretary will contact TDS. Commissioner Brushwood amends his motion to approve Consent Agenda items A, B, C, D, F, and G. Mayor Upham seconds. Motion is approved unanimously.

## **9) New Business**

### **A. Discussion and possible action regarding Prosperity Bank request to release pledged collateral on VOBC bank accounts.**

Prosperity Bank sent a letter, dated 9/4/2020, stating our balances no longer require additional pledged collateral after FDIC Insurance amount of \$250,000. And requesting we execute a release form. Mayor Upham does not want to address this until they put pressure on us; when that happens, we should protest. At present our combined account balance is \$178,000.00 and very likely we'll exceed \$250,000.00 upon receipt of next year's property tax revenue.

## 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.**

Recently Legal Counsel sent an amended Subdivision Ordinance adding Texas legislative changes affecting the procedure for review and approval of subdivision plats. Council agrees they haven't had a chance to thoroughly review the Ordinance and need additional time to study it. In regards to the fee structure; Mark Bohm asked if there's been any thought to a two-tier fee structure where people that want to fast track, forcing the city to have more than one monthly city meeting, pay a higher fee. Those that do not pay a lower fee. Council discusses the merits of that approach. City Secretary point out Section 13 of the draft Ordinance states "The Village of Bear Creek shall not incur any expense with regard to the development and/or improvement of any new subdivision. Prior to the action requested, the subdivider shall pay any additional costs to the Village of Bear Creek not covered by the fees schedule. In addition to fixed fees set forth in Section 12, the subdivider will be required to pay the City's cost and expenses for professional fees, including but not limited to engineering and legal review and approval prior to final plat approval. The cost of engineer and legal reviews shall be actual time spent by the City's professional times the rate charged to the City. Subdivisions requiring more review may incur a greater cost than those in compliance with the City's subdivision regulations.". Item tabled for further review and discussion next month.

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

Council has general discussion of Covid-19 activity in Hays County. Hays County is reporting second active Covid-19 case in Village of Bear Creek. As of this meeting we have 1 active case and 1 recovered case.

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

In August letters sent to two properties: 9000 N Madrone Trl and 12700 S Madrone Trl, notifying them of non-permitted driveways. Mayor Upham came across a third driveway being installed (rock was piled up in middle of the street) he discussed the permit

process with property owner and contractor. Property owner had a permit request completed, because he was told by the contractor and a neighbor it wasn't required, he didn't submit it. Mayor Upham corrected them and halted all work until the permit was approved. The permitting was handled quickly. Apparently, the contractor has done other driveways in VOBC, Mayor asked for a list of the address's he's completed. As of now the contractor has not responded. Need that information to support the resurfacing 9000 N Madrone Trl and 12700 S Madrone Trl. Bigger issue how we inform property owners and contractors of the driveway/culvert permitting process. Especially with the pop up driveway contractors who solicit our neighborhood. City Secretary has requested the HOA include VOBC driveway/culvert permitting language at time of construction approval.

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

Commissioner Burns reports no recent gunfire complains from the property on FM 1826 that was causing concern.

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

Mayor Upham recommends we have the VOBC Right of Way mowed and edge mailboxes/culverts. Mayor Upham makes a motion to approve mowing contract to Jeff Raffaele not to exceed \$1,300.00 or not to exceed the amount we paid last time. Commissioner Burns seconds. Motion is approved unanimously. Commissioner Brushwood is pleased with the additional Right of Way clearing work Cathey's Tree Trimming.

Commissioner Brushwood is watching Travis County road work on FM 1826; he's concerned it may increase the risk for our citizens to exit N Madrone Trl and FM 1826. He's going to reach out to our Hays County Commissioner for more information on Travis County work project and how it may impact us.

Texas Road Repair and Patches completed a crack fill project. Mayor Upham comments it looks to have covered about half of the Village. Let's watch it overtime to determine the benefits of the crack fill project.

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

Commissioner Brushwood confirms it's working well. Asks if anyone wants it relocated or leave it where it is. The consensus it to have it remain in the S Madrone Trl location.

**G. Discussion and possible action regarding VOBC plaque memorializing first mayor, Erin Foster.**

City Secretary mentions we received an additional donation of \$250.00 from Steve Foster. To date we've received \$400.00 in donations from Erin's family. She adds Mike Segalotto, 8600 N Madrone Trl, prefers the memorial not be placed between the tubes on the downstream side of the creek; but be in a visible location on the upstream side. Mayor Upham will schedule an open meeting with contractor to discuss monument/plaque placement and get a bid.

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

City Secretary will reach out to Rowland Williams for status.

**9) Announcements**

**A. Next VOBC Commissioners Meeting is scheduled for Monday, November 16, 2020 7:00 PM. Possible Zoom Meeting or Location To Be Determined.**

**10) Adjournment**

The meeting adjourned at 8:25 PM

Submitted on November 15, 2020 by Kathryn Rosenbluth.

Approved on 11/16/2020

By *Kathryn Rosenbluth*  
Kathryn Rosenbluth, City Secretary