

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
November 16, 2020**

1) Call to Order

The meeting was called to order 7:04 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 September 21, 2020 Commissioners Meeting.

Item tabled. September 21, 2020 meeting minutes are not available.

5) Approval of Minutes from October 19, 2020 Commissioners Meeting.

Mayor Upham makes a motion to approve October 19, 2020 minutes. Commissioner Brushwood seconds. Motion is approved unanimously.

Mayor Upham requests to go out of order and move on to New Business 8A

8). New Business

A. Action to Oath into office the Mayor and City Commissioners for two-year term: November 2020 to November 2022.

Mark Bohm Office of Mayor, Village of Bear Creek

Allen Brushwood City Commissioner, Village of Bear Creek

Douglas Burns City Commissioner, Village of Bear Creek

Mayor Upham oaths into office Mayor Elect Mark Bohm.

Bruce Upham yields the meeting over Mayor Mark Bohm.

Mayor Mark Bohm oaths into office Allen Brushwood, City Commissioner

Mayor Mark Bohm oaths into office Douglas Burns, City Commissioner

Council thanked Bruce Upham for his years of service to the Village of Bear Creek.

Mayor Bohm returns to agenda item #6

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

No action 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. New Business

A. Approve payment to Hays County Office of County Auditor \$500.00 for 10/1/2020 – 9/30/2021 Animal Control Services. Invoice dated 10/2/2020.

B. Approve payment to Jeff Raffaele \$1,200.00 for VOBC Right of Way Mowing and Edging. Invoice dated 11/11/2020.

Mayor Bohm requests to pull item 7.B for discussion. Mayor Bohm makes motion to approve consent agenda item 7.A . Commissioner Burns seconds. Motion is approved unanimously. Mayor Bohm opens discussion 7.B. Commissioners agree Jeff Raffaele does good work. Jeff informs council of any incidents that happen while mowing and reports he was confronted in an angry manner by Lee Otten yelling and directing him on how he should mow the ROW. Outside of that everyone else was patient and pleasant. Bruce Upham said prior to this incident Lee Otten asked him about mowing the ROW for VOBC. And shared some of the back history between Lee Otten and Jeff Raffaele. Raffaele said Otten was yelling about how to direct the discharge and other things he couldn't understand. Raffaele explained in an email to council that it is impossible to mow with 100% discharge directing away from the street. Especially mowing high grasses; maximum discharge is needed to mow effectively. Mayor Bohm suggests to council that in the future maybe Jeff could put add a mulch attachment to his mower. Commissioner Brushwood makes a motion to approve item 7.B; \$1,200.00 payment to Jeff Raffaele. Commissioner Burns seconds. Motion is approved unanimously.

8) New Business

A. Action to Oath into office the Mayor and City Commissioners for two-year term: November 2020 to November 2022.

Mark Bohm Office of Mayor, Village of Bear Creek

Allen Brushwood City Commissioner, Village of Bear Creek

Douglas Burns City Commissioner, Village of Bear Creek

Action Oathing in new Mayor and City Commissioners took place earlier in the meeting.

B. Discussion and possible action regarding the method of future VOBC virtual meetings and virtual hosting expense.

Mayor Bohm researched virtual meeting hosting sites and provided a comparison chart. Sites include Zoom, Microsoft Teams, Google Meet, Skype, Cisco Webex and Blue Jeans. He also spoke to Texas Department of Information Services; they have some contracts with pre negotiated fees for city governments. In regard to virtual meetings they're in the process of re negotiating contracts, so the timing isn't right for us to take advantage of it. City Secretary expressed the importance of having the meeting recorded and text transcription provided. Blue Jeans, Cisco Webex and Zoom offer that feature. All three are similar in price +/- \$10.00/month to \$15.00/month. VOBC budgeted \$250.00 for cost of meeting space. Due to Covid-19 all VOBC meetings are not in person. The \$250.00 meeting space allocation could go toward virtual meeting expense. (February 2020 to October 2020 VOBC was utilizing Bruce Upham's work Zoom account, at no cost to VOBC) All three Blue Jeans, Cisco Webex and Zoom; their annual cost won't exceed \$250.00. When it's safe to have meetings in person VOBC will discontinue virtual meetings. Bruce Upham advised to use a service that doesn't limit number of people attending nor has limitations on how long the meeting is. Mayor Bohm has personal experience with Cisco Webex. Commissioners have no concerns or objections to Cisco Webex. City Secretary suggests he sign up for an annual account and submit for reimbursement. Commissioner Brushwood makes a motion authorizing Mayor Bohm engage in a video conferencing technology with annual cost not to exceed \$200.00. Commissioner Burns seconds. Motion is approved unanimously.

C. Discussion and possible action to move the December 21,2020 Village of Bear Creek Commissioners Meeting due to individual holiday schedules.

Mayor Bohm opens discussion. All council members state they are available to meet on Monday, December 21, 2020. Bruce Upham suggest prior to December 21,2020 meeting VOBC council have a practice meeting with the new virtual meeting technology. Mayor Bohm and commissioner agree that's a good idea and schedule a meeting

December 14, 2020 @ 7pm.

9) Old Business

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

Council informs Mayor Bohm that in September Prosperity Bank sent a letter stating our balances no longer require additional pledged collateral after FDIC Insurance amount of \$250,000. And requested we execute a release form. In September council took action not to execute the release form; prefer our accounts collateralized. Anticipate 2021 combined account balance will exceed \$250,000.00. City Secretary said at this time Prosperity Bank has not pressed VOBC on this matter.

B. 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.

Council has general discussion regarding our current ordinance, the proposed changes due to Texas legislative requirements and increase in lot subdivides in VOBC. Council agrees they need time to review the draft Ordinance provide by legal counsel. Mayor Bohm will reach out to legal counsel to introduce himself and obtain further information. Item tabled for further review and discussion next month.

C. 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 2 recovered cases.

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

Bruce Upham fills in Mayor Bohm; in August letters sent to two properties: 9000 N Madrone Trl and 12700 S Madrone Trl, notifying them of non-permitted driveways. In September Upham saw 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. Upham corrected them and halted

all work until the permit was approved. The permitting was handled quickly. It turns out this contractor has done other driveways in VOBC; Upham requested he provide a list of all address's he's completed. To this date the contractor hasn't responded. It's likely he's the contractor on 9000 N Madrone Trl and 12700 S Madrone Trl. Owner of 9000 N Madrone denies re surfacing; hard to press without contractor confirming. Owner of 12700 S Madrone hasn't responded. 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. Mayor Bohm said he'll ask Legal Counsel what his opinion is on the matter.

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

Commissioner Burns reports no recent gunfire complains from his neighbor Jackie, nor anyone from Niles Cove. Burns agrees we can strike this item from future agenda. City Secretary provided council with Gunfire flyer VOBC Commissioners mailed to all property owners June 2013; information is still relevant today. Commissioners have general discussion regarding doing an informative mailer; asked this topic to be on the December agenda.

F. Discussion and possible action regarding Village of Bear Creek roads and Right of Way. Including but not limited to bid from Louis_____ for low water crossing and ditch work; and the clearing project at 8901 N Madrone Trl.

City Secretary states the second part of this agenda item came out of the workshop on November 3, 2020 where Mayor Upham, Mark Bohm and City Secretary reviewed concrete work needed on the downside and upside to the low water crossing, and three to four other spots for culver clean out and ditch work on N Madrone Trail and Bear Creek Drive with Louis. (didn't catch his last name) Louis was engaged and interested in bidding the work; however we've not received a bid or any communication from him. Mayor Bohm will follow up. Outstanding issue at 8901 N Madrone Trl; 10/27/20 Mayor Upham has instructed the property owners (Brian Mazza) to remove all top soil that was spread out in the Right of Way between their fence and street or make a 2 foot wide ditch deep enough for all water to move from the pipe under the driveway along the fence line to about 10 feet beyond the area where the topsoil has been spread. Mayor Bohm will follow up with property owners on status. .

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

Commissioner Brushwood confirms the automated digital speed limit sign is functioning well. He has no plans to relocate it unless others feel differently.

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

At the November 3, 2020 workshop resident Mike Segalotto asked Mayor Upham and Mark Bohm if they would allow him to make the monument on the upstream side of the creek. It would be placed the Right of Way, at the end of the rock wall and under large Oak Tree. He intends to clear out all the scrub, so the monument will be viewed from the street. Segalotto offered to do it at no cost to the city. Mayor Upham and Mark Bohm had no objections.

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

City Secretary will follow up with Rowland Williams regarding maintenance status and request assist with new Mayor and Commissioners VOBC email addresses.

10) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, December 21, 2020 7:00 PM. Possible Zoom Meeting or Location To Be Determined.

11) Adjournment

The meeting adjourned at 8:32 PM

Submitted on December 13, 2020 by Kathryn Rosenbluth.

Approved on 12/21/2020 _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary