

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
April 19, 2021**

1) Call to Order

The meeting was called to order 7:03 pm.

2) Roll Call

Mayor Bohm, Commissioner Brushwood and Commissioner Burns are present.

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.

Mayor Bohm moves up items 7.A & 7.B

7.A

Discussion and possible action regarding recent power generation failures in Texas power grid and PEC responses and updated with respect to VOBC.

The following PEC representatives were in attendance; Diana Gonzales, Travis Cox and Vergel Maldonado to address power generation failures and recent vegetation maintenance. Discussion open to residents: Joe Manzello and David Brown report that PEC clear cut an extremely large parcel of land between their two properties. Taking out a large section (+\ - 50 -75 yards) of the vegetation including every tree (Oaks, Cedars, Sumac's etc). Joe Manzello was out of town when the clearing was done; arrived home and in shock to see what was once thick with trees and underbrush completely cleared. Prior to the work David Brown consented to what he understood to be a trim around PEC lines. He was never told that PEC intended to clear cut. If so, he wouldn't have consented. In the process of the clear-cutting PEC removed the property markers. Manzello and Brown are very upset and want to know what PEC will do to remedy this situation. They also want assurance this will never happen again to other property owners. PEC responded that if they clear-cut they had property owners verbal permission. Josh Mahn PEC 830-220-8831 is responsible for all the maintenance and clearing in VOBC he was to leave door hangers, phone call or email all property owners and get permission before work was performed. David Brown said he signed a paper acknowledging 'trimming' work; not clear-cutting. PEC said the vegetation

was a fire hazard and that was one of the reasons for the clear-cut. Joe Manzello and David Brown are pursuing legal action. PEC said they should email PEC reparations for damage. David Peeler asked if a homeowner doesn't respond, is that considered consent?

During the week PEC was doing maintenance in the VOBC Traci Upham noticed numerous times when a Oak tree was cut and the crew didn't follow the Oak Wilt preventive procedures. Cut Oaks weren't immediately painted or sealed. She stopped and asked the crew if they were painting the wounds and told they had no paint. Then the Foreman said someone was coming in behind them and painting the cuts. There was no evidence of that. Virgil Maldonado said Josh Mahn addressed this with the tree trimmers this morning and he will have them double check. Traci said at this point it's too late. To prevent Oak Wilt all wounds should be sealed immediately after its cut. Penny Whitnet, Vegetation Supervisor said Josh Mahn and I are both certified arborists and Oak Wilt qualified. And yes and wounds should be sealed within 48 hours. Residents in attendance disagree; 2 days is too long to wait. And how would a different crew locate all the cuts two days later?

Virgil Maldonado said vegetation maintenance is critical for consistent power and for fire prevention. In February the snow/ice storm blackouts were caused by a combination factors; broken lines, downed trees, load shed or an 'outage". Their load shed system failed. At one-point contractors shut down due to hazardous roadways. Within the next two years PEC plans to implement a smart meter. If a smart meter is out of power within 60 seconds, it sends a signal that your power is out, and they will send a truck to investigate.

7. B

PUBLIC HEARING: Discussion and possible action regarding Preliminary Plat to subdivide 8200 Bear Creek Dr – Lot 4, Section 1, Bear Creek Oaks. Owners Ralph and Susan Rubino request to subdivide a 5.439 acre tract into 2 lots: 4A - 3.24 acres and 4B - 2.01 acres.

Mayor Bohm opens the Public Hearing. City Secretary confirms notices were sent to all property owners within 200' and Public Notice was posted. Ralph, Susan and Matthew Rubino are in attendance. The Rubino's request to subdivide the lot. They intend to build a house on the front lot closest to Bear Creek Drive, where the parents (Ralph and Susan) will live. And a house on the back side of the lot where the son (Matthew) will live. Both lots will have its own driveway. Currently there is an active well located on what will be Lot 4A. The well will provide water from Lot 4A (3.24 acres). Lot 4B (2.01) acres will connect to public water. Commissioner Burns informs shares with the Rubio's that the previous lot owner,

The Perkins had occasional issues with the well running dry; at some point they may want to consider running a public water line to Lot 4A. Mayor Bohm notes the preliminary plat was reviewed by City Engineer, Chad Gilpin. Mr Gilpin recommends the following: 1. Show the location of existing and proposed septic facilities on the site plan exhibit . 2. Show and label the one hundred (100) year and twenty-five (25) year flood elevations and flood plain and floodway boundaries. Provide drainage easement to over the limits of the 25-year Flood Plain. 3. Provide a copy of the currently recorded plat for review and confirmation that existing notes, easements and restrictions are being carried over to the Replat. Council has a general discussion. Mayor Bohm makes a motion to conditionally approve the preliminary plat to subdivide 8200 Bear Creek Drive, Lot 4, Section 1 Bear Creek Oaks into two tracks 4A - 3.24 acres and 4B - 2.01 acres with these conditions:

1. Show the location of existing and proposed septic facilities on the site plan exhibit .
2. Show and label the one hundred (100) year and twenty-five (25) year flood elevations and flood plain and floodway boundaries. Provide drainage easement to over the limits of the 25-year Flood Plain.
3. Provide a copy of the currently recorded plat for review and confirmation that existing notes, easements and restrictions are being carried over to the Replat.

Commissioner Burns seconds. The motion is approved unanimously.

Mayor Bohm resumes the meeting in agenda order

4) Approval of Minutes from March 15, 2021 Commissioners Meeting.

Table.

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

Confirmed Budget includes Engineering Fee expense \$2,500.00.

6) 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 Hays County Tax Assessor-Collector \$29.66 for 2019 tax rolls. Invoice dated 9/30/2020.

B. Approve payment to Knight Law Firm \$300.00 for January 2021 attorney services. Invoice #2901 dated 3/19/21.

- C. Approve payment to The News Dispatch \$43.00 for public posting Preliminary Plat to Subdivide 8200 Bear Creek Dr, Lot 4, Section 1. Invoice dated 4/7/2021.**

Mayor Bohm makes a motion to approve the consent agenda as presented. Commissioner Burns seconds. Motion is approved unanimously.

7) New Business

- A. Discussion and possible action regarding recent power generation failures in Texas power grid and PEC responses and updated with respect to VOBC.**

Discussed earlier in the meeting.

- B. PUBLIC HEARING: Discussion and possible action regarding Preliminary Plat to subdivide 8200 Bear Creek Dr – Lot 4, Section 1, Bear Creek Oaks. Owners Ralph and Susan Rubino request to subdivide a 5.439 acre tract into 2 lots: 4A - 3.24 acres and 4B - 2.01 acres.**

Discussed earlier in the meeting.

- C. Discussion and possible action to review and approve Montemayor Britton Bender's 'Draft' VOBC Financial Review for 10/1/2019 to 9/30/2020. If approved, to authorize full payment to Montemayor Britton Bender PC \$3,650.00 invoice #2-2444 dated 3/14/21.**

Mayor Bohm requests the report corrects the name of Mayor to Mayor Bohm.

Commissioner Brushwood will review report and get feedback to City Secretary.

Hopefully we can approve the 'Final' report next month.

- D. Discussion and possible action regarding Driveway Ordinance #190218.001. Not limited to updating the Ordinance and its association to the Subdivision Ordinance.**

Mayor Bohm explains this item added to the agenda so we can discuss the possibility of adding 25 yr flood language to the Driveway Ordinance.

8) Old Business

- A. Discussion and possible action regarding improving traffic safety at the two FM 1826 intersections at N Madrone Trl and Bear Creek Dr and FM1826 and 45W.**

Mayor Bohm has received no new information from Epi Gonzales, TX DOT. Requests item tabled.

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.

Mayor Bohm states City Engineer, Chad Gilpin reviewed the draft Subdivision Ordinance and made a few comments in the track section of the document. At this point updating the subdivision ordinance is a work in progress. No action taken.

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

No update. Vaccination campaigns seem to be going well and hospitalizations are decreasing.

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

Mayor Bohm to contact Dripping Springs Council and seek input from them.

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

In regards to concrete bids. VOBC Engineer, Chad Gilpin, confirmed with Mayor Bohm that he's working on getting us bids. It may take longer than anticipated as contractors are extremely busy. Commissioner Brushwood said Johnny with TX Road Repair & Patches was out on Saturday and looked at N Madrone Trl road edge erosion. Johnny quoted \$1,800.00 for 5 yards of gravel and tar to apply to the problem area. He can do the job 4/26/21. Commissioner Brushwood makes a motion that we contract with Johnny w/TX Road Repair and Patches to apply asphalt support along N Madrone Trl to the extent of 1 load (approx. 1200 sq ft) at cost of \$1,800.00. If there is any excess capacity, it will be applied wherever is appropriate. Commissioner Burns seconds. Motion is approved unanimously.

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

Table.

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

Roland Williams is working on the web site. Including tweaking and fixing the duplication problem when uploading a document.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, May 17, 2021 7:00 PM. Possible Webex Meeting or Location To Be Determined.

B. Next VOBC/TDS Annual Trash Collection day is Saturday, September 25, 2021. 9:00 AM to 1:00 PM.

10) Adjournment

The meeting adjourned at 9:35 PM

Submitted on June 9, 2023 by Kathryn Rosenbluth.

Approved on 6/20/23 _____

By *Kathryn Rosenbluth*
Kathryn Rosenbluth, City Secretary