

City of Woodcreek Council Meeting  
May 13, 2009, 6:30 p.m.

Minutes

- 1.) **Call to Order** at 6:30 p.m. by Mayor Pro-Tem Caldwell.
- 2.) **Invocation**
- 3.) **Pledge**
- 4.) **Present:** Councilmember Gumbert, Councilmember Eskelund, Councilmember Rasco, Mayor Pro-Tem Caldwell, Councilmember Henderson, City Administrator Sybesma, Public Works Director Wood, City Attorney Gordon, City Financial Coordinator Bell.  
**Absent:** Mayor Whitehead

**5.) Public Comments:**

Nancye Brittner spoke before the Council about the need to start planning what the City will do once its contract with the AquaTexas water utility service is up in 2011, and suggested the formation of a city commission to study possible options. Sybil Patterson discussed the consequences of AquaTexas shutting off water to homes due to violations of company-mandated water restrictions due to drought. She believed that such an action could result in health and sanitation issues, and asked that research be done into state statutes regarding the circumstances in which utilities may shut off services.

**6.) Report Items:**

- A.) David Baker presented to the Council an update on the Jacob's Well Grant from LCRA, displaying illustrations of plans for trails for the area, and noted that the main step will be getting these plans approved by LCRA. He said that the construction on the project is still expected to begin in June, using volunteer workers from American YouthWorks.
- B.) Attorney Susan Zachos reported that the Ratepayers Coalition withdrew their appeal of AquaTexas' rates and that the case is currently pending dismissal at TCEQ.
- C.) Attorney Susan Zachos reported on the 81<sup>st</sup> Texas Legislature, including the status of bills regulation rates and services of utilities providing municipal and/or wastewater services. Mrs. Zachos stated that the following bills had a possibility of passage: SB 719, HB 2166, HB 3838, HB 2741, and HB 3256.
- D.) Public Works Director Frank Wood reported that the City is currently sending out bid solicitation letters to contractors and that an Invitation for Bids notice is being published in the *Wimberley View*. He also reported that street repairs are planned on 70% of Augusta Lane as well as portions of Champions Circle, and that there would also be work done to clear some plugged drain lines and repair potholes and small pavement failures throughout the City.
- E.) City Administrator Sybesma reported that the home at 45 Brookmeadow had passed final inspections performed by ATS and that a Certificate of Occupancy would be given.
- F.) City Administrator Sybesma and Financial Coordinator Amy Bell provided the Treasurer's Report for the month of April 2009, noting that recent budget amendments should allow the city to maintain a balanced budget. It was also reported that the city has received 80% of its budgeted revenue for the 08-09 fiscal

year, while 36% of budgeted expenditures have been made. The majority of the future expenditures will come from the street repairs and paving work.

**7.) Discussion and Action Items:**

- A.) Discussion and consideration of amending the City of Woodcreek's Health and Sanitation Ordinance was postponed until the next City Council meeting.
- B.) After a review of the draft Memorandum of Understanding between the City of Woodcreek and the Wimberley Valley Watershed Association and brief discussion, it was concluded that the Memorandum essentially says that Woodcreek would be more fiscally responsible for administration and implementation of the Jacob's Well Grant, while the Jacob's Well group and American YouthWorks would be more responsible for the actual project construction. Councilmember Rasco motioned to accept the Memorandum, with Councilmember Gumbert seconding. The motion passed with a vote of 5-0.
- C.) After brief discussion, Councilmember Rasco motioned to approve \$4,000 of funding for the Hays County Water and Wastewater Study, with the payment to come from the Contingency Reserve in the budget, and with the condition that the City be kept informed and involved in the Study. Councilmember Gumbert seconded the motion, which passed with a vote of 5-0.

**8.) Consent Items:**

- A.) Councilmember Rasco motioned to approve, with Councilmember Eskelund seconding, the minutes of the Woodcreek City Council Budget Workshop held on March 11, 2009 and the regular Woodcreek City Council Meeting of April 8, 2009. The motion carried with a vote of 5-0.
- B.) Councilmember Rasco motioned to approve, with Councilmember Eskelund seconding, the May Warrants. The motion carried with a vote of 5-0.

**9.) Executive Session as Authorized by Sections 551.071, Related to Consultation with Attorney**

- A.) The City Council went into executive session at 6:50 p.m. to hear a report from the City's attorney regarding the 81<sup>st</sup> Texas Legislature, including the status of bills regulating rates and services of utilities or other entities providing municipal sewer and/or wastewater services; lawful opinions and legal implications.

**10.) Reconvene in Open Session**

- A.) Council reconvened in open session at 7:15 p.m., with Mayor Pro-Tem Caldwell stating that no action would be taken on any of the issues in the above section and introducing Susan Zachos, attorney representing the City of Woodcreek, to present her report under Items 6.B. and 6.C. above.

**11.) Executive Session as Authorized by Sections 551.071, Related to Consultation with Attorney**

- A.) The City Council went into executive session at approximately 8:30 p.m. for Discussion and possible action on Cause No. 08-1889, Roger Hopkins, Inc. v. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas.

- B.) Discussion and possible action on Cause No. A08CA851JN; Westridge Joint Venture v. City of Woodcreek; in the United States District Court; Western District of Texas; Austin Division.
- C.) Discussion and possible action on alternatives for action on 45 Brookmeadow Building Permit.

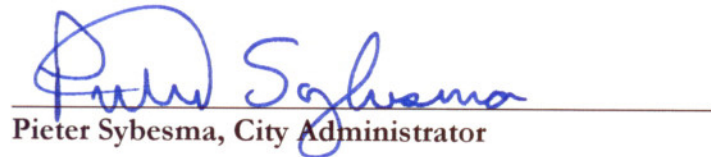
**12.) Reconvene in Open Session**

- A.) Council reconvened in open session at approximately 9:50, with Councilmember Eskelund stating that no action would be taken on any of the issues in the above section.

**13.) Adjourn.** The Meeting was adjourned at 9:55.



Eric Eskelund, Mayor



Pieter Sybesma, City Administrator