

City of Woodcreek Council Meeting
July 8, 2009, 6:30 p.m.

Minutes

1. **Call to Order** at 6:33 p.m. by Mayor Eskelund
2. **Invocation**
3. **Pledge**
4. **Present:** Mayor Eric Eskelund, Mayor Pro-Tem Sally Caldwell, Councilmember Brent Pulley, Councilmember Melinda Gumbert, Councilmember Jeff Rasco, Councilmember Kay Henderson, City Administrator Pieter Sybesma, Public Works Director Frank Wood and City Attorney Roger Gordon.

5. Public Comments:

Sybil Patterson spoke before the Council regarding a request for special permissions to water her lawn. She stated that she was aware that two other individuals had received such special permissions, and she would like the same.

6. Report Items:

- A. Joab Moritz of the Pedernales Electric Co-Op presented the Council with a check in the amount of \$5,631.31 for the City's utility franchise fee.
- B. Public Works Director Wood reported to the Council that a contract with Cummings Construction had been approved by the Council on June 10, 2009. A schedule for road improvements has been approved and posted on the City's website.
- C. Mayor Eskelund reported that the traffic signal at the entrance of Woodcreek Drive has been active as of Thursday, July 2, 2009. Also, the trenching for the sprinkler system has begun, but the process is moving slowly.
- D. City Administrator Sybesma reported that Singleton, Moore & Company, LLP has requested to perform the City's annual audit, for fiscal year 2008 - 2009.
- E. City Administrator Sybesma reported that 75 % of the fiscal year is over and 88.9% of collections have occurred. The City is currently at 47.8 % of expenditures, but this figure will increase in the coming months due to the approved road improvements.

7. Discussion and Action Items:

- A. Mayor Eskelund suggested that a councilmember should head the Census Committee. Mayor Pro Tem Caldwell stated that she would like to lead the Census Committee.
- B. Mayor Pro Tem Caldwell motioned to approve, with Councilmember Gumbert seconding, the authorization of hiring Singleton, Moore and Company, LLP to perform the City's annual audit. The motion carried with a vote of 5-0.
- C. Mayor Eskelund stated that he would like a functioning Citizen's Committee to Review of the 2020 Vision-Master Plan to be formed by the end of July 2009. Two applications to serve on the Committee had been received by the Council meeting. The Mayor made a request for additional citizen applications.

- D. City Administrator Sybesma reported on the proposed annexation, stating that the procedures necessary for the annexation of the 0.89 acre tract of land (from the Ransom Weed Survey No. 63, A-480), which is right-of-way for Ranch Road 12, had been followed. Councilmember Rasco motioned that approval of the annexation and that this is related to the Oak Orchard Development Agreement, with Mayor Pro Tem seconding the motion. The motion carried with a vote of 5-0.
- E. City Administrator Sybesma reported that Sally DeMasters wished to resign from the Planning and Zoning Commission. Councilmember Gumbert made a motion to accept the resignation and declaring a vacancy on the Commission, with Councilmember Henderson seconding the motion. The motion carried with a vote of 5-0.

8. Public Hearing: 7:01 p.m.

- a. Rezoning request by property owner Johanna L. Smith to rezone Lots 57, 58, 61, 62, and 63 of Woodcreek, Corrected Plat of Section 6-C, from the current zoning of "NWP" Nature Wildlife Preserve to "SF-1" Single-Family Residence.
- b. City Administrator Sybesma made the presentation report to the Council, with Christina Adams, Planning and Zoning Chairperson, informing the Council that the Planning and Zoning Commission recommended approval of the rezoning request with the deed restriction combining the lots into two parcels in perpetuity.
- c. The applicant made a presentation to the Council and included a copy of the deed restriction filed with the county combining the lots into two parcels in perpetuity.
- d. No citizens wished to speak during the public hearing.
- e. Councilmember Pulley made a motion that the zoning request be approved, subject to submission of an amended restrictive covenant, regarding one dwelling per parcel, with Councilmember Rasco seconding the motion. The motion carried with a vote of 5-0.
- f. Christiana Adams, Chairperson of the Planning and Zoning Commission, advised the Council that the Planning and Zoning Commission had tabled consideration on the request of Ms. Smith to reduce the Zoning Classification Change Request Fee from applying to 5 lots to only the 2 parcels. City Attorney Gordon opined that the appropriate method for this fee reduction to be considered is through the Board of Adjustment.

9. Public Hearing: 7:23 p.m.

- a. Request from property owner Lawrence Browning concerning the replatting of Lot 63, Woodcreek Section 6-A, and Lot 77, Woodcreek Section 6-B..
- b. City Administrator Sybesma made the presentation report, with Christina Adams informing the Council that the Planning and Zoning Commission recommended approval of the replatting with a vote of 5-0.
- c. The applicant made a presentation to the Council.
- d. Citizen Sybil Patterson stated that she supported the replatting.
- e. Mayor Pro Tem Caldwell made a motion to approve the replatting, with Councilmember Gumbert seconding the motion. The motion carried with a vote of 5-0.

10. Public Hearing: (Councilmember Gumbert Recused herself and left the Council meeting) 8:06 p.m.

- a. Development Agreement request by Ten Robles, Inc., Harry E. Gumbert, Jr. & Dorothy M. Gumbert to enter into a Development Agreement with the City of Woodcreek for the Oak Orchard Enclave, a development of 10.48 acres located within the Extra-Territorial Jurisdiction of the City of Woodcreek.
- b. City Administrator Sybesma made presentation report, with Christina Adams informing the Council that the Planning and Zoning Commission recommended approval of the Development Agreement with a vote of 5-0.
- c. Applicant made a presentation to the Council.
- d. No citizens wished to speak during the public hearing.
- e. Councilmember Pulley made a motion to approve the Development Agreement with the following changes: Section 2.6 subsection 2 to include water assessment and Section 5.1 subsection section to include “and/or owners,” and to include changes in the City Engineer’s letter for Section 3.2 subsection 9, Section 3.9 and Exhibit C for final plat. Councilmember Rasco seconded the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert’s recusal.

11. Discussion and Action Item:

- a. Mayor Pro Tem Caldwell made a motion to approve the annexation of 10.48 acres of land in the Ransom Weed Survey No. 63, A-480 requested by Ten Robles, Inc., Harry E. Gumbert, Jr. & Dorothy M. Gumbert, with Councilmember Henderson seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert’s recusal.

12. Public Hearing: 8:15 p.m.

- a. Subdivision Preliminary Plat request by Ten Robles, Inc., Harry E. Gumbert, Jr. & Dorothy M. Gumbert to approve a preliminary plat for the development of 10.48 acres located within the City of Woodcreek pursuant to a Development Agreement.
- b. City Administrator Sybesma made presentation report, with Christina Adams informing the Council that the Planning and Zoning Commission recommended approval of the Subdivision Preliminary Plat with a vote of 5-0.
- c. Applicant made a presentation to the Council.
- d. No citizens wished to speak during the public hearing.
- e. Councilmember Rasco made a motion to approve the Subdivision Preliminary Plat, with Councilmember Pulley seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert’s recusal.

13. Public Hearing: 9:25 p.m.

- a. PUD Zoning request by Ten Robles, Inc., Harry E. Gumbert, Jr. & Dorothy M. Gumbert to approve PUD Zoning for the development of 10.48 acres located within the Extra-Territorial Jurisdiction of the City of Woodcreek pursuant to a Development Agreement.

- b. City Administrator Sybesma made presentation report, with Christina Adams informing the Council that the Planning and Zoning Commission recommended approval of the PUD Zoning with a vote of 5-0.
- c. The applicant made a presentation to the Council.
- d. No citizens wished to speak during the public hearing.
- e. Mayor Pro Tem Caldwell made a motion to approve the PUD Zoning, with Councilmember Rasco seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert's recusal.

14. Public Hearing: 9:28 p.m.

- a. Site Plan and Conceptual Plan request by Ten Robles, Inc., Harry E. Gumbert, Jr. & Dorothy M. Gumbert to approve a Site Plan and Conceptual Plan for the development of 10.48 acres located within the City of Woodcreek pursuant to a Development Agreement.
- b. City Administrator Sybesma made presentation report, with Christina Adams informing the Council that the Planning and Zoning Commission recommended approval of the Site Plan and Conceptual Plan with a vote of 5-0.
- c. The applicant made a presentation to the Council.
- d. No citizens wished to speak during the public hearing.
- e. Mayor Pro Tem Caldwell made a motion to approve the Site Plan and Conceptual Plan, with Councilmember Henderson seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert's recusal.

15. Consent Items: 9:32 p.m.

- a. Mayor Pro Tem Caldwell made a motion to approve the minutes of the regular Woodcreek City Council Meeting of June 10, 2009 and Special Council Meeting of May 15, 2009, with Councilmember Henderson seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert's recusal.
- b. Mayor Pro Tem Caldwell made a motion to approve the Warrants, with Councilmember Henderson seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert's recusal.

16. Executive Session as Authorized by Sections 551.071, Related to Consultation with Attorney: 7:30 p.m.

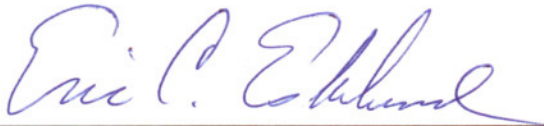
- a. The City Council went into executive session at approximately 7:30 p.m. for discussion and possible action on Cause No. 08-1889, Roger Hopkins, Inc. v. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas.

17. Reconvene in Open Session : 8:05 p.m.

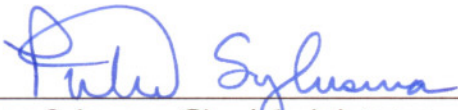
- a. Council reconvened in open session at 8:04 p.m. Mayor Pro Tem Caldwell announced that no action was necessary by the City Council.

18. Adjourn

- a. Mayor Pro-Tem Caldwell made a motion to adjourn with Councilmember Henderson seconding the motion. The motion carried with a vote of 4-0, with Councilmember Gumbert's recusal. The meeting was adjourned at 9:47 p.m.



Eric C. Eskelund, Mayor



Pieter Sybesma, City Administrator