

**City of Woodcreek City Council Meeting**  
**April 14, 2010, 6:30 p.m.**

**Minutes**

**1.) Call to Order.** Mayor Eric Eskelund called the meeting to order at 6:30 p.m.

**2.) Invocation.**

**3.) Pledge.**

**4.) Roll Call. Present:** Councilmember Brent Pulley, Councilmember Melinda Gumbert, Councilmember Jeff Rasco, Mayor Eric Eskelund, Mayor Pro-Tem Sally Caldwell, City Administrator Pieter Sybesma, Public Works Director Frank Wood, City Treasurer Gene Golembiewski, City Attorney Roger Gordon

**Absent:** Councilmember Kay Henderson, City Finance Coordinator Amy Bell

**5.) Public Comments.** Mr. Phil Lebkuecher addressed the Council in support of Mr. Matt Lowry on the need to address some of the unintended negative effects that a 25% impervious cover limit can have on home builders and homeowners.

**6: Citizen Communications. General:**

**A.)** Mr. Joe Thompson of the PEC presented the Council with a franchise fee check for \$10,244, and recommended the Council and local residents check the PEC's website, which contains much useful information.

**B.)** Mr. Matt Lowry of Somerset Homes spoke to the Council about the negative impacts of the 25% impervious cover limit of the Water Quality Ordinance amendments when combined with the City's other building regulations on the remaining lots available for development. He believes that the combination of the impervious cover limit with the regulations on minimum square footage and driveway size make it difficult to build the types of homes already existing in Woodcreek. Mr. Lowry feels the regulations necessitate larger, multi-story homes, which would change the character of the city. He also pointed out the issue of existing homes with more than 25% impervious cover on the lot applying for accessory structures that would exceed the current impervious cover limit. Mrs. Pat Olle of Waterford Homes also commented on a lack of notification about the changes to the Water Quality Protection Ordinance. Ms. Barbara Latimer of the Wimberley Land Company also addressed the issue of local realtors not being aware of the change, and inadvertently selling lots or homes without knowing of the reduced impervious cover limit. Mayor Eric Eskelund appointed Council members Rasco and Gumbert to a subcommittee to meet with Mr. Lowry and City Attorney Gordon to review the Water Quality Protection Ordinance.

**7.) Report Items.**

**A.)** Public Works Director Wood reported that he had done a driving tour of the City with a County representative to identify needed areas of street repair and presented the Council with a list of locations of street repairs submitted to the County for a cost estimate. Mr. Wood also gave a summary of his report on street repairs needed in Cypress Point. Councilmember Rasco asked if Mr. Wood had

any estimate of the costs of the repairs, to which Mr. Wood replied that he did not have an exact number, but gave an estimate of nine dollars per square foot.

**B.)** Councilmember Pulley reported that he had met with Mr. Gregory Jones of the Lodge at Cypress Creek, but had so far been unable to schedule a meeting with local Hotel owners to follow-up on the Hotel Occupancy Tax due to scheduling conflicts.

**C.)** Mayor Pro-Tem Caldwell reported that the City had attained an over 30% return rate of the 2010 Community Survey, with 367 surveys returned, and that a final report on the survey results was being drafted.

**D.)** City Administrator Sybesma reported that out of 18 residences on Par View Drive, the City received eleven responses, with eight in favor of keeping the light, one not in favor, and two with no opinion. Mr. Sybesma recommended that the Council authorize a contract with Oldmixon Electric Contracting for the light repairs in an amount not to exceed \$1,200. *(See Item 8.C.)*

**E.)** City Administrator reported on the city potentially purchasing a single-user license for ESRI ArcGIS mapping software, noting that the City had been using a free trial version and summarized a staff memo regarding the software to the Council. Citing numerous benefits of having access to this software, Mr. Sybesma recommended to the Council that the purchase be authorized. *(See Item 8.D.)*

**F.)** City Treasurer Golembwieski reported that expenditures and revenue were in line with expectations, and that the City had received more from Aqua Texas' franchise fees than expected.

#### **8.) Consent Agenda.**

**A.)** Mayor Eskelund pulled Utility Street Cut Ordinance amendments from the agenda, to be postponed until the next meeting for a public hearing and possible further action.

**B.)** Mayor Pro-Tem Caldwell motioned to authorize an amount not to exceed \$25,000 to Hays County for street repair services pursuant to an Interlocal Agreement entered into between Hays County and the City of Woodcreek executed March 16, 2010. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**C.)** Mayor Pro-Tem Caldwell motioned to authorize a contract with Oldmixon Electric Contracting for safety and wiring improvements to an Area Light located on Par View Drive in an amount not to exceed \$1,200. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**D.)** Mayor Pro-Tem Caldwell motioned to authorize the purchase of an ArcEditor Single Use Unkeyed License in an amount of \$5,799.00. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**E.)** Mayor Pro-Tem Caldwell motioned to accept the City Administrator's Certificate of Unopposed Candidates for the May 8, 2010 General Election. The three unopposed City Council candidates are Sally Caldwell, Melinda Gumbert, and Nancy Britner. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**F.)** Mayor Pro-Tem Caldwell motioned to accept an Order Declaring Unopposed Candidates for the Positions of three Alderman elected and Canceling the City of Woodcreek May 8, 2010 General Election. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**G.)** Mayor Pro-Tem Caldwell motioned to approve the minutes of the regular Woodcreek City Council Meeting of March 10, 2010. Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**H.)** Mayor Pro-Tem Caldwell motioned to approve the Warrants, with Councilmember Rasco seconding. The motion passed with a vote of 4-0, with Councilmember Henderson absent.

### **9.) Regular Agenda**

**A.)** Discussion and/or Action to consider a Memorandum of Understanding of the Villas at Cypress Creek Development Agreement Process.

**(1.)** City Administrator Sybesma reported that The Villas at Cypress Creek will be a residential development along Cypress Creek at Ranch Road 12 in the southern portion of the City's ETJ. Mr. Sybesma further reported that, following a meeting with Mayor Eskelund, Councilmember Rasco, the Villas at Cypress Creek Developers, and he, a Memorandum of Understanding was developed to provide guiding principles during the Development Agreement process. City Attorney Gordon added that this process was similar to the one done with the Oak Orchard Enclave last year and that this Memorandum will help move the overall process along.

**(2.)** Mr. Robert Peerman of the Villas at Cypress Creek presented the Council with a concept plan of the development and noted various features of it, such as a buffer between the residences and the creek, cluster development to minimize the impact of utilities and street cover, and rainwater harvesting systems. He also stated that the developers plan to submit an erosion control plan. Councilmember Gumbert asked Mr. Peerman about the details of the proposed rainwater harvesting system, and a brief discussion on the subject ensued.

**(3.)** There was no public comment on this item.

**(4.)** Councilmember Caldwell motioned to approve the Memorandum of Understanding, subject to modification, with Councilmember Pulley seconding the motion. The motion passed with a vote of 4-0, with Councilmember Henderson absent.

**B.)** The consideration of accepting the dedication of private roads to the City of Woodcreek in Cypress Point was postponed until the next meeting.

**C.)** Mayor Pro-Tem Caldwell motioned to approve a Proclamation declaring April 2010 as "Donate Life Texas Month" in the City of Woodcreek.

Councilmember Rasco seconded the motion, which passed with a vote of 4-0, with Councilmember Henderson absent.

**9.) Executive Session As Authorized by Sections 551.071, Related to Consultation with Attorney, and 551.072, Related to Deliberations about Real Property.** Council convened into Executive Session as Authorized by Section 551.071 Related to Consultation with Attorney and 551.072 Related to Deliberations about Real Property at 8:19 p.m. and reconvened into Open Session at 8:40 p.m.

- A. Discussion on Case No. 08-1889, Roger Hopkins, Inc. v. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas.
- B. Discussion 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 on Cause No. 07-1588, City of Woodcreek v. Aqua Texas, Inc. and MMDK 1205GP, in the 207th District Court of Hays County.
- D. Discussion on Entrance Improvements.

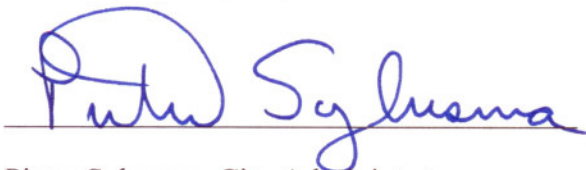
**10.) Reconvene in Open Session.**

- A. Discussion on Case No. 08-1889, Roger Hopkins, Inc. v. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas. No action was taken on the item.
- B. Discussion on Cause No. A08CA851JN; Westridge Joint Venture v. City of Woodcreek; in the United States District Court; Western District of Texas; Austin Division. No action was taken on this item.
- C. Discussion on Cause No. 07-1588, City of Woodcreek v. Aqua Texas, Inc. and MMDK 1205GP, in the 207th District Court of Hays County. No action was taken on this item
- D. Discussion on Entrance Improvements. No action was taken on this item.

**11.) Adjourn.** Mayor Pro-Tem Caldwell motioned to adjourn, with Councilmember Gumbert seconding. The motion passed with a vote of 4-0, with Councilmember Henderson absent. The Council adjourned at 8:42 p.m.



Eric C. Eskelund, Mayor



Pieter Sybesma, City Administrator