

**City of Woodcreek City Council Meeting
May 12, 2010, 6:30 p.m.**

Minutes-Corrected

1.) Call to Order. Mayor Pro-Tem Caldwell called the meeting to order at 6:30 p.m.

2.) Invocation.

3.) Pledge.

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

5.) Public Comments. Mr. Jack Hollon of the Wimberley Valley Watershed Association told the Council that the Association had a meeting today with various stakeholders regarding the purchase of the Westridge property near Jacob's Well. He stated that the meeting went well, and that they plan to meet again on May 17th.

6.) Citizen Communications. General:

A.) Mr. Bill Tomlinson of Wilson Circle spoke to the Council on the 25 foot fence setback regulation for properties backing up to the golf course, as found in the City's Zoning Ordinance. Mr. Tomlinson believes the regulation to be unfair in not allowing property owners to use their entire backyard. His key reasons for wanting to build up to the rear property line include protecting private property and keeping golfers and wildlife out of one's backyard. City Attorney Gordon noted that past legal precedence favors golf course owners due to an implied access easement as a result of living on a golf course. Mayor Pro-Tem Caldwell also responded that the regulation in question is intended to reflect what is in the deed restrictions. City Attorney Gordon added that it may be better for property owners to get the deed restrictions changed first, in order for them to avoid any potential complications with a conflicting Ordinance amendment. Mr. Winton Porterfield, General Manager of the Quicksand at Woodcreek Golf Course, commented that the proposed change in fence setback would greatly hurt his business. He said that he will protect his business should such changes be made, but is also willing to work with property owners and the City. Mayor Pro-Tem Caldwell asked that City Attorney Gordon explore the issue and report back to Council in June.

7.) Report Items.

A.) Public Works Director Frank Wood reported that he had received the County's estimate for the street repair work to be done, finding their costs to be acceptable. He stated that there are three main types of work to be done by the County, including pothole repair, surface repair, and shoulder repair. Regarding the Street Cut Ordinance, Mr. Wood said that he had been working with City Administrator Sybesma and Mayor Eskelund on revisions and it will be sent to subcontractors and franchise holders for their input once those revisions are complete.

B.) Councilmember Pulley reported that Councilmember Henderson and he had met with local hotel owners Albert Valera, Greg Jones, Hunter Jones, and Lindsey Jones regarding the Hotel Occupancy Tax. Councilmember Pulley noted the need to place all revenue from the tax into a separate bank account, and spoke on the desire of local hotel owners to work with the City on how hotel tax revenue is spent.

Councilmember Pulley and Councilmember Henderson endorsed a reduction of the Hotel Occupancy Tax rate from 7% to 5%.

C.) Mayor Pro-Tem Caldwell reported that the Vision 2020 process is proceeding as planned and that a public meeting on the 2020 Plan would be held May 17th at the Wimberley Community Center.

D.) City Administrator Sybesma and City Attorney Gordon reported that the Development Agreement for the Villas at Cypress Creek will be presented before the Planning and Zoning Commission, and they hope to have these items ready for Council approval by mid-June.

E.) Mr. Preston Singleton of Singleton, Moore, and Company presented the Council with the City's 2008-2009 Municipal Audit, stating that the City is in a good financial position.

F.) City Treasurer Golembiewski reported that the City's current finances are in line with expectations, noting that while sales tax is down, revenue from the City's franchise fees has been up. City Financial Coordinator Bell announced that she will be moving out of state this summer and introduced Liane N. Parks of Tax Time LLC who will be assuming the accounting duties.

8.) Consent Agenda.

A.) The consideration of Amendments to the Utility Street Cut Ordinance was postponed until the next Council meeting.

B.) Councilmember Pulley motioned to approve the minutes of the regular Woodcreek City Council Meeting of April 14, 2010, with Councilmember Gumbert seconding. The motion passed with a vote of 5-0.

C.) Councilmember Pulley motioned to approve the warrants, with Councilmember Gumbert seconding. The motion passed with a vote of 5-0.

9.) Regular Agenda.

A.) Councilmember Pulley motioned to amend the Hotel Occupancy Tax Ordinance No. 08-113 to lower the Hotel Occupancy Tax rate from 7% to 5% effective July 1, 2010, to remove the 0.5% discount, and to establish an advisory committee to advise the City Council on the expenditure of Hotel Tax revenue. Councilmember Gumbert seconded the motion, which passed with a vote of 5-0.

B.) The consideration of accepting the dedication of private roads in Cypress Point to the City of Woodcreek was postponed until the next Council meeting. The Council requested that the report from the Public Works Director and repair estimates be shared with the Cypress Creek Property Owners Association and an inquiry be made about any funding the Association has allocated for repairs this year.

C.) Councilmember Gumbert motioned to accept the 2008-2009 Municipal Audit of the City of Woodcreek prepared by Singleton, Moore, and Company, LLP. Councilmember Rasco seconded the motion, which passed with a vote of 5-0.

D.) The consideration of approval of a Memorandum of Understanding with the Federal Emergency Management Agency for updated, digital flood mapping was postponed until the next Council meeting.

10.) Executive Session as Authorized by Sections 551.071, Related to Consultation with Attorney, and 551.072 Related to Deliberations about Real Property. Council entered into Executive Session at 8:16 p.m.

A. Discussion on Cause 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.

11.) Reconvene in Open Session. Council reconvened into Open Session at 8:53 p.m.

A. Discussion and possible action on Cause No. 08-1889, Roger Hopkins, Inc. v. City of Wood creek, in the 207th Judicial District Court of Hays County, Texas. No action was taken on this item.

B. Discussion and possible action relating to 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 and possible action 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.

12.) Adjourn. Councilmember Gumbert motioned to adjourn, with Councilmember Pulley seconding. The motion passed with a vote of 5-0, with Council adjourning at 8:56 p.m.



Eric C. Eskelund, Mayor



Pieter Sybesma, City Administrator