

**City of Woodcreek City Council Meeting  
September 9, 2009, 6:30 p.m.**

**Corrected Minutes**

1.) **Call to Order** by Mayor Eskelund at 6:30 p.m.

2.) **Invocation.**

3.) **Pledge.**

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

**Absent:** Councilmember Melinda Gumbert

5.) **Public Comments.** No public comments were made.

6.) **Report Items.**

A.) Public Works Director Wood reported that Cummings Pavement Company, the city contractor working on street repairs, has not been meeting contractual standards, falling behind on the schedule for when certain work is to be completed. He also reported his satisfaction with the proposed Utility Street Cut Ordinance.

B.) Councilmember Rasco reported that National Night Out is still on schedule for October 6, 2009, though there are still questions about selecting a location for the event. (Event was held at the 19<sup>th</sup>-Hole at Above Par Grill at the Quicksand Golf Course)

C.) City Administrator Sybesma reported that the current fiscal year is 91.7% completed, with 77% of budgeted expenditures paid and 109% of budgeted revenue received. He noted that this 77% of expenditures does not include payment for street repairs.

7.) **Public Hearing.**

A.) **Tax Rate:** Consider an Ordinance authorizing a tax rate of \$0.12 per \$100 valuation for 2009.

B.) City Administrator Sybesma reported that this tax increase would help the City to balance its budget.

C.) Public Hearing: There were no comments from the public.

D.) Mayor Pro-Tem Caldwell motioned to adopt a tax rate of \$0.12 per \$100 valuation for 2009, with Councilmember Rasco seconding. The motion passed with a vote of 4-0 with one absent.

8.) **Public Hearing.**

A.) **2009-2010 Budget:** Consider an Ordinance adopting the Operating Budget for the City of Woodcreek for Fiscal Year 2009-2010 beginning October 1, 2009.

B.) City Administrator Sybesma reported that this budget was balanced at \$368,035.00 in both revenue and expenditure amounts.

C.) Public Hearing: There were no comments from the public.

D.) Councilmember Pulley motioned to adopt the 2009-2010 Fiscal Year Budget, with Mayor Pro-Tem Caldwell seconding. The motion passed with a vote of 4-0 with one absent.

**9.) Discussion and Action Items.**

A.) Discussion of request of Mr. Don Ferguson, City Administrator of the City of Wimberley, to designate Winters Mill Parkway as a Through Truck Route (Continued from August 12, 2009 Council meeting). Due to absence of Mr. Ferguson, it was decided that no action would be taken on this item.

B.) Discussion and consider approval of the City of Woodcreek Street Cut Ordinance. No action was taken on this item in order to allow for further review and revision of the proposed Utility Street Cut Ordinance.

C.) Discussion and consider entering into an Interlocal Agreement with the Lower Colorado River Authority for the purchase and maintenance of Emergency Radios for Emergency Communications. Mayor Pro-Tem Caldwell motioned to enter the Interlocal Agreement with the Lower Colorado River Authority, with Councilmember Rasco seconding. The motion carried with a vote of 4-0 with one absent.

D.) Discussion and consider entering into an Agreement with American Youth Works for pathway and landscaping work for the Ranch Road 12/Woodcreek Drive entrance area in an amount not to exceed \$17,550.00. City Administrator Sybesma noted that payment for this project would come from the 2008-2009 Fiscal Year Budget. Mayor Pro-Tem Caldwell motioned to enter into the Agreement with American Youth Works for pathway and landscaping work for the Ranch Road 12/Woodcreek Drive entrance area in an amount not to exceed \$17,550.00, on the condition that a more formal contractual agreement is obtained. Councilmember Rasco seconded the motion, which carried with a vote of 4-0 with one absent.

E.) Discussion and consider funding \$4,000.00 for the second year of the City of Woodcreek's participation in the Hays County Flood Protection Planning Study from the 2008-2009 Budget. Councilmember Rasco motioned to approve the funding of \$4,000.00 from the 2008-2009 Fiscal Year Budget for the Hays County Flood Protection Planning Study, with Mayor Pro-Tem Caldwell seconding. The motion carried with a vote of 4-0 with one absent.

**10.) Consent Items.**

A.) Approval of the minutes of the regular Woodcreek City Council Meeting of August 12, 2009 and Special Council Meeting of August 26, 2009. Mayor Pro-Tem Caldwell motioned to approve the minutes for both Council meetings, with Councilmember Rasco seconding. The motion carried with a vote of 4-0 with one absent.

B.) Councilmember Rasco motioned for approval of the warrants, with Mayor Pro-Tem Caldwell seconding. The motion carried with a vote of 4-0 with one absent.

**11.) Executive Session as Authorized by Sections 551.071, related to Consultation with Attorney.** The Council went into Executive Session at 7:36 p.m. and returned from Executive Session at 8:45 p.m.

A. Discussion on Cause No. 08-1889, Roger Hopkins, Inc. vs. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas.

B. Consultation with City Attorney regarding "*Aqua Utilities and Aqua Development, Inc. d/ b/ a Aqua Texas, Inc. vs. Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality, The Texas Commission on Environmental Quality (TCEQ), and It's Commissioner Buddy Garcia, Larry Soward and Bryan Shaw, Defendants,*" filed July 2, 2009 in the District Court of Travis County, Texas, appealing the TCEQ final order in the matter of State Office of Administrative Hearings Docket No. 582-06-1366, TCEQ Docket No.2006-0072-UCR ("*The Woodcreek Ratepayers Coalition's Petition to Appeal the City of Woodcreek's Decision to Establish Water and sewer Rates by Aqua Utilities, Inc., d/ b/ a Aqua Texas Inc.,, and Aqua Development Inc.*")

C. Discussion on Cause No. A08CA851JN; Westridge Joint Venture v. City of Woodcreek; in the United States District Court; Western District of Texas; Austin Division.

D. Discussion of Security System for Woodcreek City Hall.

**12.) Reconvene in Open Session.** The Council returned from Executive Session at 8:45 p.m.

A. Discussion on Cause No. 08-1889, Roger Hopkins, Inc. vs. City of Woodcreek, in the 207th Judicial District Court of Hays County, Texas. No action was taken by the Council on this item.

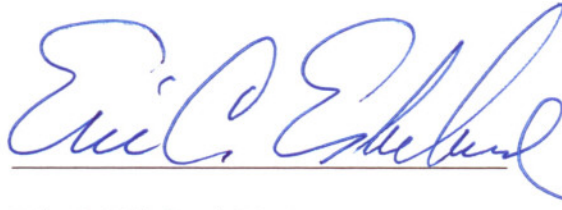
B. Consultation with City Attorney regarding "*Aqua Utilities and Aqua Development, Inc. d/ b/ a Aqua Texas, Inc. vs. Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality, The Texas Commission on Environmental Quality (TCEQ), and It's Commissioner Buddy Garcia, Larry Soward and Bryan Shaw, Defendants,*" filed July 2, 2009 in the District Court of Travis County, Texas, appealing the TCEQ final order in the matter of State Office of Administrative Hearings Docket No. 582-06-1366, TCEQ Docket No.2006-0072-UCR ("*The Woodcreek Ratepayers Coalition's Petition to Appeal the City of Woodcreek's Decision to Establish Water and sewer Rates by Aqua Utilities, Inc., d/ b/ a Aqua Texas Inc.,, and Aqua Development Inc.*") No action was taken by the Council on this item.

C. 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 by the Council on this item.

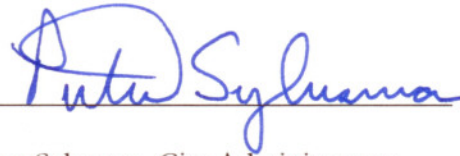
D. Discussion of Security System for Woodcreek City Hall. No action was taken on this item.

**13.) Adjourn.**

Councilmember Rasco motioned to adjourn the meeting with Mayor Pro-Tem Caldwell seconding. The motion carried with a vote of 4-0 with one absent, and the Meeting was adjourned at 8:55 p.m.



Eric C. Eskelund, Mayor



Pieter Sybesma, City Administrator