

**AUGUST 14,2001
MINUTES
CITY COUNCIL MEETING**

This meeting of the Ransom Canyon City Council was called to order at 7:00 P.M. Mayor Robert Englund and council members Earl Starks, David Peterson, Inez Speed and Leon Whetzel were present. Kyle Ashley arrived after consideration of minutes.

Mayor Englund called for a moment of silence.

2. Minutes of the previous meetings in June were approved on a motion from David Peterson and second from Inez Speed. Mayor Englund advised the council that attorney John Sims advised that the city did not have an obligation to reimburse Wayne Rawls for monies spent to rebuild part of his storage building.

3. Financial report. Inez Speed discussed a bill from Lubbock Electric for \$810 for changing a three-phase lift station motor for a single phase. Robert Englund suggested that the difference might be that a single phase would have been more expensive in the initial purchase. Harold will check this out. Leon Whetzel moved to approve the report, David Peterson seconded the motion, all approved.

4. Robert delivered the Tax A/C report that had been prepared by Tax A/C Melissa Verett. The 2001 assessed value from the Lubbock Central Appraisal District is certified at \$68,754,097. The certified collection rate is 100%. The effective property tax rate is .55563. The notice and hearing rate is .5729. The rollback rate is .74724. The debt obligation is \$101,180. David Peterson moved to accept the report, Leon Whetzel seconded the motion, all agreed.

5. Mayor Englund presented the proposed budget, and briefly outlined the need for increased revenue for the major construction projects such as the water tower and the sewer plant. There was general discussion from the large crowd that was present, concerning the balance of revenue increases between tax and water utilities. Council budget discussions about this had been long and detailed. Earl Starks explained that the council weighed the impact of increased 1999 and 2000 assessed property values per the appraisal district, Ransom Canyon's comparatively low utilities as compared to other comparable cities, and they decided that the tax burden should be kept lower to offset the increased valuations. David Peterson added that the fee increases are flat base-rate increases, and no increased revenues are dependent on higher water sales.

Robert Englund added that this is a change in philosophy for the council, and he commented that if the entire increase were to be passed along in tax revenue, the rate would be 78 cents. Given the higher property valuations, the council chose to keep taxes lower. The Reserve Budget is still in place for \$7500 per year and the CIP budget is in place for \$80,000 per year. Leon Whetzel commented that the expenditures from the CIP budget for budget year one exceed the Town's historical benchmark \$80,000 contribution. In addition, the budgeted end of year CIP fund balance exceeds \$80,000.

Mayor Englund reminded the audience that Ransom Canyon does not have a sales tax, and that Ransom Canyon water and tax rates are still comparable to other cities of similar size.

In response to general audience questions about the life expectancy of the planned improvements, Leon Whetzel explained that he had many years as a facilities manager and planning engineer for TI. The items in the CIP are cost valued for a forty-year life expectancy, and for twenty years' expected city growth capacity. ,

David Peterson moved to take the record vote to propose a tax rate of 62 cents. Earl Starks seconded the motion. All council members voted in favor of the proposed tax rate: Earl Starks, David Peterson, Inez Speed, Kyle Ashley and Leon Whetzel.

Because this rate exceeds the Notice and Hearing limit, a public hearing must be held. Mayor Englund called for a proposal to hold this meeting on Thursday, August 30, 2001. Kyle Ashley so moved, Inez Speed seconded the motion, and all approved.

6.A. Brookhollow Relief Line: Allan Doggett was the single bidder on this project. The reworked bid was \$30,000, which reflected a change in pipe cost, and bond expense. Inez Speed moved to accept the bid, Leon Whetzel seconded the motion, all approved.

6.B. One bid was received for the East Lake Shore Lift Station. Allan Doggett bid \$89,055. The budget for this project is \$46,000. Leon Whetzel suggested that there is a \$70 - \$80 K contingency in the sewer plant project, but he recommended that this item be let for bid again in order to get a second bid. David Peterson commented that this item is more expensive because they hit water with the core samples. Other action on this item was not taken at this time.

6.C. Dam Repair Construction Project. Robert Englund reviewed for the council that the City Engineer prepared bid specs for this project at \$50,000, but the repairs, according to the TNRCC letter, were not emergency, and could be tended to under routine maintenance. Craze Construction presented a proposal to do concrete joint and crack repair for \$14,616. David Peterson moved to authorize this maintenance, to be performed next fiscal year, after October 1, to be paid for out of the CIP budget for budget year one. Kyle Ashley seconded the motion, and all approved. Harold was directed by the council to schedule this repair for that time.

7. Quite a crowd assembled for this meeting, and the subject of Lake Management was lively. The audience expressed many concerns, and the council answered questions. The council took no action at this time to pass an ordinance, although a draft ordinance had been prepared for early consideration. The discussion had four sections. One, the council examined the legal rights connected to the impounding of water for the lake. Two, the council examined the 2001 summer experience with the third year of drought, and the associated affects on the lake. Three, the council entertained discussion from the audience about the future management of the lake. Four, the Mayor issued the statement from the city, via the city attorney, that the practice of individuals watering yards from the lake must stop because it is against the law.

Mayor Englund addressed the audience with the following information. The city has a permit to impound water for recreation purposes. This Certificate of Adjudication # 12-3707, dated April 20, 1982, with priority dates April 16, 1962, April 6, 1972 and August 25, 1980, permits the city to impound 568 acre-feet of water for the lake and the Brookhollow Ponds. The city owns the land under the lake. The citizens of the State of Texas own the water, but the right to impound this body of water is owned solely by the city. The certificate does allow the city to use 150 acre feet per year to water the party island.

When Ransom Canyon was just a Village, in the 60's and early 70's, the governing body was the Yellowhouse Canyon Water District. This Board was concerned primarily with the availability, limited quantity and the expense of treating potable water, so they "turned their heads" and even encouraged homeowners around the lake to water their yards from the lake, in order to alleviate the draw and required treatment from the city wells. At that time, lake water was plentiful, and there were only a few homes on the water. Now, the city no longer uses well water, lake water is not plentiful, there are sixty homes on the lake, and by recent count, thirty-nine homes are watering from the lake.

The downstream output valve has been shut off since June, and the water level continues to go down. (In the July 23 work session the council discussed the impact of the summer drought, the repairs necessary to repair the now broken-in-the-off-position weir, the complaints from the downstream neighbors, and the failure of the TNRCC to pressure Buffalo to pump water over the dam to us, the question was raised about how many homeowners were watering from the lake. The council considered the impact of the yard watering that was actually going on, and so the information gathering began.)

Mayor Englund continued. The city's permit is for recreational use only; it does not include Domestic and Livestock, (D&L) use. The condition of our lake is not unique. The state of water availability in Texas is

critical, and venturesome businesses such as Mesa Water, owned by T. Boone Pickens in Roberts County, and Ozarka Water in East Texas are mining water for sale. The Lower Colorado River Authority that manages Lake Travis, Lake Buchanan, Inks Lake, etc., is dealing with the same drought issues.

The Ransom Canyon weir was shut down, as much as was possible, in mid to late June. The June 28 drop on the weir was 11". On July 28 the drop on the weir was another 12 1/4". On July 8, the lake was officially down 18 inches. On July 30, the lake was down another 11.25 inches. On August 8, the total down for this 32-day period was 23 3/4" Robert reported on an extensive evaporation and pumping rate comparison.

Evaporation rates were gathered from the High Plains Water District Engineer and also from the National Weather Service. The evaporation rate is 1/2" to 1" with 95 degree weather. In June there were 6 days over 100 degrees, in July there were 18 days over 100 degrees and 20 days over 95 degrees. The maximum normal expected evaporation for either 30-day period would have been only 15" in June, or only 16" in July.

There are 63 homes on the waterfront. 39 have pumps, and 5 homes on Brookhollow have pumps. The Fire Department pump on Brookhollow runs 300 gallons/minute.

Robert reported that by his estimates, a normal Ransom Canyon home with a green yard this summer used 99,000 gallons of water per month. If this much water is being used out of the lake for even 30 homes, the result is that 5.47 acre-feet of water was watered out of the lake over an 18-day period. Normal evaporation is only 1/4 acre-foot. The lake has 99 surface acres.

Robert said, " We have indeed mismanaged the lake because we've been pumping with no permit. We're breaking our permit."

Chief Wayne Rawls stated that this is a state license and the TNRCC would be the enforcing agency. Kyle Ashley and Leon Whetzel debated the enforcement probability of intervention by the TNRCC in this issue, and the obligation by the city, or lack of, to impound or release water. Kyle Ashley said that the City Council did not care about the lake because they released water downstream for three of the last four summers, and that the law only requires water release after the full 560 acre feet has been impounded. Leon commented that the law requires release of the amount of water that is received.

Leon went on to state that the citizens of Ransom Canyon have the right to impound and use the water. It is an asset owned by the city, not owned by the people who live on the water who are pumping from the lake. These individuals have no legal right to pump, especially because they are pumping in order to lower their own water utility bills. It is unfair to the other citizens for the city to continue to allow this practice. Leon added that an ordinance prohibiting the practice would be worthwhile.

There were many audience questions. The concerns were with unsafe and stagnant lake conditions, understanding the laws regarding the lake level, with questions about guidelines for release and the point at which release downstream could be stopped. There was a question regarding the need for clear cut-off points, and a challenge was issued for leadership from the council in this area. Earl Starks commented that the shaft for the weir has been broken for a long time, and the driving gear would not shut it down.

Robert commented that this is a serious consideration because the lake does flood, and the homes on all Lake Shore Drives are in the flood zone. When the water flows over the dam at flood level, the South Lake Shore homes are isolated, which is a very dangerous condition. This situation has happened, and can be expected to happen again. In this situation, it would very necessary to have a weir that can be opened.

There was a brief question about dredging the lake, and Robert answered that this project was five years out, and would be a voter decision because it was an expensive and controversial tax issue.

There was a brief question about the possibility that the law could just be ignored.

City Attorney John Sims replied. To his knowledge, this issue has never been on a city council agenda in the twelve years he has served the city. With government entities, there's nothing gained due to the extent of time it's been going on. He said, the TNRCC knows about the pumping, because we told them. We've called every TNRCC official in Austin. John said that in times of plenty, the TNRCC probably wouldn't care, but if people are calling the TNRCC with complaints, they might. Also, there are downstream neighbors who have plenty of money to litigate the matter. If the people downstream complain, it would be an issue.

Mayor Englund wrapped up the discussion with the statement that he would welcome volunteers to serve on a committee to make recommendations to the council for lake management guidelines, but that individuals who are watering from the lake must stop.

8. The council discussed the repair to the street on Mescalero. Leon asked Harold if a leak had been diagnosed, and Harold explained that the City of Lubbock crew had run a camera down the sewer line and no leak was detected. Leon stated that the other answer may be poor compaction when the street was constructed, but the guarantee from the street contractor for Block 20 has long since expired, so it looks like this is a viable project for city repair in the next fiscal year.

The committee to hire the new water/wastewater employee is working on a job description, and will get with Harold to agree on advertising wording, and procedure. David Peterson stated there is no rush to hire this employee by October 1, however.

9. Mayor Englund reported for the Building Control Committee that three sets of plans had been reviewed. A detached garage on Cottonwood was approved as a building that is supportive of a homesite, even though it is on a separate lot from the homesite. An addition to a homesite on Foothill Drive was approved. The committee denied a request for a variance for a garden home zero lot line rule of no overhanging roof. They also did not change their requirement for this garden home to have a retaining wall.
- I 0. Police Chief Rawls reported that his department issued three citations this month. The department is still investigating arson at the house located at 52 East Lake Shore Drive, and the two police officers broke up another party on the party island where minors had beer. They made the minors pour the beer out, and they have it on camera. Wayne also warned people to watch out for snakes, who like the cool and damp. Lubbock County is still under rabies quarantine. The only licensed pest control company is Gafford Pest Control. Also be wary that the Africanized honeybee is in Lubbock County, now. They will get in the house, in the walls, and under the eaves, and are impossible sans DNA to tell from regular honeybees.
- I 1. Rand McPherson reported for the fire department zero fire calls and one medical call. They had a successful blood drive, and pancakes Saturday July 21st. There will be an Oktoberfest Sauerkraut day, TBA. The FEMA grant for fire administration is in the third round for vehicles, and in 2-3 weeks we will know if we are awarded a matching grant for a \$135,000 tanker truck, or \$20,000 for bunker gear. Some of the bunker gear is new, but a lot of it is surplus from Lubbock Fire Department and does not meet code.

The council commended the fire department again for a fine job with the July 7 fire, and the department thanked the West Lake Shore residents for their help and cooperation.

12. Donna Ricks reported briefly for the POA. There will be a Fall Garage Sale, and 2002 Maintenance Fee statements will be going out in October.

There was no further business, so the council adjourned on a motion from David Peterson and second from Inez Speed.

Melissa Verett
City Administrator