

Willow Creek Estates News and Views

Summer 2012

<http://willowcreekstatestx.com>

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Message from the President

Once again we have had another successful annual meeting. I would like to thank Dick Burdick for the use of the conference room at Dick's Classic Car Museum. We added two new officers, Marianne Moore as VP and Paula Brown as Secretary. I would like to welcome and thank them at the same time for volunteering their efforts to the betterment of our neighborhood. We did not have a volunteer for President. The bylaws dictate that any openings be appointed by the Directors. As there is still no volunteer, I will assume that role as well for now.

Not too long after the meeting Bob Galinger and Ray Kotowski resigned. I would like to thank them for their hard work and support over the years. Luckily Bob will still be around but Ray is in the process of moving back to Connecticut and we are sorely going to miss him. He is a special kind of person that you will only meet once. For those of us who know him, it is a great loss as it is for those that didn't. Tom Conley and Jeff Sones have agreed to come back and fill the open Director positions. We are fortunate to have their experience and maturity to call on.

Several issues were discussed at the meeting:

- The petty thefts occurring in the neighborhood apparently culminated with a stolen car. The alleged culprits have been arrested and quite a bit of property have been recovered. Hopefully this should put an end to the problem.
- Entrance signs were discussed. We have not decided on a location on Great Oaks and would like to construct it and the one on Reimer together saving both time and money. If anyone would like to donate financial support towards the signs, please send your donations to our Treasurer, Carol Short at 2442 Great Oaks Drive, San Marcos, Texas 78666.
- Deed restriction violations were discussed in general. This is something I have been involved in since I came on the Board. We have been highly successful as we have been able to resolve numerous issues without the expense and ill feelings of litigation. This speaks highly of our neighbors in that they would rather work through issues than litigate. We are quietly working on several complaints and I expect them to be resolved in the same way.

Upcoming events:

- **Texas Night Out** is scheduled for Tuesday, October 2, 2012. Kathy Dial will chair the event this year with the able support of several other Board Members and we look forward to another outstanding event.
- The annual **Christmas Lighting Contest** will be chaired by Kim Davis and Paula Brown.

-- Dave Bethancourt, President

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THE ANNUAL PERCENTAGE YIELD (APY) AS ADVERTISED IS EFFECTIVE AS OF MAY 22, 2012. RATES ARE SUBJECT TO CHANGE PRIOR TO ACCOUNT OPENING. YOU RECEIVE THE APY IN EFFECT ON THE DAY YOUR ACCOUNT IS OPENED. ACCOUNTS ARE DEEMED OPEN UPON RECEIPT OF FUNDS. MINIMUM OPENING DEPOSIT OF \$1,000 USD REQUIRED. PENALTIES MAY APPLY TO EARLY WITHDRAWALS AND MAY REDUCE DEPOSIT ACCOUNT EARNINGS.



Dream San Marcos: Creating a Comprehensive Plan

By Jim Nuse, City Manager

One of the most important projects now underway in San Marcos is development of the “Dream San Marcos” Comprehensive Plan that will guide growth and development in our community for the next decade.

Led by a City Council-appointed Steering Committee and Citizens Advisory Committee, the Comp Plan process is engaging citizens from across San Marcos to establish a vision and a plan for future of neighborhoods and housing, land use and transportation, parks and facilities, the environment and sustainability, economic development and our youth.

The committees have met weekly since April to develop vision statements and to hear from panels of experts on the issues and opportunities facing San Marcos. They will continue meeting throughout the summer. Our Planning and Development Services staff, aided by several consultants, is coordinating the process with the goal of arriving at a new Comprehensive Plan by early 2013.

In September, the public, committees and staff will collaborate in a week-long “Design Rodeo” to develop the land use and transportation plan elements. Citizens are invited to participate in the process to offer your insights and test various scenarios to see how well they fulfill the vision that has been set forth.

We invite you to follow and participate in the Dream San Marcos Comprehensive Plan process throughout the rest of this year. More information is available online at www.sanmarcostx.gov/dream . The Comp Plan seeks to ensure that San Marcos grows by choice—not chance.

Freethought San Marcos

City of San Marcos-PEC flim-flam

Occasionally something happens that causes a person to look at the world a bit differently than before. Such was the case when I received a letter from RB Sloan, CEO of Pedernales Electric Cooperative (PEC) a few days ago. Some people who live in the City of San Marcos can receive electric service only from PEC because the state gives PEC an assigned electric service area. That service area includes a portion of the City of San Marcos.

Sloan's letter explained that it has been paying the City a 2% fee to use the public right-of-way and for the City to supervise PEC's use of that right-of-way. Because of a recent re-negotiation of PEC's franchise to use the public right-of-way inside the City, PEC will now pay for one year a 6.5% fee, beginning September 1, 2012. For the following four years, that fee will be 4.5%. Currently, PEC's payment of a 2% fee is based on the gross revenues it receives from its electric customers who live within the City. PEC pays this fee out of those gross receipts.

The major change for the next five years is that PEC will not pay its franchise fee from its gross receipts, but will treat it as a pass-through fee to its customers. Each month PEC customers will have 4.5% added to their electric bills. PEC will continue to pay the current 2% fee out of its gross receipts. According to City Attorney Michael Cosentino, PEC claimed during negotiations with the City that it would not be able to re-program its computer software to pay the 6.5% fee for the next year out of gross receipts, so the add-on charge would be necessary. While I am not a computer programmer, this seems like a simple programming issue to me and either a poor excuse or a lack of competency by PEC.

PEC will pay the additional 4.5% next year within thirty days of the end of each quarter. It seems only fair that I should pay PEC the 4.5% pass-through charge at the end of each quarter, rather than allow PEC the use of my money for one to nearly four months. I know of no rule that requires me to subsidize PEC by allowing it the free use of my money. That money may earn only 0.44%, but as we all learned in grade school, "a penny saved is a penny earned."

The reason given by Cosentino and San Marcos City Manager Jim Nuse for the jump to 6.5% for one year is that PEC delayed the negotiation process by 18 months, during which time the City was not collecting a higher fee, presumably the 4.5% that will take effect in September 2013. Hence, for one year, PEC customers in the City will have to pay the higher fee to make up for the inability of City and PEC officials to agree in a timely way to a new fee for the full five years of the franchise agreement.

One of the City's arguments for the increase in the franchise fee is that the City-owned electric utility pays 8.5% (expected to be lowered to 7% for future years) of its revenues to the City's general fund. To some extent, this payment is justified because the City Manager and his assistants and other city employees spend part of their time working on City electric matters, but their salaries and expenses are paid for through general revenues. So far as I am able to determine, no one has suggested that the City used a rational basis for determining exactly how much their time and expenses are worth. In previous years, the City has looked at what other cities in a similar situation have charged their electric utility for the services paid for by the general fund. The idea is that if others are charging a certain amount, then that justifies the City of San Marcos's charging the same amount. Of course, some people pay the full sticker price for an automobile, but that doesn't mean that I should do so. Basing fees on what others charge is not rational government policy-making.

I asked Nuse, Cosentino, and Sloan if they had used some rational basis for determining what is an appropriate amount for the franchise fee. The short answer was "no." They had not done research to determine what would be a fair and reasonable franchise fee based on the actual cost to the City of administering the franchise or allowing use of the public right-of-way.

In no way am I suggesting that either the City or PEC has violated any laws in arriving at a franchise fee that is more than triple the current fee for the first year and more than double the current fee for the following four years. But I am suggesting that City and PEC officials have not used any rational basis to determine what a franchise fee should be. The City has pushed for as much revenue as it can get. PEC has acquiesced to that amount because it will not pay it, but will pass that cost directly to its customers, who also pay taxes to the City.

This process has caused me to think about the use of right-of-way differently than I have thought of it previously. When the subdivision in which I live was designed and approved by the City around 1995, the developer dedicated the streets and adjacent rights-of-way and conservation easements to the City under the existing development codes. The City did not pay for those rights-of-way. The developer then sold the lots to individuals for prices that took into account all of its costs, including the cost of all the public areas that were dedicated to the City for use by the public. When I bought my lot, I paid for the right-of-way that was given to the City because that cost was calculated into the purchase price. The City should hold that right-of-way in trust for my use and the use of others who need it for transportation and utility service.

Instead, the City is charging me again for the use of right-of-way I previously paid for when I bought my lot, by charging an electric service a fee to get that electricity to me. It is making a profit on what it did not pay for. In addition, the amount of the charge it is making has no rational basis; that is, no one at the City or PEC can explain how the figure was determined. If it costs the City money to administer the franchise agreement, then it should recover those costs, but no one knows what those costs are. I paid for the right-of-way that the City holds in trust for use by utility providers. Why should I have to pay for the use of that right-of-way over and over again, year after year?

I believe that we should pay for the cost of good government. I am not one who resents paying taxes. That is the cost of living in a civilized society, and it is a cost I gladly pay. All I ask as a citizen is that the cost be fair and be fairly distributed. The PEC pass-through franchise fee is not fair because it is for the use of something I have already bought and paid for, and it has no rational basis. If the City needs another \$160,000 (the approximate value of the PEC franchise fee each year), it should raise taxes, not embed that amount in an irrationally-derived fee.

Neither the City nor PEC represented the interests of their respective taxpayers and customers when they negotiated the new franchise agreement. They did what has always been done. The City decided how much revenue it needed from PEC to add to its general revenues, and PEC said that's fine because we will just pass on those costs directly to our customers, who are also the City's taxpayers. Both entities played a game of three-card Monte with the ratepayers'/taxpayers' money and property. Maybe it's time to re-think the franchise fee and replace it with a rational and fair system.

© Lamar W. Hankins, Freethought San Marcos

You can read Lamar Hankins weekly column on the San Marcos Mercury. You can find the Mercury at www.smm Mercury.com and is San Marcos' and Hays County's most trusted, popular, and accurate news source.



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Texas State University, San Marcos Mercury, and Bobcat Magazine

Construction cranes have become an ever-present part of the San Marcos skyline as Texas State University invests more than half-billion dollars in its future as a premier public university.

As we've reported in the San Marcos Mercury, Texas State has more than \$600 million in construction projects underway today or in the planning stages. These include the anticipated Center for Research Commercialization on McCarty Road; a \$47.7 million general academic building; a \$46.1 million new dorm on the campus' northside; and an \$83.2 million glittering Performing Arts Complex on the edge of downtown.

And don't forget a \$33 million investment in nearly doubling the capacity of Bobcat Stadium. The Bobcats will take the field on Aug. 6 against Texas Tech in their first home game in NCAA's Football Bowl Subdivision, formerly Division I-A.

To capitalize on this unprecedented excitement and growth at Texas State, the San Marcos Mercury will launch ***Bobcat Magazine*** this month with our partners at BobcatReport.com, the local affiliate of the Yahoo! Sports Rivals.com network. We've been hard at work on our inaugural issue and I think ***Bobcat Magazine*** will debut as the go-to authority on Texas State's athletics and academic ambitions.

We at the San Marcos Mercury think this endeavor will help bring Texas State closer the city that has played host to the institution since 1899. And we think it will give San Marcos an understanding and appreciation of that colossus on the hilltop that, for better or worse, impacts our lives on a daily basis.

Please look for ***Bobcat Magazine***, a free distribution publication, at local businesses and on newsstands starting Aug. 25. And join us at Bobcat Alley before the Tech showdown — and every home game — as we launch the magazine with a tailgating cook-off with our friends at BobcatReport.com and Texas Roadhouse.

The San Marcos Mercury is excited about the future of both Texas State and San Marcos at large.

Submitted by: Brad Rollins
Publisher, San Marcos Mercury

Staying in the Loop: Your eMail Address is the Key

You want to know what's going on in the neighborhood and what your Homeowners Association is up to. The best way to do that is to share your email address with us. That'll help us keep you in the loop – in real time – about what's going on in Willow Creek. We use your e-mail address to distribute the Newsletter and to put out alerts you need to know about such as vandalism, scam artists, thefts, lost or found pets, or other timely information. We only use your e-mail address to keep you hooked in to Willow Creek information. We don't sell it. We don't share it. So, please, send us a quick message from the email account you'd like us to use to contact you, and we'll add you to the list. More than one email address? No problem. We'll be happy to make sure both of them are covered. Carol Short, our Treasurer, would love to hear from you. You can reach her at wchoa99@gmail.com. Stay in touch!

Residents Need a Plan for ‘When’ (not ‘If’) a Wildland Fire Occurs

The Ready, Set, Go! Planning Guide ***is designed to help families avoid disaster***

From the office of Commissioner Will Conley

Hays County residents are being urged to take advantage of a new planning guide designed to help families survive wildland fires and minimize property damage. Since the 2011 Labor Day Weekend fires ravaged parts of Central Texas it has been designated as a “wildland fire-prone area.”

Proper planning and actions can improve your chances of safely avoiding a fire disaster, reduce risk to life and property and make it easier and safer for fire authorities to combat a blaze. The 12-page **Ready, Set, Go!** guide includes what to look for when protecting your home and yard from wildfires, how to plan and execute your family’s evacuation and what to do if you are trapped by a fire and need to shelter at home.

Ready (Prepare for the Fire), Set (Situational Awareness when a Fire Starts), Go (Leave Early) are the three key parts of the **Ready, Set, Go!** preparedness guide that all families should take the time to understand.

Ready, Set, Go! was developed in partnership with the International Association of Fire Chiefs, U.S. Forest Service, FEMA, U.S. Fire Administration and National Fire Protection Association’s Firewise Communities program. On behalf of the Hays County Fire Chiefs Association (HCFCFA), Assistant City of San Marcos Fire Marshal Gib Watt customized the brochure to take into consideration the unique issues that Hays County residents face. The HCFCFA comprises fire departments, fire marshal offices and EMS units throughout Hays County and offers them an opportunity to work together to train and solve problems.

The **Ready, Set, Go!** guide is available on the Hays County website at www.co.hays.tx.us, the HCFCFA website at <http://www.hcfcfa.net/> and at other first responder sites.

I hope you will find this information useful. I wish everyone a happy summer. Please call our office if we can be of assistance at (512) 847-3159.