

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
December 17, 2009 at 5:30 p.m.

City Council meeting called to order at 5:30 p.m. by Mayor Tom Haley.

Mayor Haley gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Haley and Councilmembers Bob Flocke, Bill Appleman (arrived at 5:39 p.m.), Steve Thurber, and John White. Councilmember Charles Roccaforte had an excused absence.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland and City Attorney Cindy Crosby (arrived at 6:30 p.m.).

Citizens Communications

Frank Sullivan spoke favorably of wastewater service, but expressed reservations as to how such service would be paid for, including the cost of the plant, principal and interest, and operational expenses. He commented on water sources, including groundwater from aquifers, and surface water sources. He gave an example of a north Texas aquifer that was exhausted after a century of pumpage and encouraged judicious use of such water supplies.

Michael Schneider expressed concerns about the City of Wimberley taking over food inspection tasks from Hays County and speculated about reasoning behind the City assuming those duties. Specific points of concern included: §94.02(a) (Definitions), relating to the term "Food Establishment." He questioned the exclusion of bed and breakfast establishments with seven or fewer rooms for rent that serve only breakfast to overnight guests. He also felt that it is important to establish the difference between terms such as *bed and breakfast*, *Sunday home*, and *country inn*. From his reading of the ordinance, Mr. Schneider interpreted non-profit organizations as being exempt from safety regulations and relayed an example of unsafe food handling practices that had occurred in another state. Mr. Schneider felt that currently permitted food establishments should be able to transfer permits from Hays County to the City of Wimberley without having to complete extra paperwork. He also expressed concerns regarding his understanding of the term "Employee" in §94.06(a) of the proposed ordinance and felt that a complaint from a disgruntled employee (or ex-employee) would cause food establishments to suspend operations for an excessive amount of time (up to twenty days) before a hearing could be held. He stated that it might be wiser for the City to leave food inspections to Hays County.

1. Consent Agenda

Approval of the minutes of the regular City Council meeting of December 3, 2009.

Councilmember Flocke moved to approve the minutes as presented. Councilmember Appleman pulled the minutes and requested the following addition at the end of page 2, immediately after Marilee Wood's comments: "Councilmember Appleman expressed concerns about the economic environmental project related to lighted tennis courts on the property." Councilmember Appleman moved to approve the minutes as amended. Councilmember Flocke seconded. Motion carried on a vote of 4-0.

2. City Administrator Report

- Status report on operation of the Wimberley Community Center

City Administrator Ferguson reported that expenses exceed revenues by approximately \$4,000, noted utility costs, and anticipated forthcoming Parks Board recommendations on restructuring of usage fees and rental policies in late January 2010. Re-negotiated contracts and an operations review are also anticipated for Council's consideration in January 2010. He stated that staff will continue to monitor operations and update Council.

- Status report on development activity in the City of Wimberley

City Administrator Ferguson compared selected 2007 through 2009 yearly data. Increases were noted in building permits, zoning, and conditional use permits activity. Decreases were noted in new residential/commercial construction, subdivisions, variance requests, and residential/commercial construction values. Remodeling projects were the primary reason for increased building permit activity. Zoning activity increased, in part due to City-initiated zoning. Conditional use permit activity increased, in part due to alcohol-related requests. Housing starts have steadily declined since 2007. Due to development activity's impact on revenue, he stated that regular monitoring will continue, as well as updates to Council.

- Status report on the selection of a contractor for the upcoming Fourth of July fireworks display

City Administrator Ferguson reported that a Request for Proposal (RFP) will be issued by the end of December 2009, with responses due by the third week of January 2010. Because it is imperative to start fund raising as early as possible, he stated that Council will consider selection of a contractor at its February 4, 2009 meeting.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of proposed changes and additions to the City of Wimberley Transportation Master Plan relating to connectivity and mobility. (*Transportation Advisory Board*)

Transportation Advisory Board (TAB) Secretary Bert Ray presented background on development of the Transportation Master Plan (TMP) to date, including public hearings and review of prior actions taken by TAB, the Planning and Zoning Commission, and City Council. Maps were displayed indicating proposed connectivity/mobility changes and Planning and Zoning's recommendations of December 10, 2009 relating to each location.

Discussion addressed parking (particularly in the downtown/square area), parking enforcement, leased parking space, realignment of Texan Boulevard/Las Flores Drive and its possible impact on Las Flores Drive cut-through traffic, and truck routing.

Mayor Haley opened the public hearing. Councilmember Thurber stated that River Meadows Property Owners Association (RMPOA) President Dr. Curt Busk has submitted a letter, which states RMPOA's position for the record. In summary, the RMPOA strongly opposes any City incursion into its subdivision. The full text of Dr. Busk's letter is attached to these minutes. Mayor Haley closed the public hearing.

After further consideration, Councilmember Thurber stated that he favors inclusion of Location 4 (TMP Component D), which is a continuation of Green Acres Drive connecting FM 2325 and Ranch Road 12, allowing east-west traffic to avoid the longer route via Emergency Lane or the "Y." He agreed with all other Planning and Zoning Commission recommendations.

Discussion addressed reasoning for Planning and Zoning recommendations that did not favor approval, including concerns relating to impact on property owners, usefulness, and sufficient demand for certain proposed routes.

Mayor Haley entertained a motion. Councilmember Flocke reminded that the TMP is a long-term plan and that proposed roads will not be built any time soon, especially given budget constraints. He stated: "The idea that we don't have enough traffic to justify any of these roads is just backwards thinking, because if we don't build it, it won't stop the traffic." He cited Austin, Texas and Vancouver, British Columbia as examples of cities that have unsuccessfully sought to deter growth by refusing to build roads, with both cities now experiencing major traffic gridlock. He felt that having a TMP is a statement of how the City is thinking today about future needs and future Councils may have different ideas, in which case plans may be changed at any time. He agreed with Councilmember Thurber and favored approval of connectivity Location 4.

At Councilmember Thurber's request, City Administrator Ferguson reviewed maps of specific locations. Councilmember Thurber moved to approve the plan as recommended by Planning and Zoning, with the exclusion of Location 6 (connector road between River Road and Wayside Drive). Councilmember Flocke stated that Planning and Zoning did not recommend approval of the River Road hike/bike trail. Councilmember Thurber amended his motion to include the removal of Leach Lane (Location 6 connector) *and* the River Road hike/bike trail from the TMP. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 0.3327 acre tract located at 314 Wimberley Square, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial – High Impact (C-3); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Claim Processing Solutions/DBA: The Old Mill Store, Applicant*)

City Administrator Ferguson reviewed the application, including the subject property's location and the need for this zoning action triggered by a proposed change in use. He detailed existing uses and structures and noted the applicant's companion conditional use permit application and distance requirement waiver request.

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing.

Councilmember Thurber moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 4-0.

- C. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Claims Processing Solutions/DBA: The Old Mill Store to permit a bar/tavern on a portion of approximately 0.3327 acre tracts located at 314 Wimberley Square, Wimberley, Hays County, Texas, zoned Commercial – High Impact (C-3), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Claim Processing Solutions/DBA: The Old Mill Store, Applicant*).

City Administrator Ferguson reviewed the application for a conditional use permit (CUP) to allow operation of a bar/tavern with a small music venue in the courtyard area between the existing *Old Mill Store* and *The Gallery on the Square*.

Planning and Zoning Commissioner Jean Ross reported that approval was recommended with the inclusion of specific restrictive language relating to location of the bar service area.

Mayor Haley opened the public hearing.

Wimberley resident Gretchen Chapin questioned whether any input was received from area businesses. City Administrator Ferguson replied that no public input of any kind has been received by City staff.

Hearing no further comments, Mayor Haley closed the public hearing.

Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

- D. Hold a public hearing and consider approval of a waiver of the 300-foot distance requirement relating to the sale of beer, wine and alcohol at 314 Wimberley Square, Wimberley, Hays County, Texas. (*Claim Processing Solutions/DBA: The Old Mill Store, Applicant*)

City Administrator Ferguson stated that this request is needed due the subject property's proximity to a day care facility. He stated that City ordinance allows City Council to waive the distance requirements if the Council finds enforcement of the distance provision in a particular case:

- is not is the best interest of the public
- constitutes waste or the inefficient use of land or other resources
- creates an undue hardship on an applicant
- does not serve its intended purpose
- is not effective or necessary
- for any other reason the Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines in the best interest of the community.

In response to Mayor Haley's inquiry, City Administrator Ferguson replied that no protests have been received by City staff.

Mayor Haley opened the public hearing. Hearing no comments, Mayor Haley closed the public hearing.

Councilmember Thurber moved to approve the item as presented, including the above stated findings. Councilmember White seconded. Motion carried on a vote of 4-0.

- E. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas amending Ordinance No. ZA-01-026 which designated real property located on a 6.50 acre tract, also known as 501 Old Kyle Road, Wimberley, Hays County, Texas, as a Planned Unit Development District and imposed certain conditions, in order to revise permitted uses and certain development regulations; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Wimberley Crossroads LLC, Applicant*)

City Administrator Ferguson reviewed the subject property's location, existing Planned Unit Development (PUD), and reasoning for the applicant's requested amendment. Current City ordinance replaces the term "PUD" with "Wimberley Planned Development District." In addition to changing the base zoning from Residential Acreage (RA) to Commercial – Low Impact (C-1), he noted the following proposed additional permitted uses:

- Retail Sales and Services: General

- Personal Services: General
- Plant Nurseries
- Funeral and Interment Services: Undertaking
- Recreational and Entertainment: high impact (*limited to conferences, receptions, and entertainment*)
- A drive-through or drive-in facility (excluding fast food *and fuel services*)
- Bank and Savings and Loan (drive-through)
- Bed and Breakfast Lodging
- Health and Fitness and Exercise Facilities; limited
- Eating Establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption

The applicant recognizes the significance of the subject property as a gateway to the Wimberley Square, Blue Hole Regional Park, and the Wimberley Cemetery, and has agreed to do the following:

- Enhance beautification through the addition of plant material and trees
- Limit the size of any monument signage to eight (8) feet in height and sixty-four (64) square feet in area. All other signage on the property must comply with the City of Wimberley Sign Ordinance.
- Ensure any outdoor lighting on site complies with the City Code
- Prohibit outdoor music except for that authorized in advance by the City
- Limit the operating hours of any retail stores on the site to between 6 a.m. to 8 p.m., daily
- Limit the operating hours of any eating establishments on the site to between 6 a.m. and 11 p.m., daily
- Limit the operating hours of any recreation and entertainment venue on the site to between 6 a.m. to 12 a.m., daily

City Administrator Ferguson stated that the applicant has no plans to expand parking, the footprint of any existing buildings, or to add any additional buildings to the subject property, which would require a WPDD amendment. He noted that the Planning and Zoning Commission unanimously recommended approval.

Mayor Haley opened the public hearing. Hearing no comments, Mayor Haley closed the public hearing.

Discussion established that music will only be allowed indoors, unless authorized by the City. Other points of discussion addressed the existing impervious cover ratio on the subject property and its limiting effect on expanding existing structures or construction of new buildings onto areas not already paved over.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- F. Hold a public hearing and consider approval of an application to subdivide a 10.039 acre tract located at 880 and 900 Green Acres Drive in Hays County, Texas into two (2) lots to be known as *Replat of Lot 10, Green Acres, Section 1, Lots 10A and 10B* along with a requested variance from Section 154.063(C) relating to same. (*Driftwood Surveying, Agent for Woodie and Christie Hall, Tracey Hill, Joel Means and Jamie Frazier, Applicants*)

City Administrator Ferguson reviewed the application proposing to make this division a legal subdivision (previously divided by a metes and bounds description). He stated that currently there is an occupied home on each lot. He explained the reasoning for the variance request due to lot shape and noted that the Planning and Zoning Commission unanimously recommended approval of the subdivision along with the requested variance.

In response to Councilmember Appleman's inquiry relating to the Planning and Zoning Commission's discussion, Commissioner Ross replied that this "housekeeping" item was needed in order to legally subdivide/replat a property formerly subdivided by metes and bounds description. In response to Councilmember Thurber's inquiry, discussion established that the application was most likely requested by the applicants due to a conveyance of the property requiring a legal subdivision.

No public comments were heard.

Councilmember White moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- G. Hold a public hearing and consider approval of an application to subdivide a 5.592 acre tract located at the southwest corner of the intersection of FM 3237 and Winters Mill Parkway in Hays County, Texas into two (2) lots to be known as *WMT Subdivision Lots 1 and 2* along with requested variances from Sections 154.053(C) and 154.063(D)(3) relating to same. (*Hays County Subdivision Coordinator Clint Garza, Agent for Paul Dunn, Applicant*)

City Administrator Ferguson reviewed the application and provided background information on the subject property and recent transactions between the property owner(s) and Hays County. This replat of a 5.592 acre tract will create two smaller tracts described as WMT Subdivision Lots 1 and 2. Lot 1 (4.122 acres) is proposed as a residential lot, while Lot 2 (1.470 acres) will be dedicated to the public as part of the proposed *Blue Hole Regional Park Trail*. In order to accommodate the trail, both lots are irregularly shaped, thus requiring a variance for lot lines and lot shape. He stated that City staff and the Planning and Zoning Commission recommend approval of the subject replat and requested variances.

No public comments were heard.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- H. Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending Title IX (General Regulations) of the Code of Ordinances to add Chapter 95 (On-Site Sewage Facilities Regulations) which provides for installation, maintenance and permitting requirements for on-site sewage facilities in the City of Wimberley; and providing for penalties, findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

Due to notification issues, City Administrator Ferguson requested that this item be continued until Council's special meeting scheduled for December 21, 2009 at 9:00 a.m.

Councilmember Thurber moved to continue this item until Council's special meeting on December 21, 2009 at 9:00 a.m. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

Mayor Haley called a five-minute recess at 7:00 pm. Mayor Haley reconvened at 7:05 p.m.

4. Ordinances

- A. Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations) of the Code of Ordinances to add Chapter 94 (Food Establishment Regulations) which provides operating regulations and permitting requirements for food establishments in the City of Wimberley; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson summarized the proposed ordinance and provided clarification to address certain concerns previously expressed by Michael Schneider during *Citizens Communications*. He stated the reasoning for specific provisions and noted that suspension of permits would only occur after City inspection determines that egregious health and safety issues exist.

Discussion addressed Mayor Haley's concerns regarding Market Days vendors, including the City's regulatory authority, issuance of temporary permits, inspection procedures, permit renewal, and types of food vendors possibly affected by this ordinance. Councilmember Appleman stated similar concerns expressed earlier by Michael Schneider relating to retaliatory complaints filed by disgruntled food establishment employees (or former employees). City Administrator Ferguson explained specific terms used in the proposed ordinance. He suggested that language could be added stating that any possible suspension could only occur after investigation by the City.

Councilmember Appleman favored the addition of language to that effect. He also questioned what additional requirements are included in the proposed ordinance above and beyond requirements imposed by Hays County. City Administrator Ferguson replied that there are differences in the number of inspections and the basis for exclusion of bed and breakfast operations (based on number of rooms), which have been tailored to suit Wimberley's needs.

Councilmember Thurber pointed out that a food establishment may be subject to suspension if its operation constitutes an imminent hazard to public health. It was reiterated that suspension may only occur after investigation by the City, not simply upon filing of the complaint. In response to Councilmember White's inquiry, City Administrator Ferguson explained specific procedures relating to grandfathering of establishments and necessary application forms.

Councilmember Thurber moved to approve the item as presented, with the addition of language in §94.06(a) requiring that the City must investigate complaints before any suspension can occur. Councilmember White seconded. Discussion clarified the City's authority via its "Employee" or "Authorized Agent," including emphasis that the term "Employee" means an employee of the City, not the food establishment's employee. Motion carried on a vote of 4-0.

- B. Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title III (Administration), Section 35.01 (Fee Schedule) of the Code of Ordinances to add Subsections G. and H., to provide for fees related to food establishment inspections and on-site sewage facilities, respectively; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. *(City Administrator)*

City Administrator Ferguson stated the need to adopt fees as part of the City's transition to assume on-site sewage facilities (OSSF) and food inspection duties formerly performed by Hays County.

Councilmember Appleman moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

5. Discussion and Possible Action

- A. Discuss and consider possible action relating to the selection of a firm to prepare a boundary survey for the City of Wimberley. *(City Administrator)*

City Administrator Ferguson stated that the following five firms responded to the City's Request for Qualifications (RFQ):

- Baker-Aicklen & Associates/Cedar Park, Texas
- Pro-Tech Engineering/San Marcos, Texas
- The Schultz Group/New Braunfels, Texas
- Vickrey & Associates/Austin, Texas
- Zamora LLC/Austin, Texas

Submittal review narrowed the field of firms to the following four (4) firms, which were interviewed during the week of December 7, 2009:

- Baker-Aicklen & Associates
- Pro-Tech Engineering

- The Schultz Group
- Zamora LLC

Based on interviews and submittal reviews, City staff recommends the following two (2) firms:

- Baker-Aicklen & Associates
- Pro-Tech Engineering

City Administrator Ferguson suggested scheduling a Council meeting to conduct public interviews and to allow the recommended respondents the opportunity to present their proposals. He proposed a timeframe for meetings and future action. In response to Councilmember Thurber's inquiry, City Administrator Ferguson stated certain criteria for determining the best-qualified respondents and ranking of the two recommended firms.

Councilmember Flocke moved to continue this item and postpone action until January 7, 2010 to allow time for Council to publicly interview the recommended firms. Interviews will be conducted at Council's special meeting at 4:00 p.m. on January 7, 2010, immediately prior to Council's regular meeting at 5:00 p.m. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider action on issues relating to the possible submission of an application for Tier III funding assistance from the Texas Water Development Board for the development of a centralized wastewater system for the downtown Wimberley area. (*City Administrator*)

City Administrator Ferguson reviewed the application process to date and explained specifics of Tier III (Federal) funding in the form of a long-term, low-interest loan, including rates, certain terms, timeframes, and available maximum loan amount. Guadalupe Blanco River Authority (GBRA) and City staff have been working to finalize the application, including the Preliminary Engineering Report (PER) and customer cost analysis. He presented information on alternate Tier II (State) funding and explained key differences. Details of the PER were provided relating to effluent, disposal/discharge options, and collection system routing, along with associated costs of each option.

The Project Implementation Plan was approached in three phases and each phase was presented by City Administrator Ferguson in detail. Various phase options included specifics relating to flows, capacity, service area, plant location, method of effluent disposal, and costs. An interim alternative option involved tapping into Aqua Texas lines that would potentially service property slated for development by W.C. Carson. If this option were implemented, any agreement with Aqua Texas would allow future City wastewater service to former Aqua Texas customers, at such time when the City of Wimberley is in a position to service a larger area through its own plant. He stated that connection/Living Unit Equivalent (LUE) fees and rate control issues pose a challenge to this option. Mr. Ferguson noted that color copies of the PER are available for public viewing at City Hall. He stated that no action is needed at tonight's meeting and cited key decision-making factors,

including customer base and affordability. In response to Councilmember Flocke, City Administrator Ferguson replied that the PER is available for viewing on the City's website.

GBRA Executive Manager of Business Development David Welsch spoke in detail on development of impact fees, explanation of LUE calculations, a "green" alternative application, customer base needed to support debt service, rate structure, costs, and application deadlines. Mr. Welsch presented scenarios based on the number of connections, per unit cost, debt service, deficits, capacity, and spreading out customer costs over time. He emphasized the need to work with City staff in order to develop a clear plan.

Discussion addressed the approximate number of needed LUEs, upcoming meeting(s) schedule, impact of number of participants on interest rate, and differences between Tier II and Tier III funding related to flexibility and reporting requirements. In response to Councilmember Flocke's inquiry about the potential impact on Deer Creek Nursing Center's wastewater rates, Mr. Welsch replied that adjustments were made to scenarios due to its status as an existing customer.

Mayor Haley entertained a motion. Discussion generally agreed to postpone action and continue this item until Council's January 7, 2010 meeting.

In response to Councilmember Appleman's concerns over liability for the loan amount, City Administrator Ferguson replied that the loan will be awarded to GBRA, which will enter into an interlocal agreement with the City. Councilmember Appleman questioned whether customers could sustain the costs of wastewater service and expressed reservations regarding mandatory participation. City Administrator Ferguson outlined the pros and cons of making participation mandatory and acknowledged inherent difficulties with the state of current septic systems, future compliance issues, and need to lessen the impact of significant upfront costs. Brief discussion established that sewer lines can run under water sources such as creeks or rivers, if properly encased.

Councilmember Thurber moved to continue this item until Council's regular meeting on January 7, 2010 and to schedule a joint City Council/Water Wastewater Advisory Board/Economic Development Commission meeting on January 4, 2010.

Andrew Backus conveyed personal experiences dealing with the City of Bee Caves and Lower Colorado River Authority (LCRA) using a "carrot and stick" approach to encourage early sign-up for services or risk future problems associated with limited capacity and higher costs.

Planning and Zoning Commissioner Lila McCall stated City of Bee Caves has a tax base to help underwrite costs and more customers than capacity, which has limited expansion of the system.

Mayor Haley felt that those customers who originally sign up for service typically get a better break than those who sign up later. Water Wastewater Advisory Board (WWAB) member David Estey stated that the Board is currently completing its evaluation process.

Councilmember Flocke seconded Councilmember Thurber's previously stated motion. Motion carried on a vote of 4-0.

- C. Discuss and consider possible action recommending possible routes for the future delivery of supplemental water supplies to the Wimberley Valley to be included in the Texas Water Development Board Region L Five (5) Year Water Plan for South Central Texas. (*City Administrator*)

City Administrator Ferguson provided an overview of water planning areas in general and summarized three proposed routes for possible future water supplies for Wimberley:

- Texas 150 to Wimberley
- From San Marcos Wastewater Treatment Plant wheeled through the City of San Marcos system to Ranch Road 12 to Wimberley
- From San Marcos Water Treatment Plant around the City of San Marcos system to Ranch Road 12 to Wimberley

He stressed these plans are concepts and that selection of any of these options does not obligate any party to proceeding with that option, but merely serves to obtain local input on preferences and to facilitate coordination and funding considerations. He advised that Water Wastewater Advisory Board has reviewed the options and invited WWAB member David Estey to speak. Mr. Estey noted Canyon Lake as a fourth option and stated that the WWAB is committed to being a part of this overall long-range planning effort. He stated that WWAB unanimously recommended acceptance of the options presented by Region L's Water Supply Planning Group. Mayor Haley apologized for not keeping WWAB more involved in this process. City Administrator Ferguson noted that WWAB recommended approval of the routes as presented, with the addition of a Canyon Lake route as an alternate source. Discussion addressed action needed at this time and the feasibility of a Canyon Lake option.

Councilmember Thurber moved to approve the item as presented, with the addition of a Canyon Lake route as a fourth potential option. Councilmember Flocke seconded. Councilmember Appleman felt that future growth and possible impact on rates needs ongoing discussion and consideration. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action authorizing the submission of a letter of endorsement for a grant application to fund Phase 2 of the Cypress Creek Watershed Project. (*Jason Pinchback, Texas River Systems Institute*)

Jason Pinchback asked for the City's support in the form of a letter endorsing the River Systems Institute's application for grant funding to continue the development of a Cypress Creek Watershed Protection Plan. Councilmember Flocke spoke of his past association with the project and stated the importance of protecting the future of the Cypress Creek watershed. Discussion addressed grant specifics such as total available funds and matching funds.

Councilmember Thurber moved to approve the item as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, also known as 211 Stillwater, Wimberley, Texas. (*Mayor Tom Haley*)

Mayor Haley adjourned Open Session and convened into Executive Session at 8:29 p.m. for consultation with legal counsel pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 8:38 p.m. No action was taken during Executive Session.

Councilmember Appleman moved to direct staff to present an offer as discussed in Executive Session for the acquisition of property located at 211 Stillwater, Wimberley, Texas. Councilmember Flocke seconded. Motion carried on a vote of 4-0.

6. City Council Reports

- Announcements
- Future Agenda Items

In order to improve existing Village Water Overlay District ordinance language, Councilmember Appleman distributed copies to Council and asked that suggestions be forwarded to City Administrator Ferguson for later consideration by the Planning and Zoning Commission. In response to Councilmember Flocke's inquiry about the impetus for this request, Councilmember Appleman replied that he felt it is poorly written, contradictory, and needed to be aligned with other septic/wastewater related ordinances. He stated that landscaping requirements also need reviewing, as well as wording in general. In response to Mayor Haley's inquiry, Councilmember Appleman replied that he would like this issue to be placed on a future Council agenda in order to request Planning and Zoning review and recommendation.

Councilmember Appleman requested that Council's January 7, 2010 meeting be moved to either a different day (possibly January 6th) or at an earlier time on January 7th due to a BCS National Championship football game. Discussion reached agreement to meet at 4:00 p.m. on January 7, 2010.

Due to the recent sale of the former Cypress Creek Café to new owners, Councilmember Thurber requested discussion of the City's leased downtown parking space and possible future parking options.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:45 p.m.

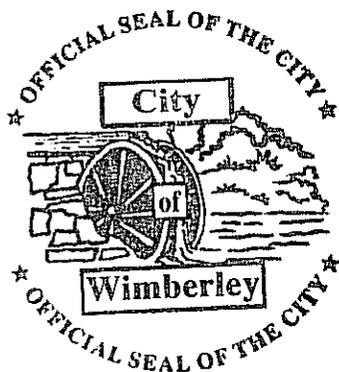
Adjournment: Council meeting adjourned at 8:45 p.m.

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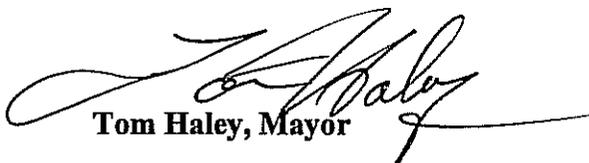


Cara McPartland

These minutes approved on the 7th of January, 2010.



APPROVED:



Tom Haley, Mayor

To: City Council, City of Wimberley
From: Curt Busk, President River Meadows POA
Re: City Long Range Planning

Dec 15, 2009

Gentlemen,

I am sorry that I must miss the Council meeting of Dec. 17 but the holiday season is preventing me from appearing in person to represent River Meadows subdivision during your discussion of the Wimberley Transportation Master Plan. In my absence, please accept this letter as public input regarding our feelings on the Plan.

I have been charged by the River Meadows POA members to let you know that we strenuously oppose any City incursion into our subdivision. By unanimous vote, I was instructed at our POA meeting in October 2009 to advise you that:

- 1) On the matter before you this evening, the Transportation Advisory Board Plan (TAB) proposes placing a new connector road between River Road and Wayside (Location 6). We strenuously oppose any such plan or move by the City in as much as it will most likely target one of our roads as a location basis. We do not see any reason a connector will ever be needed in this area of the City unless you also plan on either closing River Road in front of 7-A Ranch----one of our greatest tourist attractions and a very bad idea---or building a flood proof bridge over the Blanco across from our subdivision ---- which would open River Road to considerable traffic potential from all the undeveloped land south of us. Seeing neither of these actions in the Plan we are baffled by the need for a new connector road as our area is essentially built out. There are no traffic volume issues on River Road at this time and cannot be in the foreseeable future as there is no way to add substantial additional traffic. Planning to put a connector as depicted in the TAB plan is a lot like planning to put a connector between old Kyle Road and New Kyle Road through the Wimberley Players parking lot.

Planning and Zoning passed the TAB Plan last week after modifications including removing Location 6 from the Plan and we urge you to do likewise.

- 2) We had another vigorous discussion regarding relocating our flood road to the end of Leach Lane. For many reasons brought up during the discussion we are looking at this issue again and have formed a committee to bring the POA a solution by April, 2010. We recognize the need for an emergency access road into our area of town during flood events and are committed to resolve this issue ourselves. We do not want the City involved in building/rebuilding any of our road(s) as called for in the Emergency Access Plan adopted last fall. We ask that you modify of Emergency Access Plan this evening to reflect our commitment to resolve this issue and insure emergency access between River Road and Wayside in the area of our subdivision. Perhaps using the "bubble" concept, developed by TAB, to indicate where this road is to be located is the appropriate approach to define this need in the Long Term Plan.

This approach will allow all references to Leach Lane as the only appropriate route to solve the problem to be removed from the Plan and we urge you make this slight modification this evening.

Also, as a general comment (mine, not from the POA meeting) it would go a long way toward de-sensitizing the town to this plan if there is a statement somewhere in it to the effect that "it is not the intention of the City to take over private roads to further this plan".

Thanks you in advance for your attention to our requests and for all the service you have donated to the City over the years.

Regards,

C. Busk
President, River Meadows POA

Don Ferguson

From: Tom Haley [thaley104@hotmail.com]
Sent: Thursday, December 17, 2009 1:30 PM
To: don ferguson
Subject: FW: Future Water Supply Needs - Wimberley Valley

From: JRMcMeans@msn.com
To: rflocke@austin.rr.com; thurbercpa@txwinet.com; thaley104@hotmail.com
CC: dunthaat@austin.rr.com; bhpulley@yahoo.com; lizsumter@co.hays.tx.us
Subject: Future Water Supply Needs - Wimberley Valley
Date: Wed, 16 Dec 2009 21:15:10 -0600

I am writing this note in response to the item to be discussed/considered for action by the Wimberley City Council on 12/19 regarding future water supply needs for the Wimberley Valley. This item seems to have come to the surface very quickly (as far as the public is concerned) and has not been discussed in a public forum where citizen input can be presented. I suggest you should consider the following:

1. The majority of citizens in Wimberley and western Hays County want to maintain a rural, low-density lifestyle.
2. Most citizens believe that high density, urban development should be located along the the IH 35 and Hwy 290 corridors where transportation and utility infrastructure is in place.
3. The supply concepts noted in the City Council briefing indicate long-term water needs growing 400% which implies that the future water supply would be used to promote growth within the rural areas of Hays County.
4. The cost of water supplied by a pipeline from the San Marcos area would dramatically increase the cost of water to established utility customers.
5. Current elected officials have said that the future imported water should only be used to replace groundwater supply within existing public distribution systems. Is this a practical and legal concept and is is enforceable??
6. Is their really a long-term, renewable contract for supplemental water available to the Wimberley Valley??

I suggest that before you support a move to bring supplemental water to the Wimberley Valley, you should hold a series of public forums to explore the implications this would have for the future of the Valley. As we all know from past experience, new roads, water, and sewer mean new growth. You need to determine what the citizens of this Valley want for their future before you commit to a planning process that says unchecked growth and urban style development is that future.

Thank you. Jim McMeans 847-6578

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December 16, 2009

Distributed at Council Meeting
Re: Agenda Item 5D
December 17, 2009

Deborah Burkett Brown
PO Box 13087
MC – 182
Austin, TX 78711-3087

RE: support letter for River Systems Institute's grant application

Dear Ms. Brown:

I am writing on behalf of the _____ in support of the grant proposal, *Cypress Creek Watershed Protection Plan*, submitted by the River Systems Institute at Texas State University – San Marcos.

The Cypress Creek watershed in Hays County is a unique spring-fed ecosystem under escalating burdens from a variety of sources, including urban growth and increasing demands on groundwater. In fact, Hays County is listed as the 31st fastest growing county in the United States. Furthermore, groundwater withdrawals from the Middle Trinity Aquifer have recently reduced or stopped the flow in Jacob's Well – the main source of water in Cypress Creek. The effects of urban development and groundwater withdrawals on spring flows and surface water quality must seriously be considered when planning for the future of the watershed, the City of Wimberley, and the surrounding communities.

Since water quantity and quality concerns cross multi-agency jurisdictions, they are best managed through a cooperative effort with multiple partnerships. In addition, these efforts are best coordinated through comprehensive watershed management strategies. This is precisely why our organization fully supports the River Systems Institute's efforts in the development of a Cypress Creek Watershed Protection Plan.

When possible, _____ will be able to provide support to the grant through in-kind donations, technical/coordination assistance, meeting space, staff time, and other means available to this organization.

This work is invaluable in ensuring the prosperity of the community and we urge you to fully support the grant application.

Sincerely,