

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 April 3, 2014 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

Mayor Pro-tem White gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Bob Flocke, Councilmembers Tom Talcott, Matt Meeks, Steve Thurber, and John White. Councilmember Mac McCullough was absent.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

Proclamations

- A. Proclamation of the City Council of the City of Wimberley, Texas, proclaiming April 2014 as Child Abuse Prevention and Awareness Month.
- B. Proclamation of the City Council of the City of Wimberley, Texas, proclaiming April 2014 as Sexual Assault Awareness and Prevention Month.

Mayor Flocke spoke on the importance of these issues to the community, read the proclamations, and presented them to representatives Garrie Borden and Julie Ramsay New of Hays Caldwell Women's Center and the Greater San Marcos Youth Council, respectively. Ms. Ramsay New and Ms. Borden thanked Council and emphasized community involvement and education as effective ways to raise public awareness and help prevent abuse and assaults.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of March 20, 2014
- B. Approval of minutes of the Special City Council meeting of March 27, 2014

Councilmember Thurber moved to approve Consent Agenda Items, as presented. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

2. City Administrator Report

- Status report on the proposed development of a cell tower facility on the site of the Wimberley Post Office

City Administrator Ferguson reported on the proposed one-hundred foot cell tower, concerns expressed to American Tower on the impact to area scenic vistas, assistance requested from elected representatives, and the City's lack of regulatory authority to prevent the tower's construction on federally-owned/leased property. He encouraged attendance at a public meeting scheduled to be held by American Tower on April 22, 2014 from 6 to 8 p.m. at the Wimberley Community Center in order to hear comments and concerns from the community.

- Status report on drought conditions in the Wimberley Valley

City Administrator Ferguson presented statistics on rainfall deficits, drought monitoring, and conservation efforts by water providers. He stressed the importance of conservation, careful monitoring, and continued drought management planning.

- Status report on the October 2013 flood recovery efforts in the City of Wimberley

City Administrator Ferguson reported on the conclusion of FEMA's assessment process and anticipated funding/reimbursement for certain flood damage-related projects, including selected dredging work.

- Status report on preparations for the May 10, 2014 City of Wimberley General and Special Elections

City Administrator Ferguson reported that an informational public meeting on the Special Bond Election is planned for the week of April 14th at the Wimberley Community Center. He noted that updated Bond Election information is available on the City's website and that election notices are to be published in both local newspapers (*Wimberley View and News-Dispatch*). He provided information on voting/early voting dates/times at the Wimberley Community Center and voting equipment testing.

- Status report on the replanting of trees on the Wimberley Square

City Administrator Ferguson reported on the three trees that need replanting, possible causes for failure of the trees to thrive, anticipated work schedule, and efforts to minimize impact to traffic and area businesses during replanting. Discussion addressed estimated replanting costs and Council's approval of those costs.

In addition, City Administrator Ferguson reported the Draft Environmental Information Document (EID) for the proposed City of Wimberley Wastewater Collection and Treatment System has been issued, with a public hearing scheduled for May 5, 2014 at 6 p.m. at the Wimberley Community Center. He noted that copies are available for viewing at City Hall, the Wimberley Village Library, and the Wimberley Community Center.

Relating to a recent inquiry on the City's expenditures for legal fees associated with Mill Race Lane litigation, City Administrator Ferguson responded that the City has to date spent approximately \$26,000 over a two-year period. Discussion addressed budgeting for the upcoming tree replanting on the Square and Council's approval process.

3. Presentations

- A. Presentation regarding the proposed watershed protection plan for the Cypress Creek.
(*Cypress Creek Watershed Protection Plan Stakeholder Committee*)

Cypress Creek Watershed Protection Plan Stakeholder Committee (CCWPPSC) Chair Scott Johnson presented the CCWPPSC's purpose and plan development process. He noted key phases of the Cypress Creek Watershed Protection Plan (CCWPP), including ground/source water protection strategies to preserve flows, and provided a timeframe for CCWPP implementation and the ongoing review process. He introduced Matt Heineman, who has been appointed Interim Coordinator for the CCWPP's implementation.

Matt Heineman distributed informational handouts, recognized contributors to the CCWPP's development, summarized the CCWPPSC's background, and provided supporting science for the CCWPP's recommendations. He highlighted statistics related to water quality; non-point source pollution; data trends; bacteria levels; importance of maintaining flow; impact of increased groundwater pumping on flows; funding options; and associated studies/strategies/practices to help preserve and improve water quality/flow; and to mitigate damage from storm events. He noted the CCWPP's use as a management tool and hoped that its implementation fulfills the CCWPPSC's stated goal to keep Cypress Creek clean, clear and flowing.

- B. Presentation by representatives of the Pedernales Electric Cooperative (PEC) regarding planned improvements to the electrical transmission line in the Wimberley area.
(*Pedernales Electric Cooperative*)

PEC Vice-President of Engineering and Energy Innovations Brad Hicks provided a project overview, including project and overall objectives, major issues of concern, project history, easement issues, temporary versus long-term solutions, need for line upgrade, and past problems with lack of communication among PEC representatives and affected property owners.

Mr. Hicks provided details on the planned improvements to upgrade the existing 69kV transmission line capacity to 138kV; limited options in the event of transmission line failure; increased loads and associated line losses; distribution feeders; updated table showing capacities; loads/load transfers to other areas; available capacities; consequences of line overload; and projected load growth. He provided an overview of area transmission sources, project objectives/goals, and current efforts to arrive at a solution agreeable to all parties. Mr. Hicks stated that a community meeting is scheduled for May 14, 2014 from 5:30 p.m. to 9:00 p.m. at the Wimberley Community Center, which will be an open forum to address concerns and answer questions.

Discussion addressed the planning process, project timeframe, encroachment/easement issues, and cost difference between overhead versus underground lines.

Mike Williams spoke of his recent communications with PEC representatives, PEC's prior expenditures on underground lines and substations, and line routing. He asked if the City could help form a task force on the improvement project to work out issues such as aesthetic

considerations. He looked forward to meeting with Mr. Hicks and expressed appreciation for community involvement.

Nan Perkins expressed concerns over placement of the proposed lines and responsiveness of PEC to the community's input. She was pleased that PEC representatives were present and recognized the problem of making 138kV lines aesthetically appealing.

Janette Barlow spoke on PEC's history in dealing with the community and differing statements made by PEC representatives about the project. She cited PEC's past treatment of property owners and hoped that Mr. Hicks could prove to be a reliable point of contact for the project. She said that "we need to know that what we care about matters." She referenced the City's Comprehensive Plan's mission/vision statements and felt that there will have to be strong decision-making and "give and take on the part of all of us." She hoped PEC would be wiser in spending co-op money and looked forward to working with Mr. Hicks.

Barbara Clayton expressed concerns about the proliferation of tower structures as unacceptable in an area where she has deep roots and hopes to stay for a long time. She feared that towers will lower her property's value and acknowledged likely growth, but stated she did not want to live anywhere else. She favored a higher electric bill rather than have her property value decline due to large utility poles/lines.

Frank "Butch" Watts asked if PEC is willing to work individually with each person affected by the proposed improvements. Mr. Watts stated the line upgrade would encroach upon his driveway and front yard, with portions of the line running directly over part of his house. He stated the value and functionality of his house would be ruined by the improvement project.

PEC's Brad Hicks stated that his goal is to work one-on-one with property owners on encroachment issues, in the hopes of avoiding the need to acquire a Certificate of Convenience and Necessity (CCN). Discussion between Mr. Hicks and Mr. Watts established the need for a case-by-case analysis to resolve line placement questions with affected property owners.

Susan Cook asked Mr. Hicks whether PEC has been willing in the past to pay fair market value to buy out certain property owners (as opposing to exercising powers of eminent domain). Mr. Hicks advised that such a decision would have to be approved by PEC's Board.

Discussion addressed prior line upgrades along Ranch Road 12, different types/sizes of poles and materials, past problems with lack of communication, temporary versus long-term solutions for reliable power, possible line locations, line loads, load shifting, and importance of continued communications with property owners, including the scheduling of public meetings.

Mayor Flocke thanked Mr. Hicks for his presentation and City Administrator Ferguson offered the use of City Hall for public meetings on this issue.

Mayor Flocke made an announcement regarding Council candidate(s) present at tonight's meeting and introduced Place Two candidate Mary Kathryn Brown.

4. Public Hearing and Possible Action

Hold a public hearing and consider approval of an application for the replat of Lots 29 and 30 of the Hilltop Subdivision with a 4.76 acre portion of an adjoining property, establishing Lot 29-A and Lot 30-A, Hilltop Subdivision located in Wimberley, Hays County, Texas, and a requested variance from Section 154.063(D)(1) relating to the requirement that lots have frontage on a usable dedicated public road right-of-way. (*GFJ Paradise Ranch Limited, Applicant*)

City Administrator Ferguson recommended approval of the proposed replat which will create Lot 30-A (10.07 acres) and Lot 29-A (7.39 acres) for residential use. He noted that rezoning is not required, since both newly created lots exceed the five-acre minimum lot size required for the subject property's current Residential Acreage (RA) zoning designation. He stated that the lots created by the proposed subdivision will obtain water supply from private wells and wastewater service will be provided by on-site sewerage facilities.

City Administrator Ferguson advised that the applicant is also seeking a variance from Section 154.063(D)(1) which requires lots to have frontage on a usable dedicated public road right-of-way. It was noted that the newly created lots will have frontage on a dedicated private road easement that guarantees access to the subject lots. He provided historical information on the subject property's zoning/subdivision and advised that the Planning and Zoning Commission unanimously recommended approval of the proposed replat and requested variance at its March 27th meeting.

Councilmember Talcott moved to approve the replat and requested variance, as presented. Councilmember Thurber seconded. There was brief discussion of the dedicated private road easement providing access to the subject property. Motion carried on a vote of 4-0.

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding the Pedernales Electric Cooperative's plans to improve the electrical transmission line in the Wimberley area. (*Pedernales Electric Cooperative*)

No discussion or action was taken on this item.

- B. Discuss and consider possible action regarding a request from the Scudder Primary School P-T-A to waive the City of Wimberley building permit fees relating to the planned construction of a pergola on the school campus. (*City Administrator*)

City Administrator Ferguson stated that the estimated building permit fees for the subject project total \$91.40. He noted that the P-T-A would still be responsible for funding any costs incurred by the City for plan reviews and inspections. He advised that State law allows Council to waive the permit fees for projects that serve a public purpose.

Councilmember Thurber moved to waive the building permit fees, with the understanding that the project will serve a public purpose and that the P-T-A will be responsible for any plan review and inspection fees associated with the subject project. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

C. Discuss and consider possible action regarding the proposed designation of a Wimberley Cultural District. (*City Administrator*)

City Administrator Ferguson explained cultural districts as special zones defined by State law and introduced Wimberley Chamber of Commerce Co-Director Cathy Moreman, who intends to submit an application to the Texas Commission on the Arts (TCA) seeking the designation of a Wimberley Cultural District. He stated that as part of the application, evidence must be submitted showing local government support of the proposed designation. He noted that such support, if approved by Council, does not obligate the City to provide funding for the proposed district.

Mayor Flocke disclosed that he has composed a letter of support, which he will provide to Ms. Moreman, should Council approve. City Administrator Ferguson advised that a resolution would be required, should Council approve support for the designation.

Ms. Moreman spoke of a recent generous donation, remodeling of the Visitor's Center, and formation of the Wimberley Valley Arts and Cultural Alliance. She explained the purpose of cultural districts, cited examples of existing districts, and the need for the City's support.

Discussion addressed participation by Wimberley Institute of Cultures, upcoming events (including the "Bootiful Wimberley" project), funding sources for arts-related events, and the positive aspects of getting diverse arts and cultural groups to work together to promote Wimberley as an arts destination.

Councilmember Thurber moved to approve a resolution in support of the designation of a Wimberley Cultural District. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

D. Discuss and consider possible action regarding a request to place directional signage in the City right-of-way for the upcoming 2014 Wimberley Arts Fest. (*City Administrator*)

City Administrator Ferguson recommended approval of the request to install small directional signage at certain key locations to help guide festival-goers to the Blue Hole Regional Park grounds, where Arts Fest will be held. It was noted the signage will be set out the night before the event and picked up at the conclusion of the festival.

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

6. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson announced that Councilmember McCullough's absence at tonight's meeting was due to injuries received from a traffic accident earlier today and that he is at home recovering. He conveyed Councilmember McCullough's regrets for being unable to attend tonight's meeting.

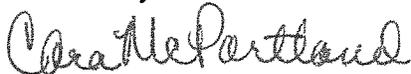
Councilmember Talcott requested discussion of citations given to truck drivers who live in Wimberley for truck route violations. He felt that those drivers should be able to get gas in Wimberley without being cited. City Administrator Ferguson stated that no local drivers have been cited for truck route violations.

Referencing Mike Williams' earlier comments during Agenda Item 3B, Councilmember Meeks requested discussion of formation of a task force for the PEC improvement project.

Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

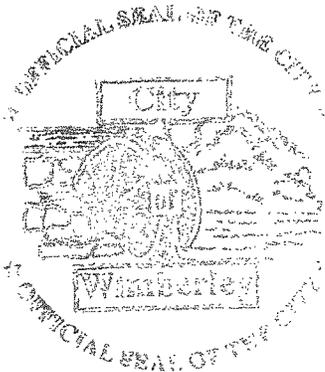
Adjournment: Council meeting adjourned at 8:10 p.m.

Recorded by:

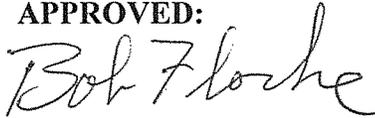


Cara McPartland

These minutes approved on the 17th of April, 2014.



APPROVED:



Bob Flocke, Mayor