

**City of Wimberley**  
 City Hall  
 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
 April 4, 2013 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Pro-tem John White.

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

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

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

### **Citizens Communications**

Downtown merchant Beverly Pearman thanked everyone involved in the Ranch Road 12/Old Kyle Road Improvement Project, including City Council, City staff, and Capital Excavation's management/employees. She felt this project exemplified Wimberley's ability to pull together to achieve an awesome finished product.

Downtown merchant Sarah Barlow expressed appreciation for the diligence of Capital Excavation and City staff throughout the project and relayed positive comments received from visitors on the improvements.

Wimberley Water Supply Corporation Board member Scott Johnson spoke on the Board's recently implemented Stage 2 water restrictions. He encouraged voluntary conservation by all users in order to reduce pumpage and to avoid triggering Stage 3 restrictions.

### **1. Consent Agenda**

- A. Approval of the minutes of the Regular City Council meeting of March 21, 2013
- B. Approval of the minutes of the Special City Council meeting of March 21, 2013
- C. Approval of the appointment of Mary Kate Brown to the City of Wimberley Water and Wastewater Advisory Board (*Place Three Councilmember Matt Meeks nominee*)

Councilmember Talcott moved to approve all Consent Agenda items, as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

### **2. City Administrator Report**

- Status report on the Ace Hardware store reconstruction

City Administrator Ferguson reported that a joint City Council/Planning and Zoning Commission meeting is planned for April 12, 2013 at 5:30 p.m., in order to expedite the zoning/permitting process and to help the store owner rebuild as quickly as possible.

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported on upcoming dye testing to help identify leaking septic systems in the downtown area. He asked for feedback from the public on any observations of fluorescent dye in waterways.

- Status report on the development and operation of the Blue Hole Regional Park

City Administrator Ferguson reported on the Concert in the Park series to be held every Friday night in April. He reported that preparations are underway for the Friends of Blue Hole annual Concerts for the Park fundraising event scheduled for June 7-9, 2013.

- Status report on the operation of the Wimberley Municipal Wastewater Treatment Plant

City Administrator Ferguson reported that a new water meter has been installed for Deer Creek Nursing Center and that the plant is operating well within permit limits.

- Status report on the Ranch Road 12/Old Kyle Road Improvement Project

City Administrator Ferguson commended the downtown merchants' patience and support and apologized for any inconvenience caused by the project. He reported on final steps in the construction process, including anticipated budget amendments, as well as plans to celebrate successful project completion.

- Status report on 2013 Wimberley Arts Fest

Due to the growth of this event, City Administrator Ferguson reported that Arts Fest is being expanded from one to two days and will be held at the Blue Hole Regional Park on April 27-28, 2013. He provided details on art- and music-related activities, as well as plans by downtown merchants to extend their evening hours.

- Status report on the proposed installation of a cellular telephone tower in the area of Ranch Road 12 and Winters Mill Parkway

City Administrator Ferguson reported on plans to construct a one hundred twenty-foot tall cellular tower utilizing a cross design to be located on property owned by Wimberley First Baptist Church, outside of Wimberley city limits, and inside the City of Woodcreek's extra territorial jurisdiction (ETJ). Skyline Ranch Estates Property Owners Association's representatives have expressed concerns to Wimberley First Baptist Church officials regarding the proposed tower, however, church officials stated there are no plans to change the tower's design. City Administrator Ferguson asked for input from Council on this issue, specifically, if

Council desires a future agenda item to consider and state its position on the proposed tower in the form of a resolution.

- Status report on traffic safety concerns on FM 1492

City Administrator Ferguson cited implementation of increased enforcement efforts in response to recent speed study results.

City Administrator Ferguson added that the City just received notification from State Representative Jason Isaac's office that Representative Isaac has participated in the filing of legislation to approve a Municipal Utility District (MUD) for the large tract of property formerly known as the O'Quinn Ranch. This filing came despite prior assurances from Representative Isaac's office that such legislation would not be filed without full support from the City of Wimberley and Hays County. City Administrator Ferguson reported on the proposed MUD's boundaries and certain aspects of the legislation, which if approved, increase the potential for detrimental development that would not be subject to City regulations. He cited particular protocol concerns regarding the filing of this bill, which occurred without any prior consultation with local government officials, despite its possible negative impact. He asked for Council's input on this issue, including whether Council desires to express its position on the proposed MUD legislation in the form of a resolution.

There was brief discussion of newly planted trees that were included in the Ranch Road 12/Old Kyle Road Improvement Project.

### **3. Resolution**

Consider approval of a resolution of the City Council of the City of Wimberley, Texas supporting approval of a Hays County-Texas Department of Transportation Partnership Program for Hays County roadway projects. (*City Administrator*)

City Administrator Ferguson recommended approval of the partnership agreement proposed by Hays County Precinct Three Commissioner Will Conley and the impact of specific roadway projects on Wimberley, including Ranch Road 12 shoulder improvements and changes to FM 150. He noted that the City would incur no costs, should the program be approved.

Councilmember Thurber moved to approve the item, as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

### **4. Public Hearing and Consider Action**

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, designating geographic boundaries for a particular zoning district and classification for 0.56 acres of property located at 400 River Road, Wimberley, Hays County, Texas, designating such property as a Wimberley Planned Development District (WPDD) with a base zoning district of Village Inn (VI); and providing for the following: delineation on

zoning map; findings of fact; severability; effective date and proper notice and meeting.  
(*Purple Crown Investments, Applicant*)

City Administrator Ferguson reviewed the subject property's location, planning area, current/proposed zoning and uses, and pre-existing, non-conforming structure. The applicant proposes to purchase the property and remodel the existing building into a lodging facility with twelve (12) rooms. The footprint of the existing building will not be enlarged upon or extended. All standards and requirements of the VI zoning district and other applicable ordinances will apply, except for the following requested variances from the building size, room number, and setback requirements:

- Recognize and allow the pre-existing, non-conforming building size
- Allow twelve (12) sleeping rooms (two more rooms than are normally allowed on VI-zoned properties)
- Allow reduction in the size of the required front yard setback from thirty (30) feet to fifteen (15) feet to accommodate the required number of off-street parking spaces

City Administrator Ferguson detailed the Concept Plan, which features a 337-square foot pool, twelve (12) parking spaces, one (1) screened dumpster location, and one (1) monument sign, not to exceed thirty-two (32) square feet in size and ten (10) feet in height. The proposed development will have a water quality detention pond, along with a privacy wall, not to exceed seven (7) feet in height, between the parking lot and pool area. Water/wastewater will be provided by Wimberley Water Supply Corporation and properly permitted on-site sewage facilities (OSSF), respectively. Maximum build-out impervious cover and building coverage are below the maximum coverage requirements for VI-zoned properties. One adjacent property owner called to express concerns regarding the zoning request, and opposed any future commercial development on River Road and in other parts of the community. City Administrator Ferguson advised that the Planning & Zoning Commission unanimously recommended approval of the proposed WPDD with base VI zoning, as presented, at its meeting on March 28, 2013.

Mayor Pro-tem White opened the public hearing.

Applicant's representative Albert Valera expressed his commitment to be a "good neighbor" to the community and offered to answer questions.

Discussion addressed possible wash-out of decomposed granite surfacing for the parking area and intended use(s) of the subject property.

Hearing no further comments, Mayor Pro-tem White closed the public hearing.

Councilmember McCullough moved to recommend approval of the item, as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

## 5. Discussion and Possible Action

- A. Discuss and consider research conducted relating to the proposed development of a wastewater system to serve central Wimberley. (*Place Two Councilmember Mac McCullough; this item is posted for discussion only*)

Councilmember McCullough presented research materials spanning several decades to date on efforts to develop and fund centralized wastewater service to the downtown area, including highlights of previous reports from various sources such as Guadalupe Blanco River Authority (GBRA), Black and Veatch, Alan Plummer Associates, and Water Resources Management, LLC. Based on his historical research, Councilmember McCullough felt that claims of inadequate study of this issue are unfounded and felt comfortable with moving forward on wastewater system development. No action was taken.

- B. Discuss and consider possible action regarding a recommendation from the City of Wimberley Water and Wastewater Advisor Board relating to the designation of a preferred option for the provision of wastewater service to serve central Wimberley. (*City Administrator*)

City Administrator Ferguson reported that after holding two meetings to discuss and consider this issue, the Water and Wastewater Advisory Board (WWAB) voted 4-1 on March 27, 2013 to recommend Option #4 as the preferred option for the provision of wastewater service to central Wimberley. He summarized Option #4, which involves the expansion of the City's existing wastewater treatment plant to 75,000 gallons per day and reuses effluent for Blue Hole Regional Park irrigation. He advised that the WWAB will hold future discussions on system funding alternatives.

WWAB Chair David Estey provided reasoning for recommending Option #4 as the best long-term choice for the citizens of Wimberley, based on cost-effectiveness and the ability of the City to maintain control over meeting its future wastewater needs.

Wimberley resident Gail Pigg felt it "anti-climactic" that the WWAB recommended Option #4 after it was previously approved by Council and submitted as the preferred option in the City's loan application to the Texas Water Development Board (TWDB). She did not feel that public input received at two February community meetings relating to concerns about water quality, affordability, and discharge was properly addressed. Ms. Pigg expressed concerns that under Option #4, the existing plant would ultimately expand beyond the stated 75,000 gallon per day capacity and that discharge would occur "all the time."

Councilmember Thurber disputed Ms. Pigg's statement regarding public concerns by citing Option #4 as a selection that is cost-effective, and contains additional storage capacity, which only if surpassed, would necessitate discharge of high quality effluent that exceeds TCEQ standards. He welcomed any suggestions for better environmental/economical solutions.

Councilmember Thurber moved to accept the WWAB's recommendation of Option #4 as the preferred option for the provision of wastewater service to central Wimberley.

Mayor Pro-tem White favored a solution that would not bankrupt affected property/business owners and exempt those who have working septic systems until such time that their systems fail. City Administrator Ferguson noted that current discussions of Public Improvement District (PID) formation are addressing accommodations for those who have made significant investments in their septic systems.

Mayor Pro-tem White restated Councilmember Thurber's motion to accept the WWAB's recommendation of Option #4 as the preferred option for the provision of wastewater service to central Wimberley. Councilmember McCullough seconded.

Councilmember Talcott felt that WWAB's consideration and recommendation should have occurred before Council action, and that public input indicated opposition to city-wide ad valorem taxation and the plant's location at Blue Hole Regional Park. He stated that the issue of Blue Hole Park irrigation has overshadowed the issue of wastewater service for central Wimberley. He appreciated WWAB's recommendation, but felt it did not have a bearing on current discussions because Council already designated Option #4 as the preferred option.

Discussion addressed:

- Roles and involvement of the WWAB and Wimberley Central Improvement Association (WCIA) in the process to find a solution to provide wastewater service to central Wimberley
- Significant number of studies and reports to date on various plant/treatment options
- Preventing pollution of area waterways as the top priority
- Removal of Blue Hole Regional Park irrigation as a component of options for wastewater service

Councilmember Thurber called the question.

City Administrator Ferguson stated that WWAB's recommendation was not influenced as a result of Council's prior action and resulted from two fair and open meetings, where extensive discussions were held on all available options.

Mayor Pro-tem White felt that Blue Hole Park irrigation is the driving force for selection of Option #4 and that acceptance of WWAB's recommendation leaves no room for consideration of other options. He favored exempting certain property owners who have spent significant amounts on their septic systems from mandatory connection, until such time that their systems fail. He stated that seeking a very expensive solution or doing nothing are not acceptable options and that specific leaking septic systems must first be identified.

After discussion of whether or not to proceed with voting on this item and specific motion wording, Mayor Pro-tem White called for a vote on Councilmember Thurber's aforementioned motion, as follows: Mayor Pro-tem White, nay; Councilmember Thurber, aye; Councilmember Meeks, nay; Councilmember McCullough, aye; Councilmember Talcott, nay. Motion failed on a vote of 2-3.

- C. Discuss and consider possible action regarding a proposal to separate the Blue Hole Regional Park effluent irrigation plan from future discussions relating to the development of a wastewater system to serve central Wimberley. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott favored waiting on water quality testing results that may help identify failing downtown septic systems. He did not want Blue Hole Park irrigation to trump the primary issue of waterway pollution or influence the selection of wastewater option(s).

Discussion addressed:

- Need for effluent disposal
- Extent of expansion of the existing plant at Blue Hole Park
- Prior studies of proposed plant location(s)
- Cost of sending effluent to another location (other than to Blue Hole Park)
- Having to pump groundwater for Blue Hole Park irrigation, should effluent not be used
- Suggestion to not water Blue Hole Park as an option
- Effect of not irrigating Blue Hole Park and its possible impact on the Park's revenue generation
- Effluent as a valuable commodity
- Most economical, efficient means of effluent reuse
- Environmental protection as priority issue
- Difficulties associated with identifying specific problem septic systems
- Concentration of too many individual septic systems in the downtown area and inability of those systems to comply under current regulations
- Importance of central businesses to local tourism-based economy and negative effect of failing downtown septic systems on existing and possible future economic development
- Deferring connection to a centralized wastewater system for certain property owners who have expended considerable amounts on their septic systems

After discussion of motion wording, Councilmember Talcott moved to affirm environmental protection as the primary issue in the provision of central Wimberley wastewater service and remove Blue Hole Park irrigation as a priority in resolving this issue. Councilmember Meeks seconded.

Discussion included the need to respond to public perception that Blue Hole Park irrigation is the driving force for consideration of options by emphasizing environmental protection as the primary purpose of providing central wastewater service.

Gail Pigg felt that if Council's intent is to remove Option #4 from consideration by separating the issue of Blue Hole Park irrigation from option selection discussions, the motion should reflect that intent.

WWAB Chair David Estey favored looking at all available alternatives for reuse of effluent as part of an overall solution to environmental concerns. He cautioned against allowing continued pollution to negatively impact the local economy and property values. As an environmentally

and economically viable option, Mr. Estey did not favor taking discussion of effluent reuse for Blue Hole Park irrigation off the table. He stated that the WWAB is willing to help solve urgent environmental problems and encouraged Council to stop delaying action.

After considerable discussion on the intent and meaning of motion wording, possible motion withdrawal, or continuance of this item, Councilmember Talcott's motion was clarified as follows: The City reaffirms its position that protecting the environment is the top priority issue in bringing wastewater service to central Wimberley. Councilmember Meeks seconded the motion, as clarified.

Subsequent discussion addressed the expediency of separating Blue Hole Park irrigation from future wastewater discussions, given the costs associated with sending effluent to more distant locations.

After further discussion of procedural matters, Mayor Pro-tem White stated that Councilmember Talcott's motion was withdrawn and that this item will be continued on a future agenda. No vote was taken.

- D. Discuss and consider possible action regarding a request for a variance from the City of Wimberley's regulations for on-site sewage facilities relating to a proposed lodging facility at 400 River Road, Wimberley, Hays County, Texas. (*City Administrator*)

City Administrator Ferguson explained that the variance is requested because the proposed facility would need to be built on a lot at least 2.05 acres in size to meet minimum lot size requirements, which were originally developed by Hays County to control growth and density, and adopted by the City three years ago when the City assumed responsibility from the County for permitting septic systems inside city limits. It was noted that an engineered aerobic drip irrigation septic system has been designed for the proposed lodging facility that complies with all City and State design and treatment standards.

Councilmember McCullough moved to approve the item, as presented. Councilmember Thurber seconded.

Discussion addressed outdated lot size regulations, possible future mandatory connection to an available wastewater provider, and the high cost quoted to the applicant (approximately \$100,000) for connection to Aqua Texas.

Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding a request to place directional signage in the City right-of-way for the upcoming 2013 Wimberley Arts Fest. (*City Administrator*)

City Administrator Ferguson recommended approval of the request by organizers to place small directional signs at certain key locations the night before the event, which would be removed at the conclusion of the event.

Councilmember Talcott moved to approve the item, as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

## 6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item for Council's next special meeting (scheduled for April 12, 2013 at 5:30 p.m.), Councilmember Thurber requested discussion and possible action on the aforementioned recently introduced legislation proposing to create a MUD for property formerly known as the O'Quinn Ranch.

As a future agenda item, Councilmember White requested discussion of Council's ability to modify its preferred option (Option #4) as stated in the City's previously submitted TWDB application for central septic system planning and design funding.

City Administrator Ferguson anticipated a response from the TWDB on the City's loan application by April 18, 2013.

Hearing no further announcements or future agenda items, Mayor Pro-tem White called the meeting adjourned.

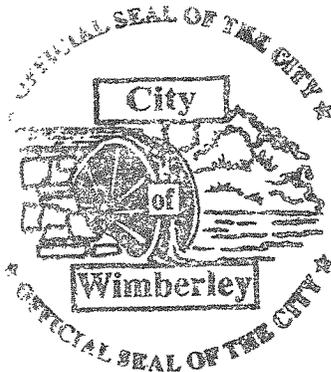
**Adjournment:** Council meeting adjourned at 8:20 p.m.

Recorded by:

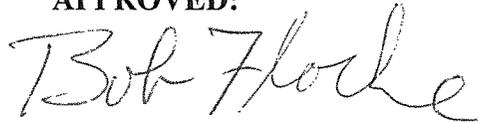


Cara McPartland

These minutes approved on the 18<sup>th</sup> of April, 2013.



**APPROVED:**



**Bob Flocke, Mayor**