

**City of Wimberley**  
 City Hall  
 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
 August 6, 2015 at 6:00 p.m.

City Council meeting called to order at 6:02 p.m. by Mayor Steve Thurber.

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

Councilmembers Present: Mayor Steve Thurber, Councilmembers Bob Dussler, Mac McCullough, and John White. Councilmembers Cindy Anderson and Pam Showalter were absent.

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

### **Citizens Communications**

Janette Barlow expressed concerns related to the Pedernales Electric Cooperative (PEC) line improvement project, which she felt may result in a potential catastrophe, particularly for owners of small properties. She said there is a huge variance in the size of easements and that property owners are being given conflicting information from PEC employees on the project. She referenced Page 14 of the City's Comprehensive Plan (IV)(D)(4), which states: "The City should encourage burying utility lines wherever significant upgrades are undertaken." Ms. Barlow asked that Council listen to concerns and put this serious issue on a future agenda before making any decisions. She said there needs to be a modification in the proposed line.

Kathleen Peirce expressed concerns that property owners have not heard from PEC on holding a mid-August meeting. She asked that Council view property owners in the proper perspective and not just as people who say "not in my backyard." She said property owners are baffled by unfair treatment from PEC and feel unsure of Council's support. She spoke of a property owners' meeting held last night attended by many who have suffered personal losses from the recent flood disaster, who want Council to understand that the PEC line improvement project is a problem for the whole community, not just those living along the line's route.

### **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of July 16, 2015
- B. Approval of minutes of the Special City Council meeting of July 24, 2015
- C. Approval of minutes of the Special City Council meeting of July 29, 2015
- D. Approval of the appointment of Camelo Colca to the City of Wimberley Building Code Board of Review. (*Place One Councilmember Bob Dussler's nominee*)
- E. Approval of the appointment of Dick Adams to the City of Wimberley Ethics Commission. (*Place One Councilmember Bob Dussler's nominee*)

- F. Approval of the reappointment of Mark Bursiel to the City of Wimberley Parks Advisory Board. (*Place One Councilmember Bob Dussler's nominee*)

Councilmember McCullough moved to approve all Consent Agenda items, as presented. Councilmember White seconded. Motion carried on a vote 3-0.

## 2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that attorneys are finalizing preparation for the mediation scheduled for August 21, 2015. Council will be updated following mediation and it was noted that the City's permit hearing date is set for January 2016.

- Status report on the Transportation Advisory Board's (TAB's) Community Outreach Project relating to street improvements

City Administrator Ferguson reported that the last two (2) of nine (9) neighborhood meetings for Flite Acres and the downtown area will be rescheduled, since the meetings were originally to be held the week after the Memorial Day Weekend Flood. He advised that following these final rescheduled meetings, TAB will meet to gather input from all nine (9) of the neighborhood meetings and make recommendations to Council on street improvements.

- Status report on Wimberley ISD Bond Program

City Administrator Ferguson reported that almost all aspects of the construction projects are completed, with the exception of the activity center, which is being finalized. He advised that a temporary certificate of occupancy has been issued for the activity center, with a final certificate anticipated within the next couple of weeks.

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

City Administrator Ferguson reported the last two (2) weekends have operated almost continuously at full capacity. He noted strong rental/reservation activity and implementation of a new donor program by Friends of Blue Hole. He advised that a donor sign will be installed at the newly sponsored volleyball court.

In addition, City Administrator Ferguson reported that H-E-B is anticipated to hold a preview event on September 16<sup>th</sup>, prior to the store's opening, which is tentatively scheduled for September 18<sup>th</sup>, with details to follow as more information becomes available. He also noted that Hays County's burn ban is in effect, due to very dry conditions. Mayor Thurber and City Administrator Ferguson spoke briefly on the success of "Wimberley Wednesdays" at Blue Hole Regional Park.

### 3. 2015 Memorial Day Weekend Flood Matters

- A. Presentation of an update regarding recovery efforts relating to the 2015 Memorial Day Weekend Flood in the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson presented information on the following topics:

- New location and hours of operation for the Disaster Recovery Center (DRC) and the Volunteer Resource Center (VRC)
- FEMA registration deadline of August 27, 2015 and the importance of registering
- Volunteer registration procedures
- Donation distribution center and dates/hours of operation
- Contact phone number (512-715-4134) provided for those who need volunteers to request help with property clean-up
- Details on the recently formed Blanco River Regional Recovery Team
- Statistics on number of flood-related building permits issued and associated project values
- FEMA's issuance of advisory maps showing new base flood elevation data for the Blanco River and Cypress Creek, which are anticipated to show wider floodplain areas and higher base flood elevations
- Day-long community meeting tentatively scheduled for August 26<sup>th</sup> at the Community Center to allow property owners an opportunity to view the new advisory maps and to meet with representatives from FEMA, insurance companies, and City of Wimberley staff
- Damaged infrastructure, including low-water crossings and shoulder cuts on River Road
- Implementation of the Private Property Debris Removal Program in conjunction with Hays County
- Neighborhood meeting for Hidden Valley property owners scheduled for August 11<sup>th</sup> at 6 p.m. at City Hall
- Coordinated efforts to acquire and fund future advance warning systems, including plans to install numerous gauges to monitor flood/rainfall data, and long-term maintenance and operation of the gauges
- Community Flood Mitigation Meeting planned for August 24<sup>th</sup> at 6 p.m. at the Wimberley Community Center

In addition, City Administrator Ferguson advised that the latest water quality tests showed results well below the public contact recreation level of concern on the Blanco River and Blue Hole, with significantly higher readings at the Square.

- B. Presentation by representatives of FEMA and the Texas Water Development Board on mitigation programs to help fund the elevation of certain flood damaged structures and the acquisition of certain flood damaged properties. (*City Administrator*)

City Administrator Ferguson introduced Texas Water Development Board representative Kathy Hopkins and hazard mitigation consultant Jeff Ward of JSW & Associates and thanked them for their support as Wimberley's recovers from the Memorial Day Weekend Flood.

Ms. Hopkins provided an overview of three (3) Hazard Mitigation Assistance Grant Programs, including the Hazard Mitigation Grant Program (HMGP); the Flood Mitigation Assistance Grant Program (FMA); and the Pre-Disaster Mitigation Grant Program (PDM).

Jeff Ward summarized his consulting background and presented information on the following grant program-related topics:

- Ensuring eligibility for grant programs
- Data collection and identifying sound cost-effective alternatives
- Timeframe for completion of awarded projects
- Types of eligible projects (such as elevation of structures)
- Guidelines for benefit cost analysis (BCA), when a BCA is needed, and FEMA's BCA software
- Assisting homeowners with information on documenting losses and calculating "substantial damage" and "net present value" of future calculated avoided damages (in today's dollars)
- Limited amount of Hazard Mitigation Grant Program funds available (approximately \$35,000,000) for all of Texas and importance of the City's submission of a strong application for cost-effective project(s) when competing for funding
- Critical importance of homeowners keeping all receipts, especially when considering a buy-out or structure elevation
- Limited PDM funding available, which focuses primarily on updating hazard mitigation plans

Kathy Hopkins presented details on TWDB's Flood Mitigation Assistance (FMA) Program, including:

- Eligibility requirements [must have Hazard Mitigation Plan and participate in National Flood Insurance Program (NFIP)]
- Assistance for updating flood hazard component of hazard mitigation plan, management costs, and various projects (such as acquisition, demolition, relocation/elevation of a structure, etc.)
- Focus on mitigating Repetitive Loss and Severe Repetitive Loss structures and associated criteria/definitions for determining such structures
- Cost share/match information

Jeff Ward described various scenarios for allocation of limited funds for acquisition/demolition/elevation programs that were used in other disaster locations. He stressed that any acquisition/demolition must be voluntary (for both the City and the property owner) and cleared property must never be built on again for any reason, even if no longer in a flood zone. He presented information on the elevation process, insurance requirements for elevated homes, technological advances in elevation of homes, application procedures, and timeframe for receiving funds, if application is approved. He gave a brief summary of the acquisition process in general and use of pre-flood valuation of properties, which includes land and improvements.

City Administrator Ferguson encouraged attendance at the August 24<sup>th</sup> Community Flood Mitigation Meeting and thanked Kathy Hopkins and Jeff Ward for their presentations.

Mayor Thurber called a recess at 7:20 p.m.

Mayor Thurber reconvened the meeting at 7:25 p.m.

**4. Public Hearings and Possible Action**

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for Lot 38 of Paradise Hills Section 2, located on Sunrise Drive, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Single Family Residential 2 (R-2); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the City’s application to change the zoning designation in order to correct an error that was made during City-initiated residential zoning shortly after incorporation. It was noted that the property is currently vacant and that no comments, either for or against the requested zoning change, have been received. He advised that on July 23<sup>rd</sup> the Planning and Zoning Commission held a public hearing and voted unanimously to recommend approval of the zoning change.

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

Councilmember McCullough moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 3-0.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 2312 Flite Acres Road, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Phillip and Peggy Collins, Applicants*)

City Administrator Ferguson reviewed the subject property’s location, planning area, overlay district, and recent replat consolidating three (3) lots to form one (1) 2.64 acre tract, making it necessary to change the zoning to Rural Residential 1 (R-1) due to the size of the newly created lot. He noted that no comments were received on the requested zoning change, except for the applicant’s comments on zoning procedures in general at the Planning and Zoning Commission’s public hearing held on July 23, 2015. Following the public hearing, the Commission voted unanimously to recommend approval.

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

Councilmember Dussler moved to approve the ordinance, as presented. Councilmember McCullough seconded. Motion carried on a vote of 3-0.

- C. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Nelson and Julie Hensley to permit the construction and use of a secondary single family residential structure on a 8.541 acre tract located at 987 Anderson Ridge, Wimberley, Hays County, Texas, zoned Residential Acreage (RA); 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. (*Nelson and Julie Hensley, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing structure. He advised that the applicants intend to construct a single-family residence that would serve as their primary residence, while the existing residence would become a guest cottage. Access to both residences would be gained from Anderson Ridge and should the conditional use permit (CUP) be granted, a new septic system would be installed to serve the secondary residence. He noted that no comments have been received either for or against the requested CUP and that the Planning and Zoning Commission held a public hearing on July 23<sup>rd</sup> and voted unanimously to recommend approval.

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

Councilmember White moved to approve the ordinance, as presented. Councilmember Dussler seconded.

Councilmember McCullough stated his reluctance, but said that he will vote for approval.

Motion carried on a vote of 3-0.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Fish Out of Water LP to permit a beauty shop and spa on a 3.21 acre tract located at 210 Masonic Lodge, Wimberley, Hays County, Texas, zoned Neighborhood Services (NS); 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. (*City Administrator*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing structure, which formerly housed a beauty shop, but is currently vacant. Access to the commercial business would be gained from Masonic Lodge, and should the CUP be granted, the applicant will be required to provide the City with evidence that the existing septic system is property functioning and has adequate capacity. He noted that no comments

have been received, either for or against the CUP request, and that the Planning and Zoning Commission held a public hearing on July 23<sup>rd</sup> and voted unanimously to recommend approval.

Mayor Thurber opened the public hearing.

The applicant's representative, Ron Freeman, spoke on the building's historical use as a beauty salon by former tenant(s), and the applicant's desire to open another beauty salon with spa in the subject building.

Bob Bullock, representative for the Wimberley Masonic Lodge, spoke in support of the requested CUP.

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

Councilmember McCullough moved to approve the ordinance, as presented. Councilmember White seconded. Motion carried on a vote of 3-0.

- E. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas granting an application to amend the existing Wimberley Planned Development District (WPDD), with a base zoning of Residential Acreage (RA), for property located at 333 Wayside Drive, Wimberley, Hays County, Texas, to allow for the use of Recreational Vehicles, Travel Trailers and Tent Trailers, with restrictions relating to their number, location, property access, and screening. (*7-A Resort, Applicant*)

City Administrator Ferguson advised that the Planning and Zoning Commission held a public hearing at its July 30<sup>th</sup> meeting and voted 6-0 to table and continue the proposed WPDD amendment for a period of thirty (30) days. As a result of the Commission's action, City staff recommended that City Council vote to delay consideration of this zoning case until September 17, 2015.

Councilmember McCullough moved to continue this item until September 17<sup>th</sup>, as recommended by the Planning and Zoning Commission and City Administrator Ferguson. Councilmember Dussler seconded. Motion carried on a vote of 2-0, with Councilmember White abstaining.

## **5. Discussion and Possible Action**

- A. Discuss and consider possible action approving a proposed interlocal agreement between the City of Wimberley, Texas and Hays County, Texas relating to the review of subdivisions within the extra territorial jurisdiction (ETJ) of the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson explained the proposed agreement would establish a "one-stop" review process for subdivisions within the City's ETJ, with the City being responsible for subdivision reviews to ensure such reviews meet the subdivision regulations of both the City of Wimberley and Hays County. He noted procedures for resolving any possible conflicts between City and County regulations and advised that the City will collect all fees and remit any County

fees to Hays County. He advised that the Planning and Zoning Commission has reviewed the agreement and recommends approval.

There was brief discussion of the agreement's effective date and clarification on whether posting of signs will be required.

Councilmember White moved to recommend approval, as presented, except for the modification to add language specifying that there will not be a requirement for the posting of signs included in the agreement.

City Administrator Ferguson stated that language could be added to reflect the City's preference that signs would not be required. Councilmember White asked if the agreement could be continued until details regarding signage could be worked out between the City and Hays County. Councilmember McCullough concurred with Councilmember White that the agreement should include language that states the City will not require posting of signs. City Administrator Ferguson said that the proposed modification will be presented to Hays County for consideration.

Councilmember White restated his motion to recommend approval of the agreement, as presented, with the additional language that posting of signs will not be required. Councilmember McCullough seconded. Motion carried on a vote of 3-0.

B. Discuss and consider possible action regarding the proposed Fiscal Year 2016 Goals and Priorities for the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson read the list of goals and priorities developed at Council's workshop on July 29, 2015 (*attached to these minutes*). Brief discussion addressed slight wording changes made to the list as a result of the workshop and specific upcoming project(s).

Councilmember McCullough moved to approve the Fiscal Year 2016 Goals and Priorities for the City of Wimberley, as presented. Councilmember Dussler seconded. Motion carried on a vote of 3-0.

C. Discuss and consider possible action adopting the *Wimberley Strong* flag as the official flag of the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson referred to correspondence from Madonna Kimball asking that Council consider designating the recently created "Wimberley Strong" flag as the official city flag. He recommended researching issues such as ownership of the design (copyright) and who would produce the flag, if adopted. Discussion addressed copyrighting the flag design and associated fees, control over use of the flag, and need to conduct more research on adoption of the flag before Council takes action. Mayor Thurber entertained a motion to continue this item until Council's next regular meeting.

Councilmember Dussler moved to continue this item until Council's next regular meeting. Councilmember McCullough seconded. Motion carried on a vote of 3-0.

D. Discuss and consider possible action on issues relating to the development of the Fiscal Year 2016 City of Wimberley Budget. (*City Administrator*)

City Administrator Ferguson requested Council input on development of the Fiscal Year 2016 Budget. Councilmember McCullough felt that the City should contribute more toward the Central Wimberley Wastewater System, increasing the current \$100,000 annual contribution to possibly \$200,000 annually. No action was taken.

#### 6. City Council Reports

- Announcements
- Future Agenda Items

Councilmember McCullough requested a special Council briefing by legal counsel on pending litigation against the City. City Administrator Ferguson advised that an upcoming special meeting with legal counsel has been scheduled.

Mayor Thurber reminded that Council is scheduled to attend Open Meetings training at 5 p.m. on August 20, 2015.

City Administrator Ferguson reminded that a special City Council workshop meeting to discuss Hotel Occupancy Tax is scheduled for August 12, 2015 at 5 p.m.

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

**Adjournment:** Council meeting adjourned at 7:58 p.m.

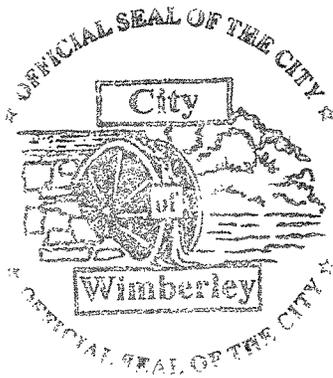
Recorded by:

  
Cara McPartland

These minutes approved on the 20<sup>th</sup> of August, 2015.

**APPROVED:**

  
Steve Thurber, Mayor



CITY OF WIMBERLEY GOALS AND PRIORITIES  
(PER WORKSHOP 7.29.15)

Stage I.

1. Develop Central Wimberley Wastewater System
2. Encourage the development of Alternate Water Supplies for Wimberley
3. Encourage, facilitate and incentivize the development of rainwater collection systems
4. Develop a Capital Improvements Program (CIP) and CIP Funding Plan (*Drainage, Street Lighting, Public Restrooms, Streets, Underground Utilities and Sidewalks*)
5. Develop and implement improvements to minimize the impact of traffic associated with the soon to be built H-E-B Store
6. Maintain strong relationships with the Federal, State and local government agencies
7. Maintain Citizen Involvement
8. Develop and implement a wayfinding signage program
9. Encourage the development of additional senior housing in the city
10. Complete development of the City-owned public parking lot on Oak Drive

Stage II.

1. Develop a Sidewalk on FM 2325 (*The "Y" to Wimberley High School*)
2. Develop the "Y" Park in Partnership with Adjacent Business
3. Examine the possible development of a trail on River Road

Stage III.

1. Complete Development of the Regional Hike and Bike Trail