

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 December 19, 2013 at 6:00 p.m.

City Council meeting called to order at 6:05 p.m. by Mayor Bob Flocke.

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

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

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

Citizens Communications

Mayor Flocke advised that no action will be taken on Agenda Item 3E.

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council Meeting of December 5, 2013
- B. Approval of minutes of the Special City Council Meeting of December 5, 2013
- C. Approval of minutes of the Special City Council Meeting of December 10, 2013
- D. Approval of the November 2013 Financial Statements of the City of Wimberley

Councilmember Meeks moved to approve the Consent Agenda, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0 (for Consent Agenda Items 1A, 1B, and 1D). Motion carried on a vote of 4-0 (for Consent Agenda Item 1C). Councilmember Thurber abstained from voting on Consent Agenda Item 1C.

2. City Administrator Report

- Status report on the October 2013 Flood in the City of Wimberley

City Administrator Ferguson reported that FEMA representatives have reassessed earlier infrastructure damage estimates and stated that Council will be updated on the status of a possible presidential disaster declaration for Hays County. He provided information on the Small Business Administration's loan program, which is available on the City's website, and encouraged those individuals in need to explore all available options for funding assistance.

- Status report on the 2013 Wimberley Christmas celebration

City Administrator Ferguson reported on successful Winter's Eve on the Square and Breakfast with Santa events, as well as compliments received from the public on the newly acquired portable restroom trailer.

- Status report on development activity in the City of Wimberley

City Administrator Ferguson reported on a significant increase in issuance of new residential building permits, with the average home valued in excess of \$300,000.

- Status report on Cypress Creek water quality issues

No report was given on this item.

- Status report on *The Request for Proposals (RFP) for the Development of a Central Wimberley Master Plan*

City Administrator Ferguson reported that responses are being reviewed and anticipated bringing a recommendation to Council in January 2014.

City Administrator Ferguson reminded that City Hall offices will be closed for holidays on December 24-25, 2013 and January 1, 2014.

3. Public Hearings and Consider Action

- A. Hold a public hearing and consider approval of an application for the replat of Lot 1A, La Point Subdivision, establishing Lot 1A1 and Lot 2A1, La Point Subdivision located in Wimberley, Hays County, Texas, and requested variances from Section 154.063(C) relating to lot shape criteria and Section 154.063(E) relating to lot area. (*John Pfeffer and Patti Humphries, Applicants*)

As a property owner within the two-hundred foot notification area, Mayor Flocke recused himself from the meeting at this time. Mayor Pro-tem White assumed duties as presiding officer.

City Administrator Ferguson reported on the subject property's location, lot size/configuration, and intended use as residential. The proposed subdivision replats Lot 1A (1.54 acres) to create two (2) lots – lot 1A1 (.66 acre) and Lot 2A1 (.88 acre). It was noted that water/wastewater service will be provided from Wimberley Water Supply Corporation and on-site sewage facilities, respectively. He advised the City will require inclusion of proper septic permitting in the subdivision's plat notes.

City Administrator Ferguson explained that two (2) variances are being requested from the City's required average depth to width ratio and lot size requirements. He stated that the size and unusual configuration of the subject property make it impossible for the applicants to meet Code requirements. He noted that the Planning and Zoning Commission voted unanimously to recommend approval of the proposed subdivision at its December 12th meeting, along with the requested variances and any necessary plat note modifications, as requested by staff.

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

Councilmember Talcott moved to approve the replat, including the requested variances and any needed plat note modifications, as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

Mayor Flocke returned to the meeting at this time and reassumed duties as presiding officer.

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit (CUP) submitted by Aaron Scott to operate a vacation rental facility on a tract located at 1861 Flite Acres Road, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Aaron Scott, Applicant*)

City Administrator Ferguson reported on the subject property's location, current/proposed zoning and uses, existing residential structure, applicant's requested maximum occupancy of five (5) persons, parking, and on-site septic system (OSSF). It was noted that the City Sanitarian has indicated that no more than four (4) persons may occupy the guest home. Prior to using the residence as a vacation rental, written evidence will need to be provided to the City by the applicant showing that the septic system has been inspected, is properly functioning, and is capable of serving the proposed maximum capacity. Although the subject property has no water access, one notified property owner submitted written concerns that guests may trespass on her property to obtain access to the Blanco River. In addition to the applicant's house rules, City Administrator Ferguson read a list of staff-recommended conditions, should Council desire to approve the CUP request. He advised that the Planning and Zoning Commission unanimously recommended approval of the CUP request at its December 12th meeting, which included conditions limiting maximum occupancy of no more than four (4) persons; establishing that the subject property has no access to the Blanco River; and, that guests may not enter upon any property which is not part of the owner's property for the purpose of entering or exiting any adjacent river or creek.

Mayor Flocke opened the public hearing. Hearing no further comments, Mayor Flocke closed the public hearing.

Councilmember Talcott stated that the subject property is ideal for its intended use.

Councilmember Talcott moved to approve the CUP, as presented, which includes the aforementioned list of Commission- and staff-recommended conditions. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Geno and Susan Baiamonte to operate a vacation rental facility on a tract located at 1401 East Spoke Hill Road, Wimberley, Hays County,

Texas, zoned Rural Residential (RA), and imposing certain conditions; providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Geno and Susan Baiamonte, Applicants*)

City Administrator Ferguson reported that the applicant has submitted a written request to delay the hearing on this case. He asked that Council vote to continue this item until its meeting on January 16, 2014.

Councilmember Thurber moved to continue this item until Council's meeting on January 16, 2014. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Jill Wedel to operate a vacation rental facility on a tract located at 2225 River Road, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1), and imposing certain conditions; providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Jill Wedel, Applicant*)

City Administrator Ferguson reported that the applicant has submitted a written request to delay the hearing on this case. He asked that Council vote to continue this item until its meeting on January 16, 2014.

Councilmember Thurber moved to continue this item until Council's meeting on January 16, 2014. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- E. Hold a public hearing and consider approval of an ordinance approving changing the zoning from Public Facilities (PF) to Wimberley Planned Development District (WPDD), with a base zoning district of Commercial – Moderate Impact (C-2), for property located at 14501 Ranch Road 12 and 100 Emergency Lane, Wimberley, Hays County, Texas. (*H-E-B, Applicant*)

City Administrator Ferguson reported that the Planning and Zoning Commission held a second public hearing at its Special meeting on December 18, 2013 and voted 4-3 to recommend approval. As the applicant has submitted a written request to continue this item, City Administrator Ferguson requested that Council vote to continue its public hearing until January 16, 2014.

Councilmember Thurber moved to continue the item, as requested, until Council's meeting on January 16, 2014. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding the selection of a contractor to provide solid waste and recycling services for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson stated that the City's current solid waste and recycling services contract with Texas Disposal Systems (TDS) expires on January 31, 2014. He noted that the Request for Proposals (RFP) included a request for alternative pricing, if participation in the solid waste/recycling program was mandatory.

He advised that two (2) responses were received from TDS and Progressive Waste Solutions. After analyzing both responses, City Administrator Ferguson recommended TDS, in part due to landfill cost control and past performance. He reviewed past issues associated with Progressive's handling of the transition of services to TDS after the City's initial award of an exclusive service contract to TDS.

Discussion addressed rate negotiations, past performance of both respondents, continuity of service by TDS, and lack of complaints from customers.

In response to Mayor Flocke's inquiry, Progressive's Royce Gray advised that recycling is taken to a waste management plant in San Antonio. Royce Gray spoke on his company's history providing service in the Wimberley Valley, including its current contract with the City of Woodcreek. He provided details on past issues with prior City administration that he felt exacerbated transition problems. Mayor Flocke acknowledged Mr. Gray's comments, but favored TDS in order to preserve continuity and level of service for customers.

Councilmember Thurber moved to direct staff to proceed with contract negotiations with TDS for future Council consideration. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action accepting or modifying the recommendations of the Draft Preliminary Engineering Feasibility Report (PEFR) and the Central Wimberley Wastewater Stakeholder Committee relating to the Central Wimberley Wastewater Project. (*City Administrator*)

Councilmember Meeks recused himself from the meeting at this time.

City Administrator Ferguson reviewed details of the recommendations, including key difference(s) between the PEFR and Stakeholder Committee recommendations.

Councilmember Talcott favored the stakeholder committee's recommendations and moved to adopt its recommendations, as presented. Councilmember White seconded.

Discussion addressed:

- Clarification of Councilmember Talcott's motion to adopt the Stakeholder Committee's recommendations in their entirety (as opposed to the PEFR recommendations)
- Councilmember McCullough's preference for review of a vacuum system and future presentation on details of utilizing a vacuum system
- Conventional versus vacuum collection systems, including differences in construction/operations and maintenance costs

- Potential issues with vacuum systems, as explained by Steve Coonan of Alan Plummer Associates
- Reasoning for recommending relocation of the treatment facilities to a different site and associated costs versus expansion of the existing treatment facility
- Additional Stakeholder Committee recommendations for objectives that go beyond the scope of the PEFR

After discussion of procedural issues, Councilmember Talcott amended his previous motion to accept the PEFR and to direct staff to work with engineers to design the collection and treatment system recommended by the Stakeholder Committee and that staff begin the process of bringing to Council the other elements of the Stakeholder Committee's recommendations for consideration. Councilmember White seconded the motion, as amended.

Discussion addressed:

- Estimated initial projected flow of 64,500 gallons-per-day
- Treating effluent to the highest possible quality standards
- Setting an internal standard with the goal of treating effluent to exceed standards under a 5-5-2-1 plant permit and how to achieve that goal
- Specific water quality goals and measures needed to consistently meet 5-5-2-1 permit standards
- Most effective types of treatment for processing pharmaceuticals in wastewater
- Possible steps to enhance plant operations in order to provide the best quality effluent possible, above and beyond what is required of a 5-5-2-1 permitted facility

After discussion of procedural matters, Mayor Flocke called for a vote as follows: Councilmember White, aye; Councilmember Thurber, aye; Councilmember McCullough, aye; Councilmember Talcott, aye. Motion carried on a vote of 4-0.

Councilmember Meeks returned to the meeting at this time.

- C. Discuss and consider possible action regarding a proposed operating plan for the recently acquired portable restroom trailer. (*City Administrator*)

City Administrator Ferguson requested direction on specific aspects of the proposed plan, including possible locations, operational/supplies costs, and staffing. He recommended staffing of the trailer at peak times on weekends. Annual operating costs were estimated to total approximately \$13,000. Possible construction of a detachable deck/stairs for the trailer was suggested to facilitate visitor access. He also presented several potential locations for the trailer in the Square area, outlined signage options, and noted possible advertising opportunities.

Discussion addressed:

- Issues associated with locating the trailer over an existing septic drain field
- Choice of location(s) that allow for ease of access, pumping, and mobility of the trailer

- Prioritization of uses for the trailer, with its primary use to provide restroom facilities for the downtown area and additional uses for emergency situations and special events
- Specifics of constructing and supporting a detachable deck/stairs structure

City Administrator Ferguson stated that a draft plan will be presented to Council in January 2014 based on input received in tonight's discussion. Upon determination of the trailer's permanent location, City Administrator Ferguson advised that the City will need to enter into an interlocal agreement with the subject property's owner relating trailer costs/operations.

No vote was taken.

- D. Discuss and consider possible action regarding a proposed policy relating to commercial photography in the Blue Hole Regional Park. (*Wimberley Parks Board*)

City Administrator Ferguson requested that this item be continued until Council's meeting on January 16, 2014.

Councilmember Thurber moved to continue this item, as requested. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

5. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Thurber requested discussion of the listing or renting of unauthorized vacation rental properties and development of possible regulations to ensure that properties are properly permitted (or "grandfathered") for such use.

Councilmember Meeks expressed his condolences on the passing of long-time Wimberley resident and exemplary citizen, Dave Slider, who will be dearly missed.

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

Adjournment: Council meeting adjourned at 7:43 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 2nd of January, 2014.



APPROVED:

Bob Flocke

Bob Flocke, Mayor